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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

The Constitution of Bosnia and Herzegovina provides that Bosnia and Herzegovina consists of two entities, the Federation of Bosnia and Herzegovina and Republika Srpska, while the status of the Brčko District is determined by the Decision of the High Representative on the establishment of the Brcko District of Bosnia and Herzegovina on 8 March 2000. No. 20/00.

Article III of the Constitution of BiH prescribes that the following matters are the responsibility of the institutions of Bosnia and Herzegovina: a) foreign policy, b) foreign trade policy, c) customs policy, d) monetary policy as provided in Article VII, e) finances of the institutions and for the international obligations of Bosnia and Herzegovina, f) immigration, refugee, and asylum policy and regulation, g) international and inter-entity criminal law enforcement, including relations with Interpol, h) establishment and operation of common and international communications facilities, i) regulation of inter-entity transportation, j) air traffic control.

Article 3 of the Constitution of the Republika Srpska provides that all state functions and powers shall belong to the Republika Srpska, with the exception of those which, according to the Constitution of Bosnia and Herzegovina, have been placed within the exclusive competence of the institutions of Bosnia and Herzegovina.

The Constitution of the Federation of BiH specifies which competencies belong exclusively to the Federation of BiH, which competencies are divided between BiH and the cantons, and which competencies are the competences of the cantons.

Article 1 paragraph (7) of the Constitution of Bosnia and Herzegovina provides that the citizenship of Bosnia and Herzegovina is regulated by the Parliamentary Assembly, and the citizenship of each entity is regulated by the entities themselves. In accordance with the above, the Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of BiH" number 22/16-refined text) and the Law on Citizenship of the Federation of Bosnia and Herzegovina ("Official Gazette of FBiH" 34/16) are in force in Bosnia and Herzegovina, and the Law on Citizenship of the Republika Srpska ("Official Gazette of the Republic of Srpska", number: 59/14) is in force in Republika Srpska. Citizenship laws are harmonised and include similar provisions and contain legal solutions to prevent statelessness.

Romani populations are disproportionately affected by challenges in the exercise of the right to citizenship and access to identification documents, in particular the lack of registration of births in the registers, which is one of the main causes of statelessness in Bosnia and Herzegovina. The dissolution of the former SFRY, war operations, and the destruction of birth records have also made it difficult for some people to exercise their right to citizenship.

In addition to the above-mentioned Laws on Citizenship, it should be noted that registration and the procedure for registration in civil registers is governed by regulations on civil registers at the level of entities and the Brčko District of BiH, i.e. the Law on Civil Registers of the Federation of Bosnia and Herzegovina, the Law on Civil Registers of the Republika Srpska, and the Law on Civil Registries books of Brčko District of Bosnia and Herzegovina.

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en
IOB.1.b		If yes, when was ratification/accession?		1 September 1993	https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No, there are no reservations in place	https://treaties.un.org/Pages/ViewDetailsII.aspx?src=IND&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	No. Article 2, Paragraph 2 of the Constitution of Bosnia and Herzegovina prescribes that only the rights and freedoms provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols are directly applicable in Bosnia and Herzegovina. The provisions of the 1954 Convention have been incorporated into domestic law.	BiH Constitution https://www.paragraf.ba/propisi/bih/ustav-bosne-i-hercegovine.html
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en
IOB.2.b		If yes, when was ratification/accession?		Accession on 13 December 1996.	https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5
IOB.2.c		Are there reservations in place? Please list them.	As above	No	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en
IOB.2.d		Does the Convention have direct effect?	As above	No. The Convention is an integral part of the Constitution of Bosnia and Herzegovina.	https://www.paragraf.ba/propisi/fbih/ustav-federacije-bosne-i-hercegovine.html
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes, ratification on 22 October 2008. There are no reservations.	https://www.coe.int/en/web/sarajevo/news/-/asset_publisher/DuKPIRcfHuhP/content/lista-dokumenata-koje-je-bih-potpisala-i-ili-ratifikovala
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes, 12 July 2002. There are no reservations.	https://www.coe.int/en/web/sarajevo/news/-/asset_publisher/DuKPIRcfHuhP/content/lista-dokumenata-koje-je-bih-potpisala-i-ili-ratifikovala
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=200
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	No, Bosnia and Herzegovina is not a Member State of the European Union.	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32008L0115

IOB.3.e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes, Bosnia and Herzegovina became State Party to the Convention on 1 September 1993, and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-11&chapter=4&clang=en
IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	Yes, Bosnia and Herzegovina became State Party to the Convention on 1 September 1993 and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-4&chapter=4&clang=en
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	Yes, Bosnia and Herzegovina became State Party to the Convention on 1 March 1995 Bosnia and Herzegovina and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-5&chapter=4&clang=en
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes, Bosnia and Herzegovina became State Party to the Convention on 1 September 1993 and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-8&chapter=4&clang=en
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Yes, Bosnia and Herzegovina became State Party to the Convention on 1 September 1993 and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-9&chapter=4&clang=en#EndDec
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Yes, Bosnia and Herzegovina became State Party to the Convention on 16 July 1993 and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-2&chapter=4&clang=en
IOB.3.k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	Yes, Bosnia and Herzegovina became State Party to the Convention on 13 December 1996 and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-13&chapter=4&clang=en
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes, Bosnia and Herzegovina became State Party to the Convention on 12 March 2010 and there are no reservations in force.	https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-15&chapter=4&clang=en

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States and relevant actors should collect rigorous and comparable data on stateless populations, including data disaggregated by sex, gender, age, and disability status, in accordance with the international recommendations on statelessness statistics and in consultation with relevant stakeholders.</p>	<p>There is a category 'people of unknown citizenship' in the population census in Bosnia and Herzegovina, which was last conducted in 2013.</p> <p>According to the available results of the census, data were classified into (1) citizens of Bosnia and Herzegovina with residence or domicile in Bosnia and Herzegovina, regardless of whether they were present in Bosnia and Herzegovina at the time of the census or were absent from Bosnia and Herzegovina, (2) foreign nationals with permission for permanent or temporary residence in Bosnia and Herzegovina, regardless of whether they were in Bosnia and Herzegovina at the time of the Census or not, and (3) people of unknown citizenship.</p> <p>According to the census results, it was determined that there were 254 persons of unknown nationality. According to information received from the Agency for Statistics, these persons have a citizenship but, during the census interview, they were not aware of which citizenship they had.</p> <p>Data is disaggregated by sex, and residence. There is no data on age. Out of 254 people, 120 are men and 134 are women.</p> <p>According to official data provided by the Agency for Statistics, according to the 2013 census, 5,350 individuals identified themselves as persons without citizenship in Bosnia and Herzegovina. This data is not disaggregated by gender.</p> <p>Data in the census is collected and classified in accordance with international standards. The 2013 census was carried out using the so-called traditional method, i.e. enumeration in the field where the enumerators entered the answers of the respondents in the provided census forms.</p> <p>The Ministry of Security of Bosnia and Herzegovina collects data on stateless people who cross the border illegally, as well as on people who have been returned to or from Bosnia and Herzegovina on the basis of readmission agreements. In addition, the Migration Profile contains statistical data on the number of stateless people who acquired BiH citizenship.</p>	<p>https://popis.gov.ba/K8_B_E.pdf (popis.gov.ba)</p> <p>Microsoft Word - MIGRACIONI PROFIL 2023 B - 29.07.2024</p> <p>Recommendations of the Conference of European Statisticians for population and housing censuses in 2010, prepared in cooperation with the UN Economic Commission for Europe and Eurostat</p> <p>Regulation 763/2008 of the European Parliament and the Council of the European Union on population and housing censuses</p> <p>Regulation 1201/2009 implementing Regulation 763/2008 of the European Parliament and the Council of the European Union on population and housing censuses in terms of technical specifications of features and their breakdown</p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	Yes. As explained in question POP 1.a., in the population census held in Bosnia and Herzegovina in 2013, categories included citizens of Bosnia and Herzegovina, foreign nationals with permission for permanent or temporary residence in Bosnia and Herzegovina, and persons of unknown nationality, under which 254 persons were recorded. However, some people declared themselves stateless in the population census, which may overlap with the category 'persons of unknown citizenship'. The data for that category is not yet available.	<p>https://popis.gov.ba/K8_B_E.pdf (popis.gov.ba)</p>

POP.1.c		What is UNHCR’s estimate for the stateless/at risk of statelessness population or population with undetermined nationality and what is the source for this estimate?	As above	In 2013, UNHCR, based on the results of research by the Ministry for Human Rights and Refugees, estimated that 4,500 individuals were at risk of being stateless in Bosnia and Herzegovina. According to UNHCR data, in January 2023, 28 stateless persons/persons at risk of statelessness were recorded. According to the information from Vaša prava BiH and UNHCR, as of April 2024, there are 20 stateless people and people with undetermined or unknown citizenship. This is the number of cases that Vaša prava BiH is working on. This excludes 30 cases of stateless people and people with undetermined or unknown citizenship for which Vaša prava BiH has ceased its assistance due to the individuals being uncontactable or unavailable.	The situation of Roma children and families in Bosnia and Herzegovina https://www.unicef.org/bih/media/436/file/Polo%C5%BEaj%20Ormske%20djecer%20i%20porodica%20u%20Bosni%20i%20Hercegovini.pdf Ministry for Human Rights and Refugees of Bosnia and Herzegovina Guidelines for Improving the Situation of Roma Children in BiH - Social Inclusion http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Smjernice%20BOSANSKI.pdf UNHCR BiH Operational update - January 2023 Document - UNHCR BiH Operational update - January 2023 UNHCR, Bosnia and Herzegovina monthly update - April 2024: https://data.unhcr.org/en/documents/details/108705 .
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	No research or mapping of stateless persons or those at risk of statelessness has been conducted in the last few years. Although the majority of persons at risk of statelessness are members of the Romani national minority, the Action Plan for the Social Inclusion of Roma and Romani Women for the period 2021-2025 does not include an estimate of the number of stateless persons and those at risk of statelessness.	Decision on the adoption of the Action Plan of Bosnia and Herzegovina for the Social Inclusion of Roma for the Period 2021-2025 http://sluzbenilist.ba/page/akt/uRdTuoNm8EE Action Plan for the Social Inclusion of Roma Men and Women 2021-2025 https://ekonsultacije.gov.ba/legislationactivities/downloaddocument?documentId=1014882
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	In the fifth periodic report of Bosnia and Herzegovina on legislative and other measures implementing the principles established in the Framework Convention for the Protection of National Minorities from December 2022, the Ministry for Human Rights of Bosnia and Herzegovina stated that there are 50 individuals in BiH for whom a procedure to register in the civil registry is necessary. These are mainly individuals who have been returned to Bosnia and Herzegovina under readmission agreements, whose children were born abroad and do not have civil registry extracts in an international format or apostilles. When it comes to adults, the problem is evident among individuals who have citizenship from neighbouring countries, for whom a registration process in the civil registries of those countries is needed, or individuals who are unable to obtain identification documents from the countries of their citizenship.	Fifth Periodic Report of Bosnia and Herzegovina on Legislative and Other Measures to Implement the Principles set forth in the Framework Convention for the Protection of National Minorities. http://www.mhrr.gov.ba/PDF/LjudskaPrava/peti_bosanski%20jezik.pdf https://rm.coe.int/5th-sr-bih-ba/1680a99cd8
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	Yes. Besides the cases that Vaša prava BiH works on, there are 30 cases of stateless people and people with undetermined or unknown citizenship for which Vaša prava BiH has ceased its assistance due to the individuals being uncontactable or unavailable. Additionally, there are a certain number of individuals who have not approached the Association Vaša prava Bosnia and Herzegovina for legal assistance at all. As the Government does not collect data on the stateless population in the country, the data available is only collected through legal advice providers who have provided assistance in individual cases. The number of stateless people reported through Vaša prava BiH's casework is not comprehensive and the stateless population is therefore under-reported in the country.	Vaša prava BiH casework

POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	In the Migration Profile of Bosnia and Herzegovina, it was stated that in the period from 2013 to 2022, one stateless person applied for asylum, and that in 2021 and 2022, 13 stateless persons were refused entry to BiH at the border. One stateless person was granted humanitarian stay as a stateless person in 2021. The Service for Foreigners' Affairs collects data on the number of people who have been granted residence for humanitarian reasons as stateless persons, however the Migration Profile does not include that information and is not publicly available.	Migration profile for 2022. http://msb.gov.ba/PDF/100720231.pdf Vaša prava BiH casework
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. Council of the European Union, Conclusions on Statelessness (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.	In the Migration Profile of Bosnia and Herzegovina for 2022, it is stated that a total of 714 foreigners were placed under supervision in the Immigration Centre during that year. However, from the presented data, it cannot be determined whether individuals without nationality were also placed under supervision. On page 35 of the Migration Profile, there is a graphical representation of foreigners placed under supervision categorized by their citizenship. Stateless people and people of unknown citizenship are not listed in the graphical representation. Furthermore, in the annual report of the Service for Foreigners' Affairs for 2022, it is detailed that measures were taken in 3,103 cases concerning foreigners. These measures included: 145 decisions to cancel visa-free stay, 369 decisions to cancel temporary residence, 50 decisions to cancel permanent residence, 1,638 decisions for expulsion of foreigners from Bosnia and Herzegovina, 15 decisions to cancel residence with an expulsion measure, seven decisions allowing the execution of expulsion decisions, and measures of supervision were imposed on 1,179 individuals (including 714 placed in Immigration Centre, 446 on lighter supervision measures in PPC, and 19 individuals moved from the Immigration Centre to lighter supervision in PPC based on the proposal from the Sector for readmission, reception, and accommodation). This data illustrates the range of actions taken regarding foreigners, including those without citizenship, in Bosnia and Herzegovina during 2022.	Migration profile for 2022. . http://msb.gov.ba/PDF/100720231.pdf Report on the Work of the Service for Foreigners' Affairs for 2022 https://sps.gov.ba/dokumenti/izvjestaji/SPS%20-%20izvestaj%20za%202022.pdf
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	Yes, in the annual report of the Service for Foreigners Affairs for 2022, it is mentioned that during the year, 19 individuals were transferred from the Immigration Centre to lighter supervision measures in the Reception and Processing Centre (PPC) based on a proposal from the Sector for readmission, reception, and accommodation. However, the reasons for releasing these individuals from the Immigration Centre are not specified.	Report on the Work of the Service for Foreigners' Affairs for 2022 https://sps.gov.ba/dokumenti/izvjestaji/SPS%20-%20izvestaj%20za%202022.pdf

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	1954 Convention : Articles 1(1) & 1(2).	<p>Yes, according to Article 6 of the Law on Foreigners of Bosnia and Herzegovina and Article 2 of the Law on Asylum, the definition of stateless persons is provided as follows:</p> <p>"A stateless person is a foreigner whom no State considers as its national under its domestic law."</p> <p>This definition clarifies that stateless persons are individuals who do not hold citizenship of any country according to the laws of those countries.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023): https://www.paragraf.ba/propisi/bih/zakon-o-strancima.html</p> <p>Amendments to the Law on Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 63/2023): http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016): https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Correction to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016): https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p>
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<p>UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006): Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.</p> <p>Human Rights Council Resolution on the right to a nationality (2023): States should ensure the effective implementation of nationality laws, including through awareness-raising and publicity, and training of public officials, including judges and local leaders, that is gender-responsive and sensitive to race and diversity, informed by meaningful consultation and engagement with stateless leaders and communities and wider civil society.</p>	<p>From 2014 to 2022, the Association Vaša prava Bosnia and Herzegovina and the UNHCR Representation in Bosnia and Herzegovina organised numerous trainings, workshops, and roundtable discussions for representatives of registry offices, social welfare centres, police officers, and other relevant stakeholders in the field of civil registration, focusing on the implementation of regulations related to civil registers and citizenship.</p> <p>The last round of workshops for the aforementioned stakeholders was held in 2021 on the topic of amendments to the Law on Non-Contentious Procedure of the Federation of Bosnia and Herzegovina, which regulates the procedure for determining the time and place of birth.</p> <p>In 2022, a roundtable was organised where representatives of free legal aid offices also participated alongside the aforementioned stakeholders. In addition to events organised by the Association Vaša prava Bosnia and Herzegovina and UNHCR, the Agency for Civil Service conducts training sessions for registry officers on topics related to civil registers and citizenship.</p>	<p>Training on Civil Registry and Citizenship Regulations in Centar Municipality: https://centar.ba/vijesti/11567/u-opcini-centar-odrzana-obuka-za-primjenu-propisa-iz-oblasti-maticnih-knjiga-i-drzavljanstva</p> <p>Expert Training for Registrars in Ilijaš Municipality: https://www.ilijas.ba/index.php/vijesti/u-prostorijama-opcine-ilijas-odrzana-strucna-obuka-maticara</p> <p>Roundtable by Association "Vaša prava Bosnia and Herzegovina" and UNHCR on Free Legal Aid with Focus on Access to Justice: https://www.facebook.com/vasaprava/posts/977181805793216/</p> <p>Successful Completion of Roundtable on Providing Free Legal Aid to Persons at Risk of Statelessness and Stateless Persons: https://www.facebook.com/vasaprava/posts/pfbid0kSwgZHCX4qK24LzKaUpSkxkdem7k3MjnQasHj7bHkojugkU4hKibsu2bwYrVsYLrl</p> <p>UNHCR Article on Eradicating Statelessness in BiH with Free Legal Aid Providers: https://www.unhcr.org/see/14131-eradicating-statelessness-in-bih-with-the-help-of-free-legal-aid-providers.html?fbclid=IwZxh0bgNhZW0CMTAAAR3JsuGzN7I8hIRxDIT6dMtABePAqykOwD_Bnb2bADqOT7N5TITrm1JI8Z0_aem_AcGQKY8_PS1JtZKk9imGw1ftQr7IUYTuYMH1damVSbmQ0dL8mgTftAt00yEyzkg-0Q7e8mj0Di5BwCLg7mswh00</p> <p>Successful Workshop on Prevention of Statelessness: https://pravnapomoc.app/ba/newsdetails?id=47&fbclid=IwZxh0bgNhZW0CMTAAAR0eV6n4QZl_DRgNOOwpsOtxppmN3pU7-z5z_9SZcn99L7KFP0FwKrD8heY_aem_AcEct1M8v5hyb0z3803KJPZ_KlxGujjOIEfPUqYSb-Eflk9srt7Ckk-SEPO1NXrKG82RIA6UWKzm6r0tzvDdotGN</p> <p>UNHCR Article on Ending Statelessness in Bosnia and Herzegovina: https://www.unhcr.org/see/14499-can-bosnia-and-herzegovina-</p>

					bring-an-end-to-statelessness.html?fbclid=IwZXh0bgNhZW0CMTAAR2rR38vtS09LU7wrm5EoIRAgGoDG4WaREtX0z5ELWCFXozAGmQryeZtnro_aemAcEudivOErnGLrBZt5nphKkftKPeRxxW0taq5JosQUll3MTmqTIPbS7YiK2vnaUyOh85UI0LpcQBFJXVM1GDgqN
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR, Good Practices Papers – Action 6 (2020): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p> <p>UNHCR, Geneva Conclusions (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p> <p>Human Rights Council Resolution on the right to a nationality (2023): as above</p>	<p>After the adoption of the Amendments to the Law on Non-Contentious Procedure, the Association Vaša prava Bosnia and Herzegovina, the UNHCR Representation in Bosnia and Herzegovina, and the Centre for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina, with the support of the Government of the Kingdom of Denmark, organised two seminars titled "Special Non-Contentious Procedure – Determination of Time and Place of Birth." These seminars were designed for judges of municipal courts with the aim of preventing statelessness and ensuring the realisation of basic human rights through efficient registration in the birth registry.</p> <p>Additionally, in 2023, the OSCE and IOM representations, in collaboration with the Centre for Education of Judges and Prosecutors, organised a roundtable on the Legal Framework in the Process of Determining the Time and Place of Birth for Children Born in Conflict Zones.</p>	<p>Amendments to the Law on Non-Contentious Procedure of the Federation of Bosnia and Herzegovina (Official Gazette of FBiH No. 11/21):https://fbihvlada.gov.ba/bosanski/zakoni/2021/Zakoni/7-7h.htm</p> <p>Seminar for Judges Aimed at Preventing Statelessness in BiH:https://neum.online/u-neumu-odrzan-seminar-za-suce-s-ciljem-sprjecavanja-apatridije-u-bih/</p> <p>Legal Framework in the Process of Determining the Time and Place of Birth of Children Born in Conflict Zones:https://www.osce.org/hbs/mission-to-bosnia-and-herzegovina/537505</p> <p>Legal Framework in the Process of Determining the Time and Place of Birth of Children Born in the Conflict Zone (IOM BiH):https://bih.iom.int/news/legal-framework-process-determining-time-and-place-birth-children-born-conflict-zone</p> <p>Special Non-Contentious Procedure – Determination of Time and Place of Birth organized by UNHCR, Vaša prava Bosnia and Herzegovina, and the Center for Education of Judges and Prosecutors of FBiH:https://www.facebook.com/vasaprava/posts/2050762058435180/</p>
SDS.3.a	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (proceed to Question 4a).</p> <p>2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (proceed to Question 11a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (proceed to Question</p>	<p>UNHCR, Handbook on Protection (2014): It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>There is no dedicated statelessness determination procedure leading to a specific statelessness status, but there are other procedures in which statelessness can be identified, or other pathways through which stateless individuals can regularise their stay and/or access their rights (see SDS.11.a).</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023): http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Amendments to the Law on Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 63/23): http://www.sluzbenilist.ba/page/akt/OSqRdMx8RS0=</p>

		17a).			
SDS.11.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	<p>If there is no dedicated SDP leading to a statelessness status, are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?</p>	<p>ECHR: Article 8 ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one. ECtHR, Hoti v. Croatia (2018): [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>There is no dedicated Statelessness Determination Procedure (SDP) leading to a specific statelessness status, but there are other procedures in which statelessness can be identified, or other routes through which stateless people can regularise their stay and/or access their rights.</p> <p>The competent authority for those procedures is the Ministry of Security.</p> <p>According to the interpretation of relevant provisions of the Law on Foreigners, Law on Asylum, and Law on Citizenship of Bosnia and Herzegovina, identification of stateless persons is possible in the below procedures:</p> <ul style="list-style-type: none"> - temporary residence on humanitarian grounds, - asylum procedures, - temporary protection procedures <p>Temporary residence on humanitarian grounds: Article 58(2)(c) of the Law on Foreigners of Bosnia and Herzegovina specifies that temporary residence on humanitarian grounds may be granted to a person who does not meet the conditions for granting temporary residence under Article 49 (General Conditions for Granting Residence) if the person is stateless. In theory, a person whose statelessness status is recognised in another country and who possesses a passport for stateless persons and other evidence required in the residence approval procedure could obtain temporary residence in BiH in accordance with Article 49.</p> <p>Article 83 of the Law on Foreigners provides: The competent organisational unit of the Service for Foreigners' Affairs shall decide on the application for granting and extending temporary residence on any basis within 90 days from the date of submission of a complete application if the application is submitted through the BiH diplomatic-consular mission abroad, or within 60 days if the application is submitted directly to the competent organisational unit of the Service of Foreigners' Affairs.</p> <p>The granting of this temporary residence permit on humanitarian grounds is at the discretion of the Government. The competent authority within the Ministry of Security is the Service for Foreigners' Affairs.</p> <p>Only one person has been granted temporary residence on humanitarian grounds as a stateless person as of November 2024.</p> <p>Asylum: Article 2(e) of the Law on Asylum defines a refugee as a foreigner or stateless person recognised by the Ministry of Security of Bosnia and Herzegovina as having refugee status in accordance with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees and this Law.</p> <p>The competent authority within the Ministry of Security is the Sector for Asylum, in the Department for asylum procedure.</p> <p>Temporary protection (see more information on this in SDS 16): Article 2(j) of the Law on Asylum defines a person under</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023): http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Amendments to the Law on Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 63/23): http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016): https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Correction of the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016): https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>

				temporary protection as a third-country national or stateless person granted protection under point (i) of this article.	
SDS.11.b		Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?	<p>1954 Convention UNHCR, Handbook on Protection (2014): It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p>	No.	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023): http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Amendments to the Law on Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 63/23): http://www.sluzbenilist.ba/page/akt/OSqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016): https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Correction of the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016): https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>
SDS.12.a	Access to procedures (Group 2)	Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.	<p>UNHCR, Handbook on Protection (2014): States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise.</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>Temporary residence on humanitarian grounds: Article 58, paragraph 2, point c) of the Law on Foreigners of Bosnia and Herzegovina provides that temporary residence on humanitarian grounds may be granted to a foreigner who does not meet the conditions for granting temporary residence under Article 49 (General Conditions for Granting Residence) of this law, if the person is stateless.</p> <p>Article 83 of the Law on Foreigners prescribes that the competent organisational unit of the Service for Foreigners' Affairs shall decide on the application for granting and extending temporary residence on any basis within 90 days from the date of submission of a complete application if the application is submitted through the BiH diplomatic-consular mission abroad, or within 60 days if the application is submitted directly to the competent organisational unit of the Service.</p> <p>Asylum: Article 2, paragraph 1, point 3) of the Law on Asylum provides that a refugee is a foreigner or a stateless person to whom the Ministry of Security of BiH has recognised refugee status in accordance with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees and this law. Additionally, Article 19 of the Law on Asylum prescribes that refugee status shall be granted to a foreigner who, due to a 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 their nationality and is unable or unwilling to avail themselves of the protection of that country, as well as to a stateless person who is outside the country of their previous habitual residence and is unable or unwilling to return to</p>	<p>Law on Foreigners BiH ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023): http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/23): http://www.sluzbenilist.ba/page/akt/OSqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016): https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Correction to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016): https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>Law on Citizenship of BiH ("Official Gazette of BiH", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>

				that country due to such fear. Temporary protection (see more information on this in SDS 16): Regarding the procedure of temporary protection, Article 2, point j) of the Law on Asylum prescribes that a person under temporary protection is a national of a third country or a stateless person granted protection under point i) of this article, while Article 57 stipulates that the Council of Ministers of BiH, upon proposal of the Ministry, shall adopt a decision ensuring temporary protection for persons in case of mass influx of foreigners in need of protection. When preparing a proposal for a decision ensuring temporary protection, the Ministry consults with UNHCR and other relevant international organizations in Bosnia and Herzegovina.	
SDS.12.b		Are there obligations in law on authorities to consider a claim of statelessness?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the procedure must be guaranteed. EASO/EUAA, Practical guide on registration (2021) : Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person’s statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.	Yes.	Law on Foreigners BiH ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023): http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/23): http://www.sluzbenilist.ba/page/akt/OSqRdMx8RS0= Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016): https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf Correction to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016): https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf
SDS.12.c		Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?	1954 Convention UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	Temporary residence on humanitarian grounds: In accordance with Article 33 of the Rulebook on entry and stay of aliens ("Official Gazette of BiH", No. 25/2016 and 83/2022), the application for approval or extension of temporary residence in Bosnia and Herzegovina is submitted using the form "Request for issuance/extension of approval for temporary residence," which is an integral part of this Regulation (Form No. 12). This means that stateless persons submit their residence application like any other foreigner. When filling out the form, the applicant must indicate the basis on which the residence permit is requested, whether it is for humanitarian reasons or on another basis. There does not appear to be any leaflets, guides, or user manuals with instructions for submitting applications for determining the status of stateless persons, particularly in multiple languages. The Service for Foreigners’ Affairs cannot initiate a procedure to grant temporary residence on humanitarian grounds <i>ex officio</i> . It is reported that employees in the field centres of the Service for Foreigners’ Affairs are not familiar with the possibility of granting of temporary residence on humanitarian grounds to stateless people. Regarding the asylum procedure , through which refugee status can be granted to stateless persons, Article 15 of the Law on Asylum provides:	Rulebook on Entry and Stay of Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 25/2016, 83/2022, and 57/2024): http://www.sluzbenilist.ba/page/akt/tJNuBglObu0= Request for Issuance/Extension of Approval for Temporary Residence: http://msb.gov.ba/PDF/obrasci/Zahtjev_za_privremeni_boravak.pdf https://help.unhcr.org/bosniaandherzegovina/bs/applying-for-asylum/ Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016): https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016): https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf Vaša prava casework and meeting with the Service for Foreigners’ Affairs

				<p>Foreigners expressing an intention to apply for asylum, asylum seekers, refugees, foreigners under subsidiary and temporary protection have the right to be informed in a language they understand or that can reasonably be presumed they understand about the procedures, rights, and obligations arising from their status in accordance with this Law.</p> <p>The information from paragraph 1 of this Article may be provided in writing, in the form of a leaflet, in a language the foreigner understands or that can reasonably be presumed they understand. The UNHCR website provides instructions and essential information on how to apply for asylum. Additionally, multilingual posters, flyers, and other promotional materials have been created and distributed in temporary reception centres, airports, etc. containing information about the asylum procedure.</p>	
SDS.12.d		<p>Is there cooperation between agencies that may have contact with stateless people?</p>	<p>UNHCR, Good Practices Papers – Action 6 (2020): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	<p>There is no institutionalised cooperation between the relevant services and departments within the Ministry of Security who deal with the different procedures. Based on practice, cooperation between these institutions is minimal and a person whose application for asylum has been rejected and who is potentially stateless will not be directed to apply for temporary residence on humanitarian grounds.</p> <p>Temporary residence on humanitarian grounds: Cooperation is established only if the interested person submits an application for temporary residence on humanitarian grounds as a stateless person or after expressing an intention to apply for asylum.</p> <p>Article 3 of the Law on Foreigners provides that, in the procedure for a temporary residence on humanitarian grounds, the procedure is carried out and decisions are made by the following authorities: Council of Ministers of Bosnia and Herzegovina (hereinafter: Council of Ministers), Ministry of Security of Bosnia and Herzegovina (hereinafter: Ministry of Security), Ministry of Foreign Affairs of Bosnia and Herzegovina (hereinafter: MFA), Ministry of Civil Affairs of Bosnia and Herzegovina (hereinafter: MCA), Service for Foreigners' Affairs (hereinafter: Service), Border Police of Bosnia and Herzegovina (hereinafter: Border Police), other police authorities in BiH (hereinafter: police), Agency for Labour and Employment of Bosnia and Herzegovina (hereinafter: Agency for Labour and Employment BiH), and other competent authorities.</p> <p>If an application is addressed to an authority in BiH other than the competent authority, the official of that authority notifies the applicant accordingly and forwards the application to the competent authority. If an application is addressed to a territorially incompetent organisational unit of the Service or another authority, the organisational unit shall, <i>ex officio</i>, forward it to the territorially competent organisational unit of the Service or another authority.</p> <p>When it is prescribed that the Service of Foreigners' Affairs enforces a decision made under this Law or under the law regulating the jurisdiction of the Service, other organisational units of the Ministry and police are obliged to provide assistance at its request.</p> <p>Specifically, Article 75 of the Rulebook on Entry and Stay of Foreigners provides that along with the application for issuance or</p>	<p>http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Rulebook on Entry and Stay of Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 25/2016, 83/2022, and 57/2024): http://www.sluzbenilist.ba/page/akt/tJNuBglObu0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016): https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016): https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p>

				<p>extension of temporary or permanent residence in BiH, a foreigner must submit evidence justifying their residence as prescribed by the Law and this Regulation, while Article 75 paragraph 2 provides that during the procedure of resolving an application for issuance or extension of residence in BiH, the organisational unit of the Service shall, <i>ex officio</i>, conduct checks in the records of the Service, operational checks in the field, checks in official and operational records of law enforcement agencies in BiH, and perform other actions in cooperation with other law enforcement agencies in BiH.</p> <p>Asylum: Regarding the Law on Asylum, Article 3 provides that for the implementation of this Law, the procedure is carried out and decisions are made by the following authorities: a) Council of Ministers of Bosnia and Herzegovina, b) Ministry of Security of BiH, c) Service for Foreigners' Affairs, d) Border Police of Bosnia and Herzegovina, e) Court of Bosnia and Herzegovina, f) Ministry for Human Rights and Refugees of BiH, g) Ministry of Civil Affairs of BiH, h) other internal affairs authorities.</p> <p>Previous practice has shown that cooperation between law enforcement agencies begins after expressing an intention to apply for asylum, but only within the jurisdiction of each agency. For example, Article 31 paragraph 2 provides that if a foreigner expresses an intention to apply for asylum at a border crossing, the Border Police of BiH immediately informs the locally competent organisational unit of the Service for Foreigners' Affairs, which is obliged to take over the foreigner.</p>	
SDS.13.a	Assessment (Group 2)	Who has the burden of proof when determining or identifying statelessness (in law and practice)?	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	<p>For both the procedure to be granted temporary residence on humanitarian grounds and the asylum procedure, the burden of proof primarily lies with the applicant, while the competent authority conducts checks in the records of the Service, operational checks in the field, checks in official and operational records of law enforcement agencies in BiH, and performs other actions in cooperation with other law enforcement agencies in BiH.</p> <p>Official checks are conducted with countries where the applicant has connections through birth, parental origin, or previous residence, especially regarding evidence of citizenship and the grounds for acquiring citizenship in those countries.</p> <p>Applications for residence, including temporary residence on humanitarian grounds:</p> <p>Specifically, Article 75 of the Rulebook on Entry and Stay of Foreigners provides that along with the application for issuance or extension of temporary or permanent residence in BiH, a foreigner is required to submit evidence justifying their residence as prescribed by the Law and this Regulation. There is no lawful stay requirement, but it is necessary to reside in Bosnia and Herzegovina, even without a residence permit.</p> <p>Paragraph 2 states that during the procedure concerning an application for issuance or extension of residence in BiH, the organisational unit of the Service shall, <i>ex officio</i>, conduct checks in the records of the Service, operational checks in the field, checks in official and operational records of law enforcement agencies in BiH, and perform other actions in cooperation with</p>	<p>Rulebook on Entry and Stay of Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 25/2016, 83/2022, and 57/2024): http://www.sluzbenilist.ba/page/akt/tJNuBgIObu0=</p> <p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021 and 63/2023): http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/23): http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p>

				<p>other law enforcement agencies in BiH.</p> <p>Paragraph 3 specifies that in assessing the application, a special examination procedure is conducted when necessary to establish facts and circumstances significant for clarifying matters or providing the foreigner with the opportunity to assert and protect their rights and legal interests.</p> <p>Paragraph 4 mandates that throughout the procedure, the official conducting the actions must particularly ensure compliance with Article 5 of the Law on Administrative Procedure. According to that provision, administrative bodies and institutions are obliged to enable the parties to protect and exercise their rights as easily as possible in accordance with the Constitution of Bosnia and Herzegovina, the European Convention on the Protection of Human Rights and Freedoms and Annex 6. General framework agreement for peace in Bosnia and Herzegovina, ensuring that the exercise of their rights is not to the detriment of the rights of other persons, nor in conflict with the public interest established by law. An official who learns or assesses that a certain party has a basis for the realisation of a right must inform them of this.</p> <p>Paragraph 5 provides that if additional evidence is deemed necessary during the procedure, the competent organisational unit of the Service will call upon the foreigner to provide such evidence within a reasonable deadline. Failure to comply within the specified time will result in the rejection of the application by the competent organisational unit of the Service in accordance with Article 128 of the Law on Administrative Procedure.</p> <p>Paragraph 6 provides that during the procedure concerning the application for issuance or extension of temporary residence or permanent residence in BiH, the competent organisational unit of the Service may, <i>ex officio</i>, request additional information and evidence regarding the facts stated in the application, and conduct additional checks.</p> <p>Paragraph 7 states that during the process of resolving an application for issuance or extension of temporary or permanent residence, if facts as per Article 84 paragraph (1) points f) and k) of the Law are discovered, the organisational unit of the Service evaluates all facts from operational and other official records individually and in their mutual relation, as well as the consequences arising from the decision, and seeks the opinion of the Service before making a decision.</p> <p>Paragraph 8 provides that in case of rejection of a foreigner's application for issuance or extension of temporary residence or permanent residence in accordance with Article 84 paragraph (1) point k) of the Law, the Service shall not justify the decision regarding classified evidence.</p> <p>Applications for asylum:</p> <p>Regarding the Law on Asylum, Article 40 specifies that when making a decision on an asylum application, the following shall be taken into account:</p> <p>a) facts related to the country of origin at the time of decision-making, including laws and regulations of that country and their</p>	
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<p>SDS.13.b</p>		<p>What is the standard of proof to evidence statelessness, in law and in practice?</p>	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>UNHCR, Good practices in nationality laws (2018): The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>The standard of proof to establish statelessness is not established in law but is established in practice. It is determined on a case-by-case basis based on the rules of the Law on Foreigners, the Rulebook on Entry and Stay of Foreigners, and the Law on Administrative Procedure of Bosnia and Herzegovina. The organisational unit of the Service for Foreigners' Affairs, in each individual case for the approval or extension of residence in Bosnia and Herzegovina, <i>ex officio</i> conducts checks in its records, operational checks in the field, checks in official and operational records of law enforcement agencies in Bosnia and Herzegovina, and collaborates with other law enforcement agencies.</p> <p>Additionally, the organisational unit Service for Foreigners' Affairs conducts a special examination procedure when necessary to establish facts and circumstances significant for clarification or to provide opportunities for individuals to assert and protect their rights and legal interests. In practice, this means that all relevant facts and evidence are taken into account, official checks are conducted with countries where the applicant has connections through birth, parental origin, or previous residence, especially regarding evidence of citizenship and the grounds for acquiring citizenship in those countries. When making decisions, they primarily rely on official responses from these countries. If the countries with which the applicant has connections based on birth, parental origin, or previous residence state that the applicant is not their citizen and cannot acquire citizenship according to their laws, other available evidence is considered before making a decision.</p> <p>Regarding the Law on Asylum, Article 40 provides that when making decisions on asylum applications, the following factors are taken into account:</p> <p>a) Facts related to the country of origin at the time of the decision on the asylum application, including laws and regulations of that country and their application.</p> <p>b) Relevant statements and evidence presented by the asylum seeker, including information on whether the asylum seeker has been or could be subjected to persecution or serious harm.</p> <p>c) The situation and personal circumstances of the asylum seeker, including gender and age, to assess whether actions and acts to which the asylum seeker has been or could be subjected constitute persecution or serious harm based on the asylum seeker's</p>	<p>Rulebook on Entry and Stay of Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 25/2016, 83/2022, and 57/2024): http://www.sluzbenilist.ba/page/akt/tjNuBgIObu0=</p> <p>Law on Administrative Procedure ("Official Gazette of BiH", No. 29/2002, 12/2004, 88/2007, 93/2009, 41/2013, and 53/2016): https://www.paragraf.ba/propisi/bih/zakon-o-upravnom-postupku.html</p> <p>Law on the Protection of Classified Information ("Official Gazette of Bosnia and Herzegovina", No. 54/05 and 12/09): http://www.msb.gov.ba/PDF/Zakon_o_zastiti_tajnih_podataka_bs_13.pdf</p>

				<p>personal circumstances.</p> <p>d) Whether the asylum seeker can obtain effective protection in another part of the country of origin where the asylum seeker would not have a well-founded fear of persecution or would not be exposed to a real risk of serious harm.</p> <p>e) Whether the asylum seeker can obtain protection in a country where the asylum seeker could prove citizenship.</p> <p>f) Other facts that may be relevant to making a decision.</p> <p>The Ministry of Security assesses the nationality and lack of nationality, since Article 19 of the Law on Asylum prescribes that refugee status will be granted to a foreigner who fled their country of origin due to well-founded fear of persecution based on race, religion, nationality, particular social group or political opinion, as well as to a foreigner without nationality.</p> <p>Moreover, the authorities shall not contact or share any information with the national authorities linked to a person with an asylum claim or a person who expressed the intention to seek asylum, an asylum seeker, or a beneficiary of refugee status, subsidiary protection status, or temporary protection without the person's consent.</p>	<p>Law on Asylum, Article 17</p>
SDS.13.c		<p>Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p>Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p>	<p>No, the decision on determining the status of stateless persons is made in each individual case in accordance with the Law on Foreigners and the Rulebook on Entry and Stay of Foreigners. There is no national country-of-origin information relating to statelessness that is available.</p> <p>Authorities look at country of origin information available through the EUAA, UK Home Office, US State Department, and other COI, some of which contains information on statelessness. Vaša Prava BiH, as asylum seekers' legal representatives, submit these reports and the Ministry of Security is obliged to consider them before reaching a decision on the asylum request.</p> <p>Before making a decision, official checks are conducted with the countries with which the applicant has connections by birth, parental origin, or previous residence, particularly regarding the existence of evidence of citizenship and the basis for acquiring citizenship in those countries.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023)</p> <p>http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/23):</p> <p>http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Rulebook on Entry and Stay of Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 25/2016, 83/2022, and 57/2024):http://www.sluzbenilist.ba/page/akt/tJNuBglObu0=</p>
SDS.14.a	<p>Procedural safeguards (Group 2)</p>	<p>Is free legal aid available to stateless people generally?</p>	<p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p>ENS (2013): If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>In the Law on Asylum, Article 29, paragraph 1, point d) specifies that the applicant during the process has access to free legal aid (procedural guarantees).</p> <p>On the contrary, the Law on Foreigners that regulates the procedure for temporary residence on humanitarian grounds does not contain such provisions.</p> <p>Interpreting the provisions of the Law on Asylum and the Law on Foreigners indicates that free legal aid in the procedure for a stateless person is only ensured within the asylum procedure in accordance with the Law on Asylum.</p> <p>An applicant for temporary residence on humanitarian grounds as a stateless person has the option to seek free legal assistance from non-governmental organisations established to provide free legal assistance or from government providers of free legal aid. NGOs are not funded by the State to provide legal assistance, but they may submit project proposals apply for public calls for funding. It should be noted that based on the signed protocol on providing free legal aid between the Ministry of Human Rights and Refugees of BiH and the Association Vaša prava BiH, authorised persons of</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, 63/2023)</p> <p>http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/23):</p> <p>http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016)</p> <p>https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016)</p> <p>https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina ("Official Gazette of BiH", No. br. 5/2003, 42/2003, 26/2004, 42/2004, 45/2006, 88/2007, 35/2009, 59/2009, 103/2009, 87/2012, 6/2013, 19/2016 and 83/2017)</p> <p>https://www.paragraf.ba/propisi/bih/zakon-o-ministarstvima-i-drugim-organima-uprave-bosne-i-hercegovine.html</p>

			<p>the Association Vaša prava BiH are authorised to provide free legal aid in realising the rights and services of refugees from BiH, displaced persons and returnees, refugees in BiH, and citizens of BiH returning under the readmission agreement, which arise from the Law on Ministries and other administrative bodies in BiH, the Law on Refugees from BiH and Displaced Persons in BiH, the Law on Movement and Stay of Foreigners and Asylum, and the Instruction on the method of temporary accommodation of citizens of BiH under the readmission agreement.</p> <p>Regarding government providers of free legal aid, the question arises whether government providers have the obligation to provide free legal aid to the applicant in the procedure for temporary residence on humanitarian grounds, considering the provisions of certain laws that recognise stateless persons as a beneficiary category, but not persons who apply for temporary residence on humanitarian grounds in order to determine statelessness.</p> <p>Of the 12 laws on free legal aid in force in Bosnia and Herzegovina, nine are at the cantonal level. The others are the Law on Free Legal Aid of Republika Srpska, the Law on Free Legal Aid of Brčko District, and the Law on Free Legal Aid of Bosnia and Herzegovina. Only the Law on Free Legal Aid of Una-Sana Canton recognises stateless people, people with undetermined or unknown citizenship, and people without identification documents as groups of people eligible for free legal aid, while other laws do not recognise these groups. Under the other laws, people with undetermined or unknown citizenship, and people without identification documents are not entitled to free legal aid, but stateless people whose statelessness has been identified are eligible, although no such case has been reported.</p> <p>According to Article 13, paragraph 1, point b) of the Law on Providing Free Legal Aid in BiH, a beneficiary of free legal aid can be a physical person who is on the territory of Bosnia and Herzegovina under international protection in accordance with international standards, especially asylum seekers, refugees, persons under subsidiary or temporary protection, persons in the process of expulsion, stateless persons, victims of human trafficking, in accordance with the obligations that Bosnia and Herzegovina have under international conventions.</p> <p>The Law on the Realisation of the Right to Free Legal Aid in the Republic of Srpska (Official Gazette of the Republic of Srpska No.: 67/2020) does not recognise stateless persons as a separate beneficiary category but is prescribed by Article 31 paragraph 1 point 4 that a physical person acquires the status of a beneficiary of free legal aid, provided that they meet the following criteria: 1) financial criterion, 2) criterion of personal property or status before the competent body, 3) criterion of obvious justification, 4) criterion of obligation by special laws and international conventions binding Bosnia and Herzegovina.</p> <p>Article 16 of the Law on the Legal Aid Office of Brcko District of BiH provides that legal aid is provided under international conventions binding Bosnia and Herzegovina.</p> <p>Article 9 of the Law on Providing Free Legal Aid of Sarajevo Canton</p>	<p>Law on Refugees from BiH and Displaced Persons in BiH ("Official Gazette of BiH", No 23/99, 21/03 and 33/03) http://www.mhrr.gov.ba/PDF/Izbjeglice/ZAKON%20O%20IZBJEGLI%20CAMA%20IZ%20BIH%20I%20RASELJENIM%20OSOBAMA%20U%20BIH%2023%2099,%2021%2003%20i%2033%2003).pdf</p> <p>Law on Movement and Residence of Foreigners and Asylum (no longer in effect) ("Official Gazette of BiH", No 36/08 and 87/12/) (pretao da važi) https://advokat-prnjavorac.com/zakoni/Zakon-o-kretanju-i-boravku-stanaca-i-azilu-BiH.pdf</p> <p>Law on Providing Free Legal Aid in Bosnia and Herzegovina ("Official Gazette of BiH", No 8/2016) https://advokat-prnjavorac.com/zakoni/Zakon-o-pruzanju-besplatne-pravne-pomoci-BiH.pdf</p> <p>Instruction on Temporary Care of Citizens of Bosnia and Herzegovina Under the Readmission Agreement ("Official Gazette of BiH", No 39/13) Službeni List- Pregled Dokumenta (sluzbenilist.ba)</p> <p>Law on Realization of the Right to Free Legal Aid in the Republic of Srpska j ("Official Gazette of the Republic of Srpska" No. 67/20) https://advokat-prnjavorac.com/Zakon-o-ostvarivanju-prava-na-besplatnu-pravnu-pomoc-u-Republici-Srpskoj.html</p> <p>Law on the Legal Aid Office of Brcko District of Bosnia and Herzegovina ("Official Gazette of the Brčko District of BiH, No. 19/07) https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20Kancelariji%20za%20pravnu%20pomoc-/000%2019-07%20Zakon%20o%20Kancelariji%20za%20pravnu%20pomoc-%20Brc--ko%20Distrikta%20BiH.pdf</p> <p>Amendment to the Law on the Legal Aid Office of Brcko District of BiH ("Official Gazette of the Brčko District of BiH, No. 23/19) https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20Kancelariji%20za%20pravnu%20pomoc-/002B23-19%20Zakon%20o%20izmjeni%20Zakona%20o%20Kancelariji%20za%20pravnu%20pomoc.pdf</p> <p>Law on the provision of free legal aid of the Canton of Sarajevo, "Official Gazette of the Canton of Sarajevo" no. 1/12, 26/14, 40/17 and 19/2023) https://www.paragraf.ba/propisi/kantona-sarajevo/zakon-o-pruzanju-besplatne-pravne-pomoci.html</p> <p>Law on the Provision of Free Legal Aid, "Official Gazette of ZDK" No: 1/14 https://ppp.dws.ba/udocs/Zakon20o20pru5BEanju20besplatne20pravne20pomoc487i2C2028Sl.20novine20ZDK20br.201-201429.pdf</p> <p>Law on the provision of legal aid of the Tuzla Canton, ("Official Gazette of Tuzla Canton" no. 10/08, 11/17, 22/21)</p>
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				<p>(Official Gazette of Sarajevo Canton, No. 1/2012, 26/2014, 40/2017, and 19/2023) stipulates that a beneficiary of free legal aid is a person to whom free legal aid is provided on the territory of the Canton according to the conditions prescribed by law, namely:</p> <p>a) a citizen of Bosnia and Herzegovina who has residence or domicile on the territory of the Canton and another physical person who has residence on the territory of Bosnia and Herzegovina;</p> <p>b) a physical person who is on the territory of Bosnia and Herzegovina under international protection in accordance with international standards, especially asylum seekers, refugees, persons under subsidiary or temporary protection, stateless persons, victims of human trafficking, in accordance with the obligations that Bosnia and Herzegovina have under international conventions;</p> <p>c) a person whose rights are protected by the provisions of the Convention on the Civil Aspects of International Child Abduction and the Convention on the Recovery of Maintenance Abroad.</p>	<p>https://skupstina.tk.gov.ba/Dokumenti/sl_novine/2023/Slu%C5%B4benovineTK%20BR.17-20223.pdf</p> <p>Law on the provision of legal aid of the Goražde Bosnian Podrinje Canton, "Official Gazette of Goražde Bosnian Podrinje Canton" no. 02/13); https://www.bpkg.gov.ba/media/images/2011/07/novine-02-13.pdf</p> <p>Law on the Provision of Free Legal Aid, "Official Gazette of HBŽ-Canton 10" No: 9/16 https://www.vladahbz.com/sadržaj/dokumenti/narodne-novine/2016/NARODNE_NOVINE_BR_9-2016.pdf</p> <p>Law on the provision of legal aid of the Una Sana Canton, "Official Gazette of Una Sana Canton" no. 22/12 and 03/16 https://vladausk.ba/v4//files/media/pdf/5a044e7a364766.35355689_Zakon%20o%20izmjenama%20i%20dopunama%20Zakona%20o%20pruzanju%20besplatne%20pravne%20pomoci%20(sl_gl_br_3-16).PDF</p> <p>Law on Amendments to the Law on Free Legal Aid of Una-Sana Canton ('Official Gazette of Una-Sana Canton', No. 7/2024). The latest amendments to the law cannot be found on the internet.</p> <p>Law on the Provision of Free Legal Aid in Herzegovina-Neretva Canton ("Official Gazette of HNK" No: 7/13 Zakon-o-pruzanju-besplatne-pravne-pomoci.pdf (mpulshnk.gov.ba)</p> <p>(Note: Although a free legal aid office was established, it formally never started operating)</p>
SDS.14.b	Is free interpreting available to stateless people?	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	<p>Article 12, paragraph 2 of the Law on Foreigners provides that the authority conducting the procedure is obliged to provide a translator or interpreter for a foreigner who does not understand the language in which the proceedings are conducted. The translator or interpreter should be fluent in a language the foreigner understands or is reasonably presumed to understand, and translation services may also be provided via information and communication technologies. If the proceedings are initiated at the request of the foreigner, the authority conducting the procedure is not obliged to provide a translator or interpreter. As the competent authority may not initiate the procedures for temporary residence on humanitarian grounds for stateless persons <i>ex officio</i>, and therefore applications are mostly initiated by the applicant, in practice no translator or interpreter is provided.</p> <p>In the case of asylum proceedings, Article 29, paragraph 1, point c) of the Law on Asylum specifies that during the proceedings, the asylum seeker will be enabled to have the proceedings conducted in a language that they understand or is reasonably presumed to be understood.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/ispravka%20Zakona%20o%20azilu.pdf</p>	
SDS.14.c	Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal,	<p>UNHCR, Handbook on Protection (2014): States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12</p>	<p>Article 10, Paragraph 2 of the Law on Administrative Procedure in Bosnia and Herzegovina, which is applicable in both the asylum procedure and the procedure for temporary residence on humanitarian grounds, provides: Before issuing a decision, the applicant must be given the opportunity to express their views on all facts and circumstances that are important for making the decision.</p>	<p>Law on Administrative Procedure ("Official Gazette of BiH", Nos. 29/2002, 12/2004, 88/2007, 93/2009, 41/2013, 53/2016) https://www.paragraf.ba/propisi/bih/zakon-o-upravnom-postupku.html</p> <p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, 63/2023)</p>	

		audits in decision-making, etc.)?	<p>months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>A decision can be made without first hearing the applicant only in cases specified by law. Article 132 paragraph 2 of the Law on Administrative Procedure prescribes that the authority can resolve the matter directly by abbreviated procedure: if the state of affairs can be determined on the basis of official data at the authority's disposal, and a special hearing of the party is not necessary in order to protect their rights, i.e. legal interests. For example, the Law on Foreigners provides that the decision on refusal of entry is issued by abbreviated procedure. These provisions have no influence on the procedure for granting temporary residence for humanitarian reasons for stateless persons.</p> <p>Article 15 states that the applicant has the right to appeal against a decision made at the first instance. Only the law can specify that in certain administrative matters, an appeal is not allowed, especially if the protection of rights and legality is ensured in another way.</p> <p>Article 208 of the Law on Administrative Procedure provides that when a procedure is initiated upon the request of the applicant, (or <i>ex officio</i> if it is in the interest of the applicant, but this is not applicable in the procedure for granting temporary residence for humanitarian reasons for stateless persons, as authorities may not initiate it <i>ex officio</i>), and before making a decision, it is not necessary to conduct a special examination procedure, nor are there other reasons why a decision cannot be made without delay, the competent authority is obliged to issue a decision and deliver it to the party as soon as possible, and no later than within 30 days counting from the day of submitting a complete application, or from the day of initiating the procedure <i>ex officio</i>, unless a shorter period is specified by a special regulation.</p> <p>In other cases where the procedure is initiated upon application, or <i>ex officio</i> if it is in the interest of the applicant, the competent authority is obliged to issue a decision and deliver it to the applicant no later than within 60 days, unless a shorter period is specified by a special regulation.</p> <p>A decision should be issued within 90 days from the date of submission of a complete application if the application is submitted through the BiH diplomatic-consular mission abroad.</p> <p>Decisions on applications are given in writing with reasons.</p> <p>Article 4 of the Law on Foreigners states that 'The administrative procedure conducted before the competent authorities in accordance with this law shall apply the provisions of the law governing the area of administrative procedure in Bosnia and Herzegovina unless otherwise specified by this law.'</p> <p>Additionally, Article 3, paragraphs 2 and 3 of the Law on the Service for Foreigners' Affairs provides that within the jurisdiction of the Service are decisions in administrative matters based on requests for: a) approval of temporary or permanent residence in Bosnia and Herzegovina, or extension of temporary residence, b) cancellation of temporary or permanent residence, c) placing a foreigner under supervision, d) expulsion of a foreigner from the country, e) issuing conclusions on the execution of decisions on the expulsion of foreigners from the country, with decisions from Paragraph (2) of this article made by the director of the Service.</p> <p>Regarding the Law on Asylum, Article 29 provides that during the</p>	<p>http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>The Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No, 11/2016,) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Law on Amendments to the Law on Asylum (Official Gazette of Bosnia and Herzegovina", No,16/2016,) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>Law on the Service for Foreigners' Affairs - internal, unofficial, and consolidated text - "Official Gazette of BiH", Nos. 54/05 (dated 09.08.2005) and 36/08 (dated 16.04.2008). https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20SPS.pdf</p>
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				<p>procedure, the asylum seeker will be enabled:</p> <p>a) to be informed about the conditions and procedure for granting refugee status or subsidiary protection status, rights and obligations, consequences of non-compliance with obligations or refusal to cooperate with the competent authority;</p> <p>b) presentation of all circumstances on which their asylum request is based, access to evidence, and proposing the execution of certain evidence;</p> <p>c) to have the procedure conducted in a language they understand or is reasonably presumed they understand;</p> <p>d) access to free legal aid;</p> <p>e) that the procedure for the asylum request be conducted and that the translator or interpreter be of the same sex, if there are justified reasons for it;</p> <p>f) communication with UNHCR.</p> <p>Regarding the right to legal remedy, Article 51 of the Law on Asylum specifies that the decision rejecting the asylum request is final and that an administrative dispute can be initiated against it before the Court of Bosnia and Herzegovina.</p> <p>There is no available information to confirm whether the Office for the Audit of the Institutions of Bosnia and Herzegovina has carried out an audit of the performance of the competent authorities in either procedure.</p>	
SDS.15.a	Protection (Group 2)	<p>Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.</p>	<p>UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>Yes. See question SDS. 15.b for more details.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>The Law on Health Insurance of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina no. 30/1997, 7/2002, 70/2008, 48/2011, 100/2014 – decision Constitutional Court BiH No 36/2018 i 61/2022) https://advokat-prnjavorac.com/zakoni/Zakon-o-zdravstvenom-osiguranju-FBiH.pdf</p> <p>Law on Health Care of Republika Srpska ("Sl. glasnik RS", br. 57/2022) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-zdravstvenoj-zastiti.html</p> <p>Law on Health Care in the Brčko District of Bosnia and Herzegovina ("Official Gazette of the Brčko Distrikt BiH", no. 5/2023 – refined text and 7/2023) https://www.paragraf.ba/propisi/brcko/zakon-o-zdravstvenoj-</p>

					zastiti-u-brcko-distriktu-bosne-i-hercegovine.html
SDS.15.b	<p>Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access the below rights and whether access is subject to any conditions:</p> <ul style="list-style-type: none"> - right to reside - travel document and identity document - work - healthcare - social security - education - housing - family reunification - right to vote - consular protection abroad <p>If provided, please add a copy of an anonymised travel and/or identity document to question RES.4.a. (last page).</p>	<p>1954 Convention UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>Stateless persons granted temporary residence on humanitarian grounds:</p> <p>Article 58, paragraph 7 of the Law on Foreigners prescribes that residence under paragraph (1) and paragraph (2), points (b), (c), and (d) of this article is granted for a period of up to one year and can be extended under the same conditions under which the residence was granted. The residence is extended by one year every year. After a person has had an approved residence for a continuous period of five years, the person may apply for citizenship, if they have an approved residence at the time of submitting the application.</p> <p>Article 58, paragraph 9 of the Law on Foreigners provides that a foreigner granted temporary residence under paragraph (2) of this article, who does not possess a valid travel document, is automatically issued a certificate of identity. Rulebook on Entry and Stay of Foreigners prescribes that a foreigner granted temporary residence on humanitarian grounds under Article 58, paragraph (2) of the Law is issued an identity certificate which includes the residence permit. The identity certificate is numbered, white in colour, sized (125+0.75) mm x (88+0.75) mm, consisting of eight pages, and serves as an identification document within the territory of Bosnia and Herzegovina, and cannot be used to cross state borders. The certificate records the country where the person was born, not the citizenship status.</p> <p>Article 41 of the Law on Foreigners defines travel documents for foreigners under this law as a travel document for stateless persons and a foreigner's travel document. Stateless people must apply for a travel document. The Rulebook on travel documents for stateless persons BiH prescribes the form, design, and content of the travel document for stateless persons, automatic data reading, application submission, required documents to be attached to the application for issuance, refusal of application for issuance of a travel document, submission of appeals, issuance of a travel document within a shorter period than prescribed, receipt of a travel document, handling of the travel document by stateless persons, confiscation of the travel document, cancellation of the travel document, central records, and other technical issues related to the issuance of a travel document to stateless persons. Article 6 of the Rulebook on travel documents for stateless persons provides that the applicant must submit the following documents in their application:</p> <ol style="list-style-type: none"> (1) a) a certified photocopy of the identity certificate, b) proof of the paid price of the travel document (40 KM approximately 20 EUR). (2) Along with the request for issuing a travel document, the applicant must provide personal and biometric data (picture, fingerprint, signature). <p>Certificates of identity and travel documents are effectively granted in practice.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Rulebook on Entry and Stay of Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 25/2016, 83/2022, and 57/2024): http://www.sluzbenilist.ba/page/akt/tJNuBgIObu0=</p> <p>https://www.paragraf.ba/propisi/bih/pravilnik-o-ulasku-i-boravku-stranaca.html</p> <p>The Law on Health Insurance of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina no. 30/1997, 7/2002, 70/2008, 48/2011, 100/2014 – decision Constitutional Court BiH No 36/2018 i 61/2022) https://advokat-prnjavorac.com/zakoni/Zakon-o-zdravstvenom-osiguranju-FBiH.pdf</p> <p>Law on Health Care of Republika Srpska ("Sl. glasnik RS", br. 57/2022) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-zdravstvenoj-zastiti.html</p> <p>Law on Health Care in the Brčko District of Bosnia and Herzegovina ("Official Gazette of the Brčko Distrikt BiH", no. 5/2023 – refined text and 7/2023) https://www.paragraf.ba/propisi/brcko/zakon-o-zdravstvenoj-zastiti-u-brcko-distriktu-bosne-i-hercegovine.html</p> <p>Rulebook on travel document for stateless person BiH ("Official Gazette of BiH", No. 65/2016) http://www.sluzbenilist.ba/page/akt/uKTCF78Gh5o=</p> <p>Rulebook on the design and content of the request for issuance of travel document for stateless persons and travel certificate for foreigners (Official Gazette of BiH", No. 41/2016) http://msb.gov.ba/Zakoni/akti/default.aspx?id=14515&langTag=bs-BA</p> <p>Law on Social Protection, Protection of Civilian Victims of War and Protection of Families with Children, FBiH Official Gazette (" Official Gazette of FBiH", no. 36/1999, 54/2004, 39/2006, 14/2009, 7/2014 - rješenje US BiH, 45/2016, 19/2017 - dr. zakon, 40/2018, 52/2022 - dr. zakon, 16/2023 i 60/2023 - dr. zakon) https://advokat-prnjavorac.com/Zakon-o-osnovama-socijalne-zastite-zastite-civilnih-zrtava-rata-i-zastite-porodice-sa-</p>	

			<p>Stateless people may benefit from consular protection abroad. For example, persons with a travel document for stateless persons issued by the state authorities of BiH enjoy consular protection in case of loss of travel document abroad.</p> <p>Article 58, paragraph 5 of the Law on Foreigners provides that a foreigner granted temporary residence on humanitarian grounds under paragraph (2), point (c) of this article has the right to work under the same conditions applicable to foreigners, and is granted access to education under the same conditions as citizens of Bosnia and Herzegovina. Article 78 of the Law on Foreigners provides that the right to work in Bosnia and Herzegovina without the obligation to obtain a work permit is granted to foreigners who have been granted temporary residence under Article 58, paragraph (2), point (c) of this Law.</p> <p>Article 30 of the Law on Health Insurance of the Federation of Bosnia and Herzegovina stipulates that foreign nationals and stateless persons granted temporary residence on humanitarian grounds are entitled to healthcare under the same conditions as citizens of the Federation of Bosnia and Herzegovina, unless otherwise specified by international agreement. Article 55 of the Law on Health Care of Republika Srpska stipulates that foreign nationals and stateless persons have the right to health care in accordance with this law, international agreements, and regulations governing the field of health insurance. The Law on Health Care in the Brčko District of Bosnia and Herzegovina provides that foreign nationals or stateless persons have the right to health care in accordance with the provisions of this law, international agreements, and other regulations governing this area.</p> <p>Regarding social protection in the Federation of Bosnia and Herzegovina for stateless persons granted residence on humanitarian grounds, the Law on the Foundations of Social Protection, Protection of Civilian War Victims, and Protection of Families with Children of the Federation of Bosnia and Herzegovina, Article 7, paragraph 4, stipulates that the rights established by this Law cannot be exercised by non-citizens of Bosnia and Herzegovina.</p> <p>In terms of social protection in Republika Srpska for stateless persons granted residence on humanitarian grounds, Article 16, paragraph 2 of the Law on Social Protection stipulates that foreign nationals and members of their families, persons under international legal protection who have a residence permit in the Republic, can exercise rights in accordance with this Law and international agreements.</p> <p>Article 4 of the Law on Social Protection of the Brčko District of Bosnia and Herzegovina stipulates that social protection is provided to District citizens who are unable to work, do not have means of subsistence, and have relatives who are legally obligated and able to support them, to citizens and families who cannot secure sufficient means for life due to their work and property rights based on special circumstances.</p> <p>Regarding housing, stateless persons granted residence on humanitarian grounds under the Law on Foreigners do not have</p>	<p>diecom.html</p> <p>Law on Social Protection of Republika Srpska("Official Gazette of RS", No. 37/2012, 90/2016, 94/2019, 42/2020 - dr. uredba i 36/2022) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-socijalnoj-zastiti.html</p> <p>Election Law ("Official Gazette of BiH", No. 23/2001, 7/2002, 9/2002, 20/2002, 25/2002 - ispr., 4/2004, 20/2004, 25/2005, 77/2005, 11/2006, 24/2006, 33/2008, 37/2008, 32/2010, 48/2011 - odluka US, 63/2011 - odluka US, 18/2013, 7/2014, 31/2016, 54/2017 - odluka US, 41/2020, 38/2022, 51/2022, 67/2022, 24/2024 i 24/2024 - ispravka) https://advokat-prnjavorac.com/zakoni/Izborni_zakon_BiH.pdf</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>Law on Social Protection of Brčko District („Official Gazette of Brčko distrikt BiH“, no: 04/04, 19/07, 02/08, 21/18 i 32/19) https://skupstinabd.ba/3zakon/ba/Zakon%20o%20socijalnoj%20zas--titi/07B20-20%20Zakon%20o%20socijalnoj%20zas--titi%20Brc--ko%20Distrikta%20-%20prec--is--c-eni%20tekst.pdf</p> <p>Law on Social Housing of Republika Srpska (Official Gazette of RS", No. 54/19) https://www.narodnaskupstinars.net/?q=la/akti/usvojeni-zakoni/zakon-o-socijalnom-stanovanju-republike-srpske</p> <p>Law on Non-Profit housing of Zenica Doboј Canton (Zenica Doboј Canton Official Gazette, 13/13) file:///C:/Users/User/Downloads/slzdk-13-2013-hr%20(1).pdf</p>
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				<p>the right to housing. Article 50, paragraph 1, point (b) of the Law on Foreigners provides that temporary residence on the basis of family reunification may be granted to members of the immediate family of a foreigner with approved permanent residence in Bosnia and Herzegovina, a foreigner granted temporary residence in Bosnia and Herzegovina as a blue card holder (a residence permit issued for the purpose of highly qualified employment, which allows a foreigner to stay and work in BiH in accordance with law), a foreigner granted temporary residence in Bosnia and Herzegovina for one year or more and who has a reasonable prospect of obtaining permanent residence in Bosnia and Herzegovina or a foreigner with recognised refugee status, which implies that stateless persons have the right to family reunification provided they have been granted residence in Bosnia and Herzegovina for one year or more and have a reasonable prospect of obtaining permanent residence in Bosnia and Herzegovina, as well as stateless persons granted refugee status in accordance with the Law on Asylum.</p> <p>This provision does not explicitly refer to stateless people, but the right to family reunification may be implied by interpreting the provision according to which a foreigner who has an approved residence for one year or longer and who has a reasonable prospect of obtaining permanent residence has the right to family reunification. Given that stateless persons can be granted temporary residence for a period longer than one year, and that instead of permanent residence they can apply for citizenship, Vasa Prava BiH's interpretation is that these persons would have the right to family reunification. In practice so far, there has not been such a case.</p> <p>Regarding voter rights, stateless persons do not have the right to participate in elections. Article 1.1a, paragraph 19 of the Election Law of Bosnia and Herzegovina provides that a "voter" under this Law is a citizen of Bosnia and Herzegovina registered in the Central Voters' Register, while Article 1.1a, paragraph 20 stipulates that an "elector" under this Law is a citizen of Bosnia and Herzegovina registered in the Central Voters' Register who has actively exercised voting rights.</p> <p>Stateless persons granted asylum:</p> <p>The Law on Asylum also regulates the rights of stateless persons who are asylum seekers, under temporary protection, and with recognised subsidiary protection and refugee status . Article 76 of the Law on Asylum stipulates that asylum seekers have the right to:</p> <ul style="list-style-type: none"> a) stay in Bosnia and Herzegovina; b) information in accordance with Article 15 of this Law; c) accommodation in asylum seekers' centres; d) primary health care; e) access to primary and secondary education; f) access to the labour market; g) access to free legal aid; h) monitoring of the procedure in a language they understand or for which there is reasonable belief they understand; i) psychosocial support. <p>Article 78 provides that refugees and persons under subsidiary protection have the right to:</p>	
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				<p>a) identification document; b) information in accordance with Article 15 of this Law; c) accommodation; d) work; e) education; f) health care; g) social assistance; h) assistance in integrating into Bosnian society.</p> <p>(2) In addition to the rights under paragraph (1) of this Article, a refugee has the right to family reunification in accordance with Article 13 of this Law and the right to a travel document in accordance with Article 75 of this Law. A person under subsidiary protection has the right to maintain family unity in accordance with Article 14 of this Law (i.e. family members must already be on BiH territory).</p>	
SDS.16.a	Temporary protection for people fleeing war	<p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Please describe any barriers for stateless people, people with undetermined nationality, or undocumented people in accessing the territory.</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory.</p>	<p>Yes, Article 8 of the Law on Asylum provides that no sanctions shall be applied to a foreigner who comes directly from a territory where their life or freedom was threatened, due to unlawful entry or stay in Bosnia and Herzegovina, provided that they promptly report to the competent authorities and present valid reasons for their unlawful entry or stay in Bosnia and Herzegovina.</p> <p>Regarding the situation in Ukraine, Decision of the Council of Ministers of Bosnia and Herzegovina (Official Gazette of BiH, No. 28/22) approving simplified entry conditions into Bosnia and Herzegovina for Ukrainian nationals provides that entry into Bosnia and Herzegovina under these conditions is approved for Ukrainian nationals who have left Ukraine due to the war situation and life-threatening conditions in Ukraine. This decision applies only to Ukrainian nationals. This is not a decision on temporary protection but on granting temporary residence on humanitarian grounds for Ukrainian nationals.</p> <p>In accordance with the Law on Asylum, the Council of Ministers could pass a Decision on temporary protection. If and when BiH adopts such decision, beneficiaries should include stateless people, people with undetermined nationality, and undocumented people from Ukraine, who would be able to benefit from the right of residence, basic living conditions and accommodation, identification document, primary healthcare, primary and secondary education, free legal aid, access to the labour market, family reunification, a guardian, if the person under temporary protection is an unaccompanied minor or legally incompetent.</p>	<p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p> <p>Decision facilitating the entry and stay of Ukrainian Citizens in Bosnia and Herzegovina http://www.sluzbenilist.ba/page/akt/jpifZipoB3U=</p> <p>A Proposal Agreement between the Council of Ministers of Bosnia and Herzegovina and Ukrainian Ministry on Conditions of Mutual Travel of Citizens (BiH Official Gazette, 7/11) http://www.sluzbenilist.ba/page/akt/TJZcSohz4nh78h77TdEyU=</p> <p>Law on Asylum, Article 62</p>
SDS.16.b		<p>Does the State offer a temporary form of protection to stateless people, people with undetermined nationality, or undocumented people from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless people who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, or to people fleeing from another</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection. European countries and the European</p>	<p>No, the Decision on Granting Temporary Residence Based on Humanitarian Grounds to Ukrainian nationals (Official Gazette of BiH, No. 28/22) specifies justified humanitarian reasons for submitting applications and granting temporary residence based on humanitarian grounds only to Ukrainian nationals, and other related issues regarding this temporary residence in Bosnia and Herzegovina, not to stateless people, people with undetermined nationality or undocumented people from Ukraine.</p> <p>In accordance with the Law on Asylum, the Council of Ministers could pass a Decision on temporary protection. If and when BiH adopts such decision, beneficiaries should include stateless people, people with undetermined nationality, and undocumented people from Ukraine, who would be able to benefit from the right</p>	<p>Decision facilitating the entry and stay of Ukrainian Citizens in Bosnia and Herzegovina http://www.sluzbenilist.ba/page/akt/jpifZipoB3U=</p> <p>A Proposal Agreement between the Council of Ministers of Bosnia and Herzegovina and Ukrainian Ministry on Conditions of Mutual Travel of Citizens (BiH Official Gazette, 7/11) http://www.sluzbenilist.ba/page/akt/TJZcSohz4nh78h77TdEyU=</p>

		country other than Ukraine, please state so. Please describe any other barriers for stateless people, people with undetermined nationality, or undocumented people in receiving temporary protection, asylum, or other protection.	Commission should be vigilant and take action to address any segregation, discrimination, and antigypsyism, and ensure equal access to rights and protection for all those fleeing Ukraine.	of residence, basic living conditions and accommodation, identification document, primary healthcare, primary and secondary education, free legal aid, access to the labour market, family reunification, a guardian, if the person under temporary protection is an unaccompanied minor or legally incompetent. Currently, stateless people, people with undetermined nationality and undocumented people from Ukraine may be eligible for asylum in BiH under the Law of Asylum or for temporary residence permit on humanitarian grounds under the Law on Foreigners.	
SDS.16.c		Are there longer-term solutions providing adequate protection for stateless people and/or others who were receiving temporary protection? [Section complete, proceed to DET]	ENS, Briefings on access to protection for stateless people fleeing Ukraine : The EU and European countries should ensure that longer-term solutions, including after the expiry of the EU TPD, are found and designed, including to provide adequate protection for stateless people and people with undetermined nationality. ECRE, Transitioning out of the Temporary Protection Directive (2024) : Exit strategies from the TPD regime should ensure that no one, including stateless persons, is left behind after March 2025.	Yes, through obtaining refugee status or residence approval based on one of the grounds prescribed by law. If a decision on temporary protection were to be adopted, Article 60, paragraph 1, point b) of the Law on Asylum provides that temporary protection will not be granted to a foreigner if they have refugee status or subsidiary protection status, or if the foreigner has been granted temporary or permanent residence in BiH. Regarding the duration of temporary protection, Article 59 of the Law on Asylum specifies that the Ministry of Security, based on the decision of the Council of Ministers of BiH under Article 57 of this Law, approves temporary protection for a period of one year, with the possibility of automatic renewal twice for a period of six months each. (2) After the expiration of the period mentioned in paragraph (1) of this Article, the Council of Ministers of BiH may extend temporary protection for another year by decision, if there are still reasons for which temporary protection was granted.	Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0= Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016 https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>Yes, the competence and procedures for placing foreigners under surveillance by imposing measures of accommodation in immigration centres are regulated by the Law on Foreigners and the Law on Asylum in cases where the foreigner being placed under surveillance is an asylum seeker.</p> <p>Article 118, paragraph 1, points a) and b) of the Law on Foreigners prescribe that surveillance over a foreigner until their departure from BiH can be implemented by restricting their movement to a specified area or place with an obligation to report to the Service's organisational unit or police, or by a milder measure of surveillance or placement in a specialised institution for accommodating foreigners, i.e., an immigration centre.</p> <p>In practice, restricting movement to a specified area typically involves placement in an open-type temporary reception centre.</p> <p>Furthermore, Article 118, paragraph 3, provides that a foreigner may be placed under surveillance by being accommodated in an immigration centre:</p> <p>a) if there are grounds to suspect that after the issuance of a deportation decision, the free and unrestricted movement of the foreigner could endanger public order, public peace, or security, or international relations of BiH, or pose a threat to public health in BiH; or if it is determined that they pose a threat to public order, public peace, or security in BiH;</p> <p>b) to ensure the execution of a deportation decision or in other cases where a deportation measure has been imposed, if there are grounds to suspect that the foreigner will escape or otherwise obstruct the execution of decisions; or</p> <p>c) when there is doubt about the truthfulness of the foreigner's claims regarding their identity, and a deportation measure has been imposed.</p> <p>Past practice has shown that placement in an immigration centre for deportation purposes is utilised before considering all alternatives.</p> <p>Regarding milder measures, Article 8, paragraph 6 of the Law on Foreigners specifies that upon a reasoned proposal from the competent authority, the Service for Foreigners' Affairs may temporarily prohibit a foreigner from exiting BiH if there is reasonable suspicion that their departure from BiH could allow them to evade criminal or misdemeanour prosecution, punishment execution, court order execution, deprivation of liberty, or the execution of overdue property-law obligations, which is documented in the Central Database of Foreigners or otherwise notified to the Border Police. Paragraph 7 further provides that, for the reasons outlined in paragraph 6 of this Article, the Service may temporarily confiscate travel documents and other documents that the foreigner may use to cross the State border, for a maximum period of 30 days.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>The Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina (BiH Official Gazette, 28/2016 and 57/2024)</p> <p>Migration profile for 2022. 100720231.pdf (msb.gov.ba)</p> <p>Report on the Work of the Service for Foreigners' Affairs for 2021 https://sps.gov.ba/dokumenti/izvjestaji/SPS%20-%20izvjestaj%20za%202021.pdf http://msb.gov.ba/PDF/Pravilnik%20o%20udaljenju%20i%20nadzoru%20stranaca-BOS.pdf</p> <p>Common Western Balkan Migration Policy: Borders and Returns Regional Policy Paper https://www.grupa484.org.rs/h-content/uploads/2020/04/FV-Borders and Returns BRMC-grupa-484.pdf</p> <p>Common Western Balkan Migration Policy: Borders and Returns Regional Policy Paper II https://www.grupa484.org.rs/h-content/uploads/2020/11/BRMC-Policy-Paper-II-grupa-484.pdf</p> <p>Common Western Balkan Migration Policy: Borders and Returns Regional Policy Paper III https://www.grupa484.org.rs/h-content/uploads/2022/04/BRMC-Policy-Paper-III-grupa-484.pdf</p> <p>Special report on situation in the area of migrations in Bosnia and Herzegovina https://www.ombudsmen.gov.ba/documents/obudsmen_doc2019010713545979bos.pdf</p> <p>Vaša Prava's casework</p>

				<p>In addition to the Law on Foreigners, Article 66 of the Law on Asylum provides that the movement of asylum seekers may be temporarily restricted by prohibiting them from leaving the immigration centre, which is established in accordance with the law regulating the area of movement and residence of foreigners, and by prohibiting them from leaving a designated place. An asylum seeker will be restricted from moving outside the immigration centre if a measure of expulsion has been imposed on them and they pose a threat to the security of Bosnia and Herzegovina. The movement of an asylum seeker can be restricted by prohibiting movement outside the immigration centre or a certain place if: a) a measure of expulsion has been imposed and the identity of the asylum seeker has not been established; b) expulsion measure pronounced and there are grounds for doubting that it is a request from Article 45 (1) of this law; c) imposed expulsion measure.</p> <p>The movement of an asylum seeker may be restricted by prohibiting movement outside a certain place if: a) the identity of the asylum seeker has not been established; b) there are grounds for doubt that this is a request from Article 45 (1) of this law.</p> <p>In Bosnia and Herzegovina, centres managed by the Service for Foreigners' Affairs, the Asylum Sector of the Ministry of Security, and the Ministry for Human Rights and Refugees, as well as four temporary reception centres in the Sarajevo Canton and the Una-Sana Canton managed by the Service for Foreigners in collaboration with the International Organization for Migration (IOM), are used for accommodating migrants. During 2022, these centres had a total capacity of 5,350 places, with an average of 2,141 migrants staying there.</p>	
DET.1.b		<p>Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.</p>	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p>ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation.</p> <p>EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>No. A proposed country of removal does not need to be identified before a person is detained for removal but only before a person is removed from BiH.</p> <p>A foreigner can be forcibly returned to their country of origin or to the country from which they entered Bosnia and Herzegovina.</p> <p>The Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina specifies measures and actions for the forcible removal of foreigners. According to Article 18, paragraph 1, points a), b), c), and d) of this Regulation, the Service for Foreigners Affairs takes the following measures and actions to prepare for the execution of the forcible removal of a foreigner or to issue a decision permitting removal:</p> <ul style="list-style-type: none"> a) Determines the country to which the foreigner will be returned (including based on the detainee's claim), b) Corresponds with the country of return through the Ministry of Foreign Affairs of BiH or another competent authority of BiH to verify the identity and nationality of the foreigner, c) If necessary, obtains travel documents for the foreigner in accordance with the law, d) Notifies and obtains consent from the country of return, through the Ministry of Foreign Affairs of BiH or another competent authority, regarding the acceptance of the foreigner being forcibly returned to its territory. 	<p>The Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina (BiH Official Gazette, 28/2016 and 57/2024)</p> <p>http://msb.gov.ba/PDF/Pravilnik%20o%20udaljenju%20i%20nadzoru%20stranaca-BOS.pdf</p>

				Article 18, paragraph 2 of the Rulebook provides that the forcible removal of a foreigner from BiH is carried out in accordance with the provisions of readmission agreements.	
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p>UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p>ECtHR, Auad v. Bulgaria (2011), Mikolenko v. Estonia (2009), Mardonshoyev v. Russia (2019), Gashkov and Satirov v. Russia (2022)</p>	<p>Yes. According to Article 119, paragraph 6 of the Law on Foreigners and Article 14, paragraph 5 of the Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina, the total duration of surveillance in an Immigration Centre cannot exceed 18 months continuously.</p> <p>In practice, if the Service for Foreigners' Affairs fails to establish the identity and country of origin of a person, or if the country of origin does not confirm the identity and acceptance, the Service is obliged to release the person after the maximum period for which supervision can be imposed has passed. The person can be release earlier if it is established that their country of origin does not recognise the person's identity or refuses to accept them. In such cases, a less restrictive form of surveillance may be imposed. This obligation to release is established in law and is implemented in practice.</p> <p>The foreigner can be placed under surveillance in an immigration centre for a period of up to 90 days. If the competent authority does not issue a new decision extending the measure, the person will be released from detention after that period.</p> <p>If the reasons for which the foreigner was placed under surveillance in an immigration centre are still applicable after the expiry of that period (reasons provided for in Article 118 (Determination of supervision) paragraph 3), the foreigner's surveillance may be extended each time up to 90 days. The total duration of surveillance in an immigration centre cannot exceed 180 days.</p> <p>As an exception, in case of lack of cooperation of the foreigner in the removal procedure or delay in obtaining the necessary documents from the country to which the foreigner is returned, the duration of surveillance may be extended to a period longer than 180 days.</p> <p>The total duration of surveillance in the immigration centre cannot be longer than 18 months continuously.</p> <p>Regarding asylum seekers housed in Immigration Centres, Article 14, paragraph 6 of the Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina specifies that the restriction of movement imposed on applicants for international protection, as determined in accordance with the Law on Asylum, is not counted towards the total duration of surveillance mentioned in paragraph 5 of this article. This implies that asylum seekers can be placed in an immigration centre on multiple grounds.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023)http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023)http://www.sluzbenilist.ba/page/akt/0SqRdMx8RSO=</p> <p>The Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina (BiH Official Gazette, 28/2016 and 57/2024)</p> <p>http://msb.gov.ba/PDF/Pravilnik%20o%20udaljenju%20i%20nadzoru%20stranaca-BOS.pdf</p>
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the</p>	The Law on Foreigners does not explicitly link the status of stateless persons with the decision on detention. However, because stateless persons may face challenges in proving their identity or lack travel documents, certain provisions become relevant. Interpreting Article 14 of the Law on Foreigners and Article 66 of the Law on Asylum indicates that a foreigner whose	Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf

			<p>grounds of statelessness is arbitrary. CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	<p>identity cannot be determined may be placed under surveillance in an Immigration Centre. Additionally, asylum seekers' movements can be temporarily restricted to the immigration centre. Given that asylum seekers can include stateless individuals, it is clear that stateless persons can also be housed in an immigration centre.</p> <p>Theoretically, it is possible for a stateless person to be placed in an Immigration Centre in accordance with Article 58 of the Law on Foreigners.</p> <p>If a person is identified as stateless or there are indications of statelessness, there is no requirement to refer the person to the procedure to apply for temporary residence on humanitarian grounds (see SDS section).</p>	<p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p>
DET.2.b	Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	<p>The Law on Foreigners of Bosnia and Herzegovina does not provide a definition of vulnerable people. However, Article 123, paragraph 2 provides that competent authorities in BiH are obliged to treat minor foreigners with special care and respect, in accordance with the Convention on the Rights of the Child and regulations in BiH pertaining to the care and protection of minors. Article 123, paragraph 2 further states that families with minors are detained in immigration centres only as a last resort and for the shortest possible time.</p> <p>Regarding the Law on Asylum, Article 2 defines terms used in the law. Under point ii), vulnerable groups are defined, but stateless persons are not explicitly listed as a vulnerable category. Article 2, point ii) specifies that vulnerable groups include persons deprived of legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders, victims of human trafficking, victims of torture, rape, or other forms of psychological, physical, or sexual violence, such as victims of female genital mutilation.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/0SqRdMx8RS0=</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p>	
DET.2.c	Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Return Directive: Article 16(3) EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention. PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	<p>Based on the interpretation of Article 29, paragraph 3 of the Law on Asylum, the assessment is conducted after placement in an immigration centre.</p> <p>Specifically, Article 29, paragraph 3 of the Law on Asylum provides that the Ministry will prioritise processing asylum seekers with restricted movement, as well as minors, unaccompanied minors, single parents with minor children, individuals who have been tortured, raped, subjected to other forms of physical or psychological violence, pregnant women, elderly individuals, persons with illnesses and mental disorders, and persons with disabilities, with particular attention and care.</p>	<p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p>	

DET.2.d		Are stateless people detained in practice?	As above.	Stateless people may be detained. although from the officially presented data of the Ministry of Security it is not possible to establish that stateless persons were placed under surveillance in the Immigration Centre in the past period, as BiH collects data on foreigners placed in immigration detention disaggregated by nationality, but this does not include stateless people and people of unknown citizenship. The interpretation of Article 14 of the Law on Aliens and Article 66 of the Law on Asylum shows that a foreigner whose identity cannot be determined can be placed under surveillance at the Immigration Centre, and asylum seekers' movement can be temporarily restricted by prohibiting movement outside the Immigration Centre. As an asylum seeker can also be a stateless person, it is indisputable that stateless persons can be accommodated in an immigration centre.	Migration profil BiH for 2022 http://msb.gov.ba/PDF/100720231.pdf Report on the Work of the Service for Foreigners' Affairs for 2022 https://sps.gov.ba/dokumenti/izvjestaji/SPS%20-%20izvjestaj%20za%202022.pdf
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p>ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest. Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	<p>Partially, Article 119, paragraph 3 of the Law on Foreigners specifies that a foreigner may be placed under surveillance in an immigration centre for a maximum period of 90 days per decision. If the competent authority does not issue a new decision extending the measure, the person will be released from detention after that period. According to Article 119, paragraph 6 of the Law on Foreigners and Article 14, paragraph 5 of the Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina, surveillance in an immigration centre can be extended. If the reasons for which the foreigner was placed under surveillance in an immigration centre are still applicable after the expiry of the 90 days (reasons provided for in Article 118 (Determination of supervision) paragraph 3), the foreigner's surveillance may be extended each time up to 90 days. The total duration of surveillance in an immigration centre cannot exceed 180 days. As an exception, in case of lack of cooperation of the foreigner in the removal procedure or delay in obtaining the necessary documents from the country to which the foreigner is returned, the duration of surveillance may be extended to a period longer than 180 days. The total duration of surveillance in an immigration centre cannot exceed 18 months continuously. The Service is obliged to release the person after the maximum period for which surveillance can be imposed has passed. Release occurs automatically. Upon release from the immigration centre, there is no separate decision issued specifically for release. Cases have been reported of people designated as a threat to national security who have been in detention for more than 180 days, despite the fact that there was no lack of cooperation or difficulties in obtaining documents. The decision to place under surveillance is made in writing in accordance with Article 193 of the Law on Administrative Procedure, and an appeal against this decision can be lodged with the Ministry within three days under Article 120, paragraph 5 of the Law on Foreigners. After the initial 90-day period, the justification for continued detention is reviewed, so there are regular periodic reviews to check if the grounds for detention still apply. An appeal must be filed with the Court of Bosnia and Herzegovina</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/2023) http://www.sluzbenilist.ba/page/akt/OSqRdMx8RS0= Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina (BiH Official Gazette, 28/2016 and 57/2024) http://msb.gov.ba/PDF/Pravilnik%20o%20udaljenju%20i%20nadzoru%20stranaca-BOS.pdf Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf Vaša prava casework.</p>

			<p>ECtHR, Kim v. Russia (2014): The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>ECtHR, Mardonshoyev v. Russia (2019): The length of the detention should not exceed that reasonably required for the purpose pursued.</p>	<p>within three days of the expiration of the 18-month period as per paragraph 6 of this article, if the Ministry does not cancel the decision on placing the foreigner under surveillance in the immigration centre, i.e. does not cancel the decision on the extension or exceptional extension of surveillance in the immigration centre. The Court of Bosnia and Herzegovina is obliged to treat these cases as urgent, hear the foreigner, and make a decision on the appeal within three days of its submission. An appeal does not suspend the execution of the decision, so the person is not released until the court has made a decision on the appeal (which must be issued within three days).</p> <p>Regarding asylum seekers, Article 67 of the Law on Asylum states that the Ministry issues a decision on temporary restriction of movement for asylum seekers in writing, specifying the reasons, manner, and duration of the imposed movement restrictions.</p> <p>The maximum period of detention for asylum seeker is 180 days.</p> <p>An asylum seeker may challenge a decision on temporary restriction of movement by filing an administrative lawsuit with the Court of Bosnia and Herzegovina within eight days of receiving the decision. An appeal does not suspend the execution of the decision. The Court of Bosnia and Herzegovina is obligated to treat these cases as urgent and render a decision on the appeal within eight days of receiving it. When the movement of an asylum seeker is restricted in an immigration centre, the Court of Bosnia and Herzegovina will hear the asylum seeker in the administrative lawsuit.</p> <p>The decision to cancel movement restriction is not made in written form.</p>	
DET.3.b	Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p>Equal Rights Trust, Guidelines (2012): Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>Unlike the Law on Asylum, which guarantees access to free legal aid during proceedings for asylum seekers under Article 29, paragraph 1, point d), the Law on Foreigners, regulating residence permits based on humanitarian grounds, does not contain such provisions.</p> <p>Interpreting the provisions of the Law on Asylum and the Law on Foreigners indicates that free legal aid during proceedings is only guaranteed to stateless individuals if they are asylum seekers.</p> <p>For irregular migrants detained in immigration centres who are not officially engaged in any procedures (such as residence permits or asylum), these individuals often remain uninformed about their rights. They typically receive initial information about their rights after making contact with representatives of free legal aid or assistance services.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/23)</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No.16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p>	
DET.3.c	Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	<p>Yes. The Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina prescribes measures and actions for the forced removal of foreigners. Article 18, paragraph 1, points a), b), c), d) of this Rulebook specify the following actions to prepare for forced removal of a foreigner or to issue a decision on permission for execution (this decision establishes that the decision on forced removal has become enforceable and determines the manner and time of execution, as well as the country to which the foreigner returns):</p>	<p>The Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina (BiH Official Gazette, 28/2016 and 57/2024)</p> <p>http://msb.gov.ba/PDF/Pravilnik%20o%20udaljenju%20i%20nadzoru%20stranaca-BOS.pdf</p>	

				<p>a) Determination of the country to which the foreigner will be returned, b) Correspondence with the foreign country through the Ministry of Foreign Affairs of Bosnia and Herzegovina or another competent authority to prove the identity and citizenship of the foreigner, c) Obtaining travel documents for the foreigner in accordance with the law, if necessary, d) Informing and obtaining consent from the foreign country, through the Ministry of Foreign Affairs or another competent authority, regarding the acceptance of the forcibly returned foreigner to its territory.</p> <p>Additionally, according to Article 18, paragraph 2, the forced removal of a foreigner from Bosnia and Herzegovina is carried out in accordance with the provisions of readmission agreements.</p>	
<p>DET.4.a</p>	<p>Protections on release</p>	<p>Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?</p>	<p>1954 Convention: Article 27 UNHCR, Handbook on Protection (2014): Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021): There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (2015): State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>Yes, if during the process of granting temporary residence on humanitarian grounds it is determined that the person is stateless, provisions apply accordingly. According to Article 58, paragraph 9 of the Law on Foreigners, a stateless person who has been granted temporary residence under paragraph (2) of this article and does not possess a valid travel document is issued a certificate of identity.</p> <p>Furthermore, according to Article 34 of the Rulebook on Entry and Stay of Foreigners, a certificate of identity is issued to a foreigner who has been granted temporary residence on humanitarian grounds under Article 58, paragraph (2) of the Law, and it includes the residence permit.</p> <p>However, individuals who are not awaiting a decision on any residence permit or asylum procedure may be released without a written decision, any identity document or residence status.</p> <p>Only people with established non-refoulement principle are issued a certificate of stay.</p> <p>The Rulebook on the Surveillance and Removal of the Foreigners from BiH prescribes that, in the case of a foreigner whose request for asylum has been rejected or has not been granted refugee status or subsidiary protection, and who cannot be removed for the reasons prescribed in Article 109, paragraph (2) of the Law, the Service, at the request of the foreigner, and based on the recommendation of the authority responsible for asylum affairs, issues a certificate of stay. The certificate will not be issued unless there is a recommendation from the Ministry of Security. The certificate of stay allows a foreigner to stay in Bosnia and Herzegovina until the conditions for return are met and serves as an identification document.</p> <p>This certificate is issued for a period of up to one year and can be extended at the request of the foreigner under the conditions under which it was issued and with the recommendation of the authority responsible for asylum affairs. The certificate of stay is an integral part of the Rulebook Form 3.</p> <p>A foreigner who has been issued this certificate has the right to accommodation, food and access to health care if needed, which is decided in each individual case, and access to rights is ensured by the Ministry of Human Rights and Refugees of Bosnia and</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No. 63/23)</p> <p>Rulebook on Entry and Stay of Foreigners ("Official Gazette of Bosnia and Herzegovina", No. 25/2016, 83/2022, and 57/2024) http://www.sluzbenilist.ba/page/akt/tJNuBglObu0=</p>

				<p>Herzegovina.</p> <p>People issued this certificate are not protected against re-detention. A case has been reported of a person who has been issued this certificate but is still held in the immigration centre.</p> <p>Practice has shown that people determined to be stateless during removal proceedings are not routinely referred to the procedure for temporary residence on humanitarian grounds.</p> <p>There is a risk that the person may be re-detained in the future, if they are not granted a residence permit.</p>	
DET.4.b		<p>If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?</p>	<p>CJEU, Kadzoev, C-357/09 PPU (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>Theoretically and in accordance with the Law on Foreigners, it is possible for a person who has been under surveillance in an immigration centre to be granted residence on humanitarian grounds as a stateless person or asylum seeker status in accordance with the Law on Asylum. However, the most common situation in practice is that individuals are released from immigration centres without any official status or rights, and their presence without official status is tolerated. This means that the person will be able to stay in BiH, but their stay will not be regulated in any of the ways provided for by law. In practice, they will stay on the territory of BiH without an approved residence permit.</p>	<p>Law on Foreigners of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", Nos. 88/2015, 34/2021, and 63/2023) http://www.msb.gov.ba/PDF/Zakon%20o%20strancima%20H.pdf</p> <p>Law on Amendments to the Law on Foreigners ("Official Gazette of BiH", No.</p> <p>Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 11/2016) https://sps.gov.ba/dokumenti/zakoni/Zakon%20o%20azilu.pdf</p> <p>Amendment to the Law on Asylum ("Official Gazette of Bosnia and Herzegovina", No. 16/2016) https://granpol.gov.ba/data/documents/pdf/Ispravka%20Zakona%20o%20azilu.pdf</p>
DET.5.a	Return and readmission agreements	<p>Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements? Please also describe whether the child's right to a nationality, and their enjoyment of other fundamental rights in the country of return, are taken into consideration before a decision to return a child is made.</p>	<p>UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	<p>Yes, Bosnia and Herzegovina has signed a readmission agreement with the European Union regarding persons staying without residence permits, as well as specific bilateral agreements with individual EU member States and bilateral readmission agreements with countries outside the EU or exempt from the EU Agreement. These countries include Denmark, Norway, Switzerland, North Macedonia, Montenegro, Albania, Moldova, Türkiye, Serbia, Russian Federation, and Pakistan. These agreements oblige each party to accept not only their own nationals but also stateless persons. The agreements are explicit about accepting stateless persons and the person needs to have been residing in that country before.</p> <p>Regarding minors, according to Article 28 of the Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina, the Service for Foreigners' Affairs collaborates with the relevant social welfare centre to prepare and execute the removal of unaccompanied minors from BiH, in accordance with the signed readmission agreements or through the Ministry of Foreign Affairs or other competent authorities. The guardian, with the assistance of the authorities mentioned, initiates the process of obtaining documentation from the minor's country of origin or habitual residence, or from a country willing to accept the unaccompanied minor, to assess the risks and safety of return. Based on the best interests of the child, a decision is made whether to reunite the child with their family and return them to their country of origin or habitual residence, or to a country willing to accept them. An unaccompanied minor will not be returned to their country of origin or habitual residence, or to a country willing to accept them, if there is reasonable suspicion, after assessing the risks and safety, that their security would be endangered by the</p>	<p>Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorization (BiH Official Gazette – Joint Declarations, 13/07) https://sps.gov.ba/dokumenti/medjunarodni/Sporazum%20o%20readmisiji%20BiH%20-%20EU.pdf</p> <p>The Rulebook on the Surveillance and Removal of Foreigners from Bosnia and Herzegovina (BiH Official Gazette, 28/2016 and 57/2024) http://msb.gov.ba/PDF/Pravilnik%20o%20udaljenju%20i%20nadzoru%20stranaca-BOS.pdf</p>

				return.	
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		<p>Yes, it happens that Bosnia and Herzegovina has accepted individuals for readmission to the country who are presumed to be Bosnian citizens but do not possess relevant foreign birth documents/proof of their citizenship, which leads to difficulties in obtaining documents and accessing rights in BiH.</p> <p>Regarding persons who have been removed from Bosnia and Herzegovina, among the 829 individuals reportedly removed by the Service for Foreigners' Affairs in 2022, it is likely that there were also stateless persons. However, their statelessness status in BiH was not confirmed and there is no data on the exact number of affected individuals.</p>	<p>Reception and integration of citizens of BiH returning under readmission agreements and 2020-2023 Action Plan https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj00Y_hwrOGAxS77sIHRZ4DjwQFnoECA4QAQ&url=https%3A%2F%2Fekonsultacije.gov.ba%2Flegislationactivities%2Fdownloaddocument%3FdocumentId%3D13014&usg=AOvVaw2v-pFnbHBVzHfrQKpeyxVD&opi=89978449</p> <p>Report on the Work of the Service for Foreigners' Affairs for 2022 https://sps.gov.ba/dokumenti/izvjestaji/SPS%20-%20izvjestaj%20za%202022.pdf</p>

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should lower legal and practical hurdles to citizenship and establish pathways for naturalisation that are equally accessible to women and men, including by removing gender-discriminatory provisions in documentation and other administrative requirements.</p>	<p>General rules for naturalisation of foreigners:</p> <p>Article 9 of the Law on Citizenship of Bosnia and Herzegovina provides that a foreigner who applies for Bosnian citizenship through naturalisation must meet the following conditions:</p> <ul style="list-style-type: none"> a) Must be at least 18 years old; b) Must have had approved permanent residence in Bosnia and Herzegovina for at least three years before submitting the application. It should be noted that permanent residence is obtained after five years of temporary residence, so the foreigner must have resided for at least eight years in total in the country; c) Must have sufficient knowledge of the script and language of one of the constituent peoples of Bosnia and Herzegovina; d) Must not have been subject to the measure of expulsion of foreigners from the territory of Bosnia and Herzegovina by the authority whose legality is established by the Constitution and this decision is still in force; e) Must not have been convicted of serving a sentence for intentional crimes for more than three years within an eight-year period from the date of application; f) Must renounce or otherwise lose their previous citizenship before acquiring Bosnian citizenship, unless a bilateral agreement under Article 14 provides otherwise. Renunciation or loss of previous citizenship will not be required if this is not permitted or cannot be reasonably demanded; g) Must not be subject to criminal proceedings, unless proof of meeting this condition cannot be reasonably requested; h) Must not pose a threat to the security of Bosnia and Herzegovina; i) Must have a permanent source of income sufficient to support oneself or be able to provide reliable proof of financial sources for their own maintenance; j) Must have settled all tax or other financial obligations; k) Must sign a statement accepting the legal system and constitutional order of Bosnia and Herzegovina; and l) Must have a valid guarantee of acquiring Bosnian citizenship, i.e. a confirmation from the competent authorities in Bosnia and Herzegovina that the foreigner meets the conditions for naturalisation and that they will acquire BiH citizenship if their current nationality ceases. The guarantee is issued for the purpose of terminating the citizenship of a foreigner in their country and is one of the ways to prevent statelessness. <p>Naturalisation will not be granted, even if the applicant meets the general requirements for naturalisation, if there are reasonable grounds to suspect that granting naturalisation would endanger the security of Bosnia and Herzegovina and public order, or if naturalisation is not in accordance with the interests of Bosnia and Herzegovina for any other reason determined based on a comprehensive assessment of the applicant's situation.</p> <p>Special provisions for stateless persons, refugees, and minors:</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>

				<p>To obtain citizenship in Bosnia and Herzegovina, individuals identified as stateless or refugees must have been continuously residing in Bosnia and Herzegovina for a period of five years, which is reduced from the total of eight years under the general rules for foreigners. This residence is granted by the Service for Foreigners' Affairs. This is a preferential treatment granted to stateless persons and refugees given the specific nature of their status, as the general rule for acquiring citizenship through naturalisation requires the applicant to have had permanent residence for at least three years before submitting their application (see above).</p> <p>Article 12(1) of the Law on Citizenship of Bosnia and Herzegovina states that stateless persons and refugees can acquire citizenship without meeting the conditions in Article 9(1)(b), (c), (f), (i), and (j) (at least three years' permanent residence, language knowledge, renunciation or loss of previous nationality, sufficient income source, and settlement of financial obligations), if they have had continuous residence in Bosnia and Herzegovina for five years before submitting the application.</p> <p>According to Article 12(2) and (3), a minor child of a person who has acquired citizenship of Bosnia and Herzegovina by naturalisation under paragraph (1) of this Article has the right to obtain citizenship of Bosnia and Herzegovina without meeting the conditions in Article 9(1)(a), (b), (c), (f), (i), and (j), if the child has refugee status or approved temporary residence in Bosnia and Herzegovina, regardless of the length of stay. If the child is older than 14 years, their consent is required.</p>	
PRS.1.b		<p>Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.</p>	<p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	<p>Based on the interpretation of Article 9 and Article 12 of the Law on Citizenship of Bosnia and Herzegovina, it can be concluded that a stateless person can acquire Bosnian citizenship under the condition that no measure of expulsion of foreigners from the country or protective measure of removal of foreigners from the territory of Bosnia and Herzegovina has been imposed on them by an authority whose legality is established by the Constitution and that this decision is still in force. Additionally, they must not have been convicted of serving a sentence for intentional crimes for more than three years within an eight-year period from the date of application, must not be subject to criminal proceedings unless proof of meeting this condition cannot be reasonably requested, and must not pose a threat to the security of Bosnia and Herzegovina.</p> <p>Article 7 of the Rulebook on Specified Evidence of Eligibility for Acquisition of the Citizenship of Bosnia and Herzegovina through Naturalisation or Facilitated Naturalisation specifies that a foreigner applying for Bosnian citizenship under the provisions of Article 11a (refugees and stateless persons) of the Law shall obtain evidence from Article 9 points 5 and 7 of the Law from the competent authority in Bosnia and Herzegovina and is not obliged to obtain them abroad (evidence that they have not been convicted for more than three years within an eight-year period before submitting the application and that criminal proceedings are not pending against them).</p> <p>(2) A decision on the expulsion of foreigners from the country or a protective measure of removal of foreigners from the territory of</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p> <p>Rulebook on Specified Evidence of Eligibility for Acquisition of the Citizenship of Bosnia and Herzegovina through Naturalization or Facilitate Naturalisation("Official Gazette of Bosnia and Herzegovina", No./24</p> <p>https://www.advokat.attorney/Pravilnik-o-preciziranju-dokaza-o-ispunjavanju-uslova-za-sticanje-drzavljanstva-BiH.pdf</p>

				Bosnia and Herzegovina issued to a person under paragraph (1), before recognising refugee status or temporary residence for stateless persons on humanitarian grounds, will not affect their naturalisation process.	
PRS.1.c		<p>Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children.</p> <p>Are there any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices?</p>	<p>1954 Convention: Article 32 UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021): States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation. Human Rights Council Resolution on the right to a nationality (2023): States should adopt and implement nationality legislation with a view to preventing and reducing statelessness. States should refrain from enacting or maintaining discriminatory nationality legislations, policies and practices with a view to avoiding statelessness, and eliminating discrimination against all women and girls in the acquisition of nationality.</p>	<p>Article 9 of the Law on Citizenship of Bosnia and Herzegovina provides that stateless persons and refugees applying for Bosnian citizenship are exempt from proving sufficient knowledge of the script and language of one of the constituent peoples of Bosnia and Herzegovina. They are also exempt from the requirement of having at least three years' permanent residence, renouncing or losing their previous nationality, having a permanent source of income sufficient to support themselves or proving financial sources for their own maintenance, and having settled taxes or other financial obligations.</p> <p>However, concerning administrative fees, due to the specific governance structure of Bosnia and Herzegovina, the competence for handling citizenship acquisition procedures lies with the Federal Ministry of Internal Affairs and the Ministry of Administration and Local Self-Government of Republika Srpska. These bodies have established different fee amounts for citizenship acquisition through their respective regulations.</p> <p>The Law on Administrative Fees of the Federation of Bosnia and Herzegovina and the Law on Administrative Fees of Republika Srpska do not provide exemption from paying fees for persons recognized as stateless in citizenship acquisition procedures. According to item 7 of the tariff of Federal administrative fees, the fee for citizenship admission amounts to 450.00 KM (about 230 EUR), while under tariff item 67 of the tariff of Republika Srpska administrative fees, the fee for the application for Bosnian citizenship amounts to 100.00 KM (about 51 EUR). There are no reports of direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices, as there have been very limited instances of naturalisation of stateless people in the practice of Vasa prava BiH. There has only been one case recently of a person with temporary residence on humanitarian grounds who acquired BiH citizenship.</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p> <p>Law on administrative fees of Federation of BiH ("Official gazette of F BiH No.: 06/98, 8/00, 45/10, 43/13 i 98/17) https://www.fmoit.gov.ba/upload/file/ZAKON%20O%20FEDERALNIM%20UPRAVNIM%20TAKSAMA.pdf</p> <p>Law on administrative fees of of Republika Srpska ("Official gazette od RS, no. 100/2011, 103/2011 - correction., 67/2013 i 123/2020) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-administrativnim-taksama.html</p>
PRS.2.a	Stateless born on territory	<p>Is there a provision in law for stateless children born on the territory to acquire nationality, regardless of sex, gender, or residence status of their parents? [If yes, continue to PRS2b. If no, proceed to PRS2i]</p>	<p>1961 Convention: Article 1 CRC: Article 7 ECN: Article 2 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. Human Rights Council Resolution on the right to a nationality (2023): States should facilitate the acquisition of nationality by children born on their territories or to their nationals abroad who would otherwise be stateless. Report of the UN Special Rapporteur on Violence</p>	<p>Yes, according to Article 7 of the Law on citizenship of Bosnia and Herzegovina, Article 6 of the Law on Citizenship of the Federation of Bosnia and Herzegovina, and Article 9 of the Law on citizenship of Republika Srpska, citizenship of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska will be granted to a child born or found on the territory of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska if the child is stateless, or if both their parents are unknown, of unknown citizenship, or stateless.</p> <p>If for example the father is unknown and the mother has a nationality but is unable to pass it to the child (due to gender discriminatory laws), the child is considered stateless and therefore granted citizenship.</p> <p>Article 7 of the Law on citizenship of Bosnia and Herzegovina states: "Citizenship of Bosnia and Herzegovina will be granted to a child who is born or found on the territory of Bosnia and Herzegovina</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p> <p>Law on citizenship of the Federation of Bosnia and Herzegovina ("Official Gazette of Federation of Bosnia and Herzegovina", No. 34/2016 i 98/2016 - ispr.) https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-federacije-bosne-i-hercegovine.html</p> <p>Law on citizenship of Republika Srpska (Official Gazette of Republika Srpska no. 59/2014) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavljanstvu-republike-srpske.html</p>

			<p>against women and girls, nationality laws and statelessness (2023): States should implement the CEDAW and uphold their obligations under the CRC, to ensure the child's right to acquire their parents' nationality without discrimination on the basis of sex or residency status, and review and reform nationality laws and practices relating to nationality that discriminate on any prohibited grounds, including on the basis of sex or gender.</p> <p>European Parliament resolution (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p> <p>European Parliament Resolution (2019): States should find a solution to the issue of stateless children within and outside the EU. The European Commission should promote the child's right to acquire a nationality.</p> <p>Human Rights Committee, Zhao v. Netherlands (2020): States must adopt every appropriate measure to ensure that every child has a nationality when they are born.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): Article 7 CRC requires States to take positive action to implement the right to acquire a nationality.</p>	<p>after the Constitution came into effect, and whose both parents are unknown or of unknown citizenship, or stateless, or if the child itself is stateless."</p> <p>Article 6, paragraph 1 of the Law on citizenship of the Federation of Bosnia and Herzegovina states: "A child born or found on the territory of the Federation after the Constitution of Bosnia and Herzegovina came into effect, whose both parents are unknown or of unknown citizenship or are stateless, or if the child itself is stateless, acquires the citizenship of the Federation."</p> <p>Article 9, paragraph 3 of the Law on citizenship of Republika Srpska states: "A child who is born or found on the territory of Republika Srpska, whose both parents are unknown or of unknown citizenship or are stateless, or if the child itself is stateless, acquires the citizenship of Republika Srpska."</p>	
PRS.2.b	Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p>ENS, No Child Should Be Stateless (2015): The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	<p>The provision is non-automatic. The procedure for registration in the birth and citizenship registry for children whose parents are unknown, of unknown citizenship, or stateless, or if the child is stateless, is conducted according to the entity laws and subordinate acts on citizenship.</p> <p>Article 17(1)(c) and (d) of the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens specifies the evidence required to apply for citizenship. This prescribes stricter criteria than those prescribed by law. If a stateless child is born in the territory of the Federation, in accordance with Article 6 of the Law on Citizenship, the application must include the following:</p> <ul style="list-style-type: none"> - Birth registration of the child on Form number 1 or Form number 2, (this requirement is applicable to refugees, despite a court decision holding that this could not be request of them) - Certificate, confirmation, or another appropriate act by the competent authority of the parents' country (or countries) of origin that the child does not meet the conditions to acquire citizenship of that country by parentage, (this requirement does not apply to refugees). - A declaration by the parents of the child, certified by the competent authority, stating that the child does not hold citizenship of any other country. <p>The Instruction on Manner of keeping registry books of Republika Srpska does not specify the procedure or evidence for a child who would otherwise be stateless. There is no specific written procedure and the procedure is to be conducted in accordance with the laws on citizenship and the law on administrative procedure.</p>	<p>Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens (Official Gazette of the Federation of Bosnia and Herzegovina no. 108/12)) https://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/pravilnik_od_post.stic_i_prest.drzavlj.fbih_0.pdf</p> <p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBiH in the Register of Births and Citizens (Official Gazette of the Federation of Bosnia and Herzegovina no. 85/16) http://www.fmup.gov.ba/files/broj085-41-77.pdf</p> <p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBiH in the Register of Births and Citizens (Official Gazette of the Federation of Bosnia and Herzegovina no. 38/22) http://www.fmup.gov.ba/files/Pravilnik%20o%20izmjeni%20i%20dopuni%20Pravilnika%20o%20postupku,%20dokaznim%20sredstvi%20i%20na%20C4%8Dinu%20upisa%20dr%20C5%BEavljanstva%20Federacije%20BiH%20u%20mati%20C4%8Dnu%20knjigu%20ro%20C4%91enih%20i%20mati%20C4%8Dnu%20knjigu%20dr%20C5%BEavljana.pdf</p> <p>Instructions on Manner of keeping the registry books of Republika Srpska (RS Official Gazette, 55/10,) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 119/12)</p>	

				<p>When it comes to the Brčko District of Bosnia and Herzegovina, the Law on Registry Books and Instructions on Manner of keeping registry books do not specify the procedure for acquiring citizenship for a child who would otherwise be stateless. There is no specific written procedure and the procedure is to be conducted in accordance with the laws on citizenship and the law on administrative procedure.</p> <p>In the case of a child who is born stateless, even if the parent is known and has a nationality, the child will be directed to start the process of acquiring citizenship in the country of origin of their parents if the parents are citizens of that country.</p>	<p>https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 64/13) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 32/17) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009, 43/2013, 66/2018) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p> <p>Instructions on Manner of keeping the registry books of Brčko District of BiH (BD BiH Official Gazette, 44/12) http://www.podaci.net/_gBiH/propis/Pravilnik_o_vodjenju/P-vmknig05v1244.html</p>
PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	<p>No, there is no institutionalised way to inform parents about the procedures.</p> <p>The Law on Registry Books of the Federation of Bosnia and Herzegovina provides that free professional assistance is provided for the registration in the birth and death records for socially vulnerable individuals and members of national minorities, but not for citizens.</p> <p>Article 52 of the Law on Registry Books of the Federation of Bosnia and Herzegovina prescribes that the municipality, or city, is obligated to organise the provision of free professional assistance for the registration of individuals in the birth and death records who have the status of socially vulnerable individuals or national minorities, and to create conditions for all these individuals to be registered in the birth and death records.</p> <p>The registration of individuals from paragraph 1 of this article in the vital records by the municipality, city, canton, and Federation must be exempted from the obligation of paying the costs and taxes foreseen for registration in the birth and death records.</p> <p>The guardianship authority needs to appoint a special guardian for the subsequent registration of individuals from paragraph 1 of this article in the birth and death records.</p>	<p>Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12) https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf</p> <p>Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette, 80/2014) https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41h.htm</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20maticnim%20knjigama/000%2058-11%20Zakon%20o%20maticnim%20knjigama%20Brc--ko%20distrikta%20BiH%20-%20poc--etak%20primjene%20od%2001.04.2012.pdf</p>	

				The Law on Registry Books of the Republika Srpska and the Law on Registry Books of the Brčko District of BiH do not contain provisions about legal or professional assistance.	
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): The test is not an inquiry into whether a child's parents are stateless.</p> <p>ENS, No Child Should Be Stateless (2015): Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.</p>		No, not necessarily, that is one of the requirements, but a child can also acquire nationality if the parents are unknown or of unknown citizenship, or if the child would otherwise be stateless. Article 7 of the Citizenship Law of Bosnia and Herzegovina, Article 6 of the Citizenship Law of the Federation of Bosnia and Herzegovina, and Article 9 of the Citizenship Law of Republika Srpska prescribe that citizenship of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska will be granted to a child who is born or found on the territory of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska whose parents are both unknown or of unknown citizenship or stateless, or if the child would otherwise be stateless.	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p> <p>Law on citizenship of the Federation of Bosnia and Herzegovina("Official Gazette of Federation of Bosnia and Herzegovina", No. 34/2016 i 98/2016 - ispr.) https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-federacije-bosne-i-hercegovine.html</p> <p>Law on citizenship of Republika Srpska (Official Gazette of Republika Srpska no. 59/2014) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavljanstvu-republike-srpske.html</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009, 43/2013, 66/2018) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p>
PRS.2.e	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.</p> <p>Human Rights Committee, Zhao v. Netherlands (2020): The burden of proof must be shared between the claimant and the authorities of the contracting State to obtain evidence and to establish the facts as to whether an individual would otherwise be stateless.</p>		<p>The procedure for registration in the birth and citizenship registry in cases of children whose parents are unknown or of unknown citizenship, or if the child would otherwise be stateless, is carried out in accordance with the entity laws and subordinate acts on citizenship.</p> <p>Article 17(1)(c) and (d) of the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Birth and Citizens requires the presentation of (1) a certificate, confirmation, or other appropriate act from the competent authority of the parents' country of origin stating that the child does not meet the conditions to acquire citizenship of that country by parentage; and (2) a declaration by the parents of the child, certified by the competent authority, stating that the child does not have the citizenship of any other country.</p> <p>The Instructions on Manner of keeping registry books of Republika Srpska does not provide for a specific procedure or evidence for a child who would otherwise be stateless. There is no written procedure. The procedure is conducted in accordance with the laws on citizenship and the law on administrative procedure.</p> <p>In the case of the Brčko District of BiH, the Law on Registry Books and the Instructions on Manner of keeping registry books do not provide for a specific procedure for acquiring citizenship for a child who would otherwise be stateless. There is no written procedure.</p>	<p>Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens (Federation of Bosnia and Herzegovina Official Gazette 108/12) https://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/pravilnik_od_post.stic_i_prest_drzavlj_fbih_0.pdf</p> <p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBIH in the Register of Births and Citizens (FBIH Official Gazette, 85/16) http://www.fmup.gov.ba/files/broj085-41-77.pdf</p> <p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBIH in the Register of Births and Citizens (FBIH Official Gazette,38/22) http://www.fmup.gov.ba/files/Pravilnik%20o%20izmjeni%20i%20dopuni%20Pravilnika%20o%20postupku,%20dokaznim%20sredstvima%20i%20na%20Dinu%20upisa%20dr%20C5%BEavljanstva%20Federacije%20BiH%20u%20mat%20i%20C4%8Dnu%20knjigu%20ro%20C4%91enih%20i%20mat%20i%20C4%8Dnu%20knjigu%20dr%20C5%BEavljana.pdf</p> <p>Instructions on Manner of keeping the registry books of Republika Srpska (RS Official Gazette, 55/10) https://www.vladars.net/sr-SP-Cyri/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p>

				The procedure is conducted in accordance with the laws on citizenship and the law on administrative procedure.	<p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 119/12) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 63/13) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 32/17) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009, 43/2013, 66/2018) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p> <p>Instructions on Manner of keeping the registry books of Brčko District of BiH (BD BiH Official Gazette, 44/12) http://www.podaci.net/gBiH/propis/Pravilnik_o_vodjenju/P-vmkng05v1244.html</p>
PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. CRC: Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. ECN: Article 6(2)(b)</p>	No. It is not provided that a stateless child whose parents are unknown, of unknown citizenship, or stateless, must have approved residence. Article 7 of the Law on Citizenship of Bosnia and Herzegovina, Article 6 of the Law on Citizenship of the Federation of Bosnia and Herzegovina, and Article 9 of the Law on Citizenship of Republika Srpska prescribe that the citizenship of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska will be granted to a child who is born or found on the territory of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska whose parents are both unknown, of unknown citizenship, or stateless, or if the child would otherwise be stateless.	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p> <p>Law on citizenship of the Federation of Bosnia and Herzegovina("Official Gazette of Federation of Bosnia and Herzegovina", No. 34/2016 i 98/2016 - ispr.) https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-federacije-bosne-i-hercegovine.html</p> <p>Law on citizenship of Republika Srpska (Official Gazette of Republika Srpska no. 59/2014) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavljanstvu-republike-srpske.html</p>
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>Committee on the Rights of the Child, Concluding observations on Czech Republic (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS, No Child Should Be Stateless (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	No, if the parents are of unknown citizenship or are stateless, it is not provided that they must have approved residence. Article 7 of the Law on Citizenship of Bosnia and Herzegovina, Article 6 of the Law on Citizenship of the Federation of Bosnia and Herzegovina, and Article 9 of the Law on Citizenship of Republika Srpska prescribe that the citizenship of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or Republika Srpska will be granted to a child who is born or found on the territory of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p> <p>Law on citizenship of the Federation of Bosnia and Herzegovina("Official Gazette of Federation of Bosnia and Herzegovina", No. 34/2016 i 98/2016 - ispr.)</p>

				Republika Srpska whose parents are both unknown, of unknown citizenship, or stateless, or if the child would otherwise be stateless.	https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-federacije-bosne-i-hercegovine.html Law on citizenship of Republika Srpska (Official Gazette of Republika Srpska no. 59/2014) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavljanstvu-republike-srpske.html
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015) : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	The citizenship laws applicable in Bosnia and Herzegovina do not contain provisions that prescribe an age limit for filing applications, although in accordance with Article 7 of the Law on Citizenship of Bosnia and Herzegovina, Article 6 of the Law on Citizenship of the Federation of Bosnia and Herzegovina, and Article 9 of the Law on Citizenship of Republika Srpska, all three provisions use the term "child." There are no administrative fees for making an application for citizenship.	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html Law on citizenship of the Federation of Bosnia and Herzegovina("Official Gazette of Federation of Bosnia and Herzegovina", No. 34/2016 i 98/2016 - ispr.) https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-federacije-bosne-i-hercegovine.html Law on citizenship of Republika Srpska (Official Gazette of Republika Srpska no. 59/2014) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavljanstvu-republike-srpske.html
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities. UNHCR, Best Interests Procedure Guidelines: Assessing and Determining the Best Interests of the Child (2021) : The best interests principle applies to all children within the territory of the State, irrespective of their status.	Yes, according to Article 12 of the Citizenship Law of Bosnia and Herzegovina , children of naturalised persons, including children of stateless persons or refugees, are entitled to citizenship themselves if they have themselves refugee status or temporary residence in the territory of Bosnia and Herzegovina, regardless of the duration of stay, and are exempt from the requirements: from Article 9, paragraph (1), items a), b), c), f), i), and j). The same conditions apply in the Federation of Bosnia and Herzegovina (Article 11, paragraph 2 of the Law on Citizenship of the Federation of Bosnia and Herzegovina) and in Republika Srpska (Article 16, paragraph 2 of the Law on Citizenship of Republika Srpska). As noted in previous answers, the requirement to prove that parents cannot confer their citizenship to their child with a statement from the authorities from the country of origin does not apply to refugees.	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html Law on citizenship of the Federation of Bosnia and Herzegovina("Official Gazette of Federation of Bosnia and Herzegovina", No. 34/2016 i 98/2016 - ispr.) https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-federacije-bosne-i-hercegovine.html Law on citizenship of Republika Srpska (Official Gazette of Republika Srpska no. 59/2014) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavljanstvu-republike-srpske.html
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	1961 Convention : Article 2 ECN : Article 6(1)(b)	Children found on the territory of Bosnia and Herzegovina are entitled to citizenship. However, the provision is not automatic. There are no difficulties for foundlings to acquire citizenship in practice so far, however, in the future, difficulties may arise in the Federation of Bosnia and Herzegovina, considering that this area has been heavily regulated by bylaw. Article 18 of the Law on Registry Books of the Federation of Bosnia and Herzegovina prescribes that a child whose parents are unknown is to be registered in the birth registry maintained for the place where the child was found. The registration of the child from paragraph 1 of this article in the birth registry is conducted based on the legally binding decision of the competent guardianship authority, which this authority submits to the competent registrar. The decision includes: the name, surname, and gender of the child, the day, month, year, and hour of birth, and the place of birth is	Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12) https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette, 80/2014) https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41h.htm Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens (Federation of Bosnia and Herzegovina Official Gazette FBiH 108/12) https://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/pravilnik_od_post.stic_i_prest_drzavlji_fbih_0.pdf

			<p>recorded as the location where the child was found.</p> <p>The citizenship of the child is determined by the competent registry office municipality and city service in accordance with the citizenship regulations of the Federation.</p> <p>Furthermore, the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens prescribes that in the process of acquiring citizenship for a child found on the territory of the Federation, in accordance with Article 6 of the Law, and the child is stateless, the proof consists of a decision by the competent care authority issued in the procedure conducted according to Article 18 of the Law on Registry books.</p> <p>Article 18 of the Law on Registry Books of Republika Srpska provides that a child whose parents are unknown is to be registered in the birth registry of the registry area where the child was found. Registration is carried out based on the decision of the competent guardianship authority, which, along with the report, is delivered to the competent registrar. The decision includes: the name, surname, and gender of the child, the day, month, year, hour, and place of birth, and the citizenship of the child. The place of birth recorded is the location where the child was found. The citizenship of a child whose parents are unknown is recorded in accordance with the citizenship regulations of Republika Srpska. The guardianship authority issues the decision provided for in Article 18, paragraph 2, based on the report on finding the child, which is composed and submitted to this guardianship authority by the competent cantonal ministry. This report is then submitted by the guardianship authority to the competent registrar along with their decision.</p> <p>The competent service of the municipality or city service then issues a decision on the child's citizenship.</p> <p>Additionally, paragraphs 73 and 74 of the Instructions on the Method of Manner of keeping the registry books of Republika Srpska prescribe that a child whose parents are unknown is to be registered in the birth registry based on the decision of the competent guardianship authority, and paragraph 74 mandates that the competent authority must compile a report on the discovery of the newborn child whose parents are unknown immediately or at the latest by the next day. The report on finding the child is to be compiled in three copies and includes the personal name and address of the person who found or reported the child, the name, time, and circumstances under which the child was found, the gender and approximate age of the child, distinctive physical marks, description of clothing and other items found with the child, the name of the institution and details about the person with whom the child was found, as well as statements from witnesses who were present at the finding of the child or are otherwise knowledgeable about the circumstances of the finding. One copy of the report is delivered to the guardianship authority for making a decision according to the provisions of Article 18, paragraphs 2 and 5 of the Law on Vital Records.</p> <p>Article 9, paragraph 5 of the Law on Registry Books of Brčko District of Bosnia and Herzegovina prescribes that the birth of a</p>	<p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBiH in the Register of Births and Citizens (FBiH Official Gazette, 85/16) http://www.fmup.gov.ba/files/broj085-41-77.pdf</p> <p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBiH in the Register of Births and Citizens (FBiH Official Gazette, 38/22) http://www.fmup.gov.ba/files/Pravilnik%20o%20izmjeni%20i%20opuni%20Pravilnika%20o%20postupku,%20odokaznim%20sredstvima%20i%20na%20Dinu%20upisa%20dr%20C5%BEavljanstva%20Federacije%20BiH%20u%20mat%20i%20C4%8Dnu%20knjigu%20ro%20C4%91enih%20i%20mat%20i%20C4%8Dnu%20knjigu%20dr%20C5%BEavljana.pdf</p> <p>Instructions on Manner of keeping the registry books of Republika Srpska (RS Official Gazette, 55/10) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 119/12) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 63/13) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 32/17)</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009, 43/2013, 66/2018) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p> <p>Instructions on Manner of keeping the registry books of Brčko District of BiH (BD BiH Official Gazette, 44/12)</p> <p>http://www.podaci.net/_gBiH/propis/Pravilnik_o_vodjenju/Pvmknig05v1244.html</p>
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				child whose parents are unknown is to be registered in the birth registry maintained for the populated area where the child was found, while the Instructions on Manner of keeping the registry books of Brčko District does not specify the procedure or necessary evidence required for registering the child's citizenship.	
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No, the citizenship laws applicable in Bosnia and Herzegovina do not contain provisions that prescribe an age limit for filing applications, in accordance with Article 7 of the Law on Citizenship of Bosnia and Herzegovina, Article 6 of the Law on Citizenship of the Federation of Bosnia and Herzegovina, and Article 9 of the Law on Citizenship of Republika Srpska, although all three provisions use the term "child."	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html Law on citizenship of the Federation of Bosnia and Herzegovina("Official Gazette of Federation of Bosnia and Herzegovina", No. 34/2016 i 98/2016 - ispr.) https://www.paragraf.ba/propisi/fbih/zakon-o-drzavljanstvu-federacije-bosne-i-hercegovine.html Law on citizenship of Republika Srpska (Official Gazette of Republika Srpska no. 59/2014) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-drzavljanstvu-republike-srpske.html
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	1961 Convention : Article 5 European Convention on the Adoption of Children (2008) : Article 12 ENS, No Child Should Be Stateless (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No. The Law on Citizenship of Bosnia and Herzegovina provides that citizenship can be terminated for a child who is a citizen of Bosnia and Herzegovina by renunciation or release at the request of the adopter. Article 19, paragraph 2 of the Law on Citizenship of Bosnia and Herzegovina states that citizenship of Bosnia and Herzegovina shall cease for a child living abroad who possesses or is guaranteed citizenship of another country by renunciation at the request of both parents whose citizenship of Bosnia and Herzegovina has ceased by renunciation, or at the request of one parent whose citizenship of Bosnia and Herzegovina has ceased by renunciation with the consent of the other parent who is a citizen of Bosnia and Herzegovina, or at the request of one parent whose citizenship of Bosnia and Herzegovina has ceased by renunciation if the other parent is deceased, has lost parental rights, is a foreigner, or stateless, or at the request of the adopter if their citizenship of Bosnia and Herzegovina has ceased by renunciation and the relationship between the adopter and the adopted child constitutes a relationship of full adoption. If the child is older than 14 years, their consent is required. Article 22 of the Law on Citizenship of Bosnia and Herzegovina prescribes that for a child under 18 years of age who has acquired, or is guaranteed the acquisition of citizenship of another State, and who still resides in the territory of Bosnia and Herzegovina, the citizenship of Bosnia and Herzegovina shall cease by release at the request of the adopter if their citizenship of Bosnia and Herzegovina has ceased by release, and the relationship between the adopter and the adopted child represents a relationship of full	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html

				<p>adoption.</p> <p>Citizenship that ceases by release is a form of termination of nationality by request of a citizen living in BiH. It is similar to renunciation of nationality except that in renunciation the citizen must live abroad.</p> <p>The Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens provides that the condition for termination of FBiH citizenship is the proof that the child acquired the citizenship of another country after full adoption (decision or other act on full adoption and proof of acquisition of citizenship of another country).</p> <p>The citizenship laws of the FBiH and the Republika Srpska provide that the decision on dismissal or renunciation will be annulled if the person has not acquired the citizenship of the country that issued the guarantee.</p> <p>There has been one case where the guarantee of acquisition of citizenship issued by another country was cancelled and the BiH authorities had previously made a decision to terminate the citizenship. The request to register and re acquire BiH citizenship was approved without issues.</p>	
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<p>ECN: Article 6(4)(d) European Convention on the Adoption of Children (2008): Article 12</p> <p>Committee on the Rights of the Child, Concluding Observations on Switzerland (2015): Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.</p>	<p>Yes, provided that the child has not reached the age of 18. Article 8 of the Law on Citizenship of Bosnia and Herzegovina provides that a child under 18 years of age who has been fully adopted by a citizen of Bosnia and Herzegovina after the Constitution came into effect acquires the citizenship of Bosnia and Herzegovina (1995).</p> <p>It is necessary to submit an application for acquiring citizenship. No practical barriers have been reported in this process.</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>
PRS.5.a	ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	<p>1961 Convention: Article 4</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.</p>	<p>Yes, Article 6 of the Law on Citizenship of Bosnia and Herzegovina specifies that a child born after the Constitution came into effect acquires the citizenship of Bosnia and Herzegovina by origin/descent:</p> <ul style="list-style-type: none"> - whose both parents were citizens of Bosnia and Herzegovina at the time of the child's birth, regardless of the place of birth; - whose one parent was a citizen of Bosnia and Herzegovina at the time of the child's birth, and the child was born abroad, if the child would otherwise be stateless; - if born abroad, and whose one parent was a citizen of Bosnia and Herzegovina at the time of the child's birth, provided that by the time the child reaches the age of 23, they submit an application for registration of Bosnian citizenship to the competent authority. 	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<p>ECtHR, Genovese v. Malta (2011): The State must ensure that the right to nationality is secured without discrimination.</p> <p>CEDAW, Gen. Rec. 32 (2014): Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.</p> <p>UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness (2024): Nationality laws which do not grant women equality</p>	<p>There are no discriminatory norms that pertain to children born in wedlock, out of wedlock, or the rights of the mother and father. The legislation of Bosnia and Herzegovina does not recognise same-sex marriages. Family law defines marriage as a union between a man and a woman, and in accordance with the Law on Vital Records of the Federation of Bosnia and Herzegovina, Republika Srpska, and the Brčko District, it is not possible to register a marriage that does not conform to this definition.</p> <p>The regulations in Bosnia and Herzegovina do not regulate the registration of children born in same-sex unions. Birth certificates</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>

			<p>with men in conferring nationality to their children are a cause of statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4</p> <p>Human Rights Council Resolution on the right to a nationality (2023): States should eliminate discrimination against all women and girls in the conferral of nationality on their children.</p>	<p>contain information about the father and mother. The Citizenship Law does not specifically regulate the acquisition of Bosnian citizenship for children born through surrogacy, nor is this institution regulated by legislation in Bosnia and Herzegovina.</p> <p>There have been cases of children born through surrogacy to same-sex couples married abroad. Children were not stateless but acquired American and Swiss nationality. They were not able to register their birth in BiH given that according to Bosnian law it is not possible to indicate same-sex parents in birth certificates.</p> <p>The issues faced by children born abroad to BiH citizens who are asylum seekers to register in the birth registries in BiH (see PRS.6.e) may have consequences on the acquisition of Bosnian citizenship and leave the child at risk of statelessness.</p>	
PRS.6.a	Birth registration	<p>Does the law provide that all children are registered immediately upon birth regardless of ethnicity, disability, illness, the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?</p>	<p>CRC: Article 7</p> <p>ICCPR: Article 24(2)</p> <p>ECHR: Article 8</p> <p>CoE, Recommendation CM/Rec(2009)13 (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p> <p>CRC, General comment No. 15 (2013): Universal free birth registration is a prerequisite for barriers to children's access to health services, including financial, institutional and cultural barriers, to be identified and eliminated.</p> <p>Joint general recommendation No. 31 CEDAW and No. 18 CRC (2019): A national system of compulsory, accessible and free birth registration should be established in order to effectively prevent harmful practices, including child marriage.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR, Best Interests Procedure Guidelines (2021): The best interests procedures involve the referral of children to multisectoral services, based on the specific needs of the child and their family, including birth registration.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Human Rights Council Resolution on the right to a nationality (2023): States should identify and remove physical, administrative, procedural and any other</p>	<p>Article 14 of the Law on Vital Records of the Federation of Bosnia and Herzegovina prescribes that the registration of a child's birth in a healthcare institution must be done within 15 days using a prescribed form, while births outside of healthcare institutions must be reported within 30 days from the day of birth.</p> <p>Children of foreign nationals whose status is regulated by the Law on the Movement and Stay of Foreigners ("Official Gazette of BiH", nos. 36/08 and 87/12) and refugees born in the Federation, or Bosnia and Herzegovina, as well as children of other foreigners residing in Bosnia and Herzegovina, are registered in the birth registry according to the reported place of residence, or if they do not have a reported residence, then according to the reported place of stay, and if they do not have a reported place of stay nor residence, the child is registered in the birth registry according to the place of birth of the child.</p> <p>Article 4 of the Law prohibits any form of discrimination. However, see PRS.6.e for more information on practice.</p> <p>The Law on Registry Books as one of the regulations governing personal documents in Republika Srpska prescribes the obligation to report a child's birth within eight days from the day of birth, and the registration is made in the birth registry by the place of birth of the child. This Law allows all children born on the territory of Republika Srpska to be registered in the birth records under the same conditions, implying that stateless persons, their children, and all other citizens enjoy the same rights regarding registration in the vital records and the issuance/certification from vital records, as prerequisites for exercising other rights, such as ID cards, passports, and others.</p> <p>The Law on Registry Books of the Brčko District of BiH prescribes that the registration of a child's birth must be done within 15 days from the day of birth if the child is born in a healthcare institution, then the healthcare institution reports the child's birth. A child born outside a healthcare institution must be reported within 30 days from the day of birth.</p> <p>The mentioned laws on registry books in all three entities also prescribe criminal liability (minor offence/misdemeanour) for failing to report a birth as regulated, which is subject to a fine.</p>	<p>Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12)</p> <p>https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf</p> <p>Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette, 80/2014)https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41.htm</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009)</p> <p>https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011)</p> <p>https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p> <p>Legal analysis of the application of the Institute entry in the register books of births in Bosnia and Herzegovina (Pravna analiza primjene instituta upisa u matične knjige rođenih u Bosni i Hercegovini)</p> <p>https://storage.googleapis.com/strapi-vasaprava/Analiza_upisa_u_maticne_knjige_96416082e4/Analiza_upisa_u_maticne_knjige_96416082e4.pdf</p>

			<p>barriers that impede access to registration of vital events, including birth registration, and should establish or strengthen existing institutions at all levels responsible for birth registration and to remove barriers to birth and to registration due to discrimination, including against unwed mothers, and policies requiring proof of marriage for a parent to register their child's birth, including for internally displaced persons, refugees and asylum-seekers.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should uphold the equal right to register births and access birth certificates and other civil documents, without discrimination, including on the basis of sex, gender or marital status. States should pass comprehensive legislation on civil registration and vital statistics.</p>	<p>The Federation of Bosnia and Herzegovina's Instructions on Manner of keeping the registry books 26 ('Instructions') explicitly list the documents that individuals who benefit from international protection, asylum seekers, or holders of temporary residence on humanitarian grounds may provide when registering a child. According to section 85 of the Instructions, parents may submit a refugee card, a card for asylum seekers, a card for beneficiaries of subsidiary protection, or an identity certificate for stateless people. However, children born in Bosnia and Herzegovina whose parents are asylum seekers or undocumented migrants, in particular those who have expressed the intention to apply for asylum or who have irregular residence status, face difficulties meeting these requirements as many do not have a formally registered residence status according to the Law on Foreigners, nor the status of asylum seeker according to the Law on Asylum, but have merely expressed an intention to apply for asylum. They often face administrative obstacles when registering the birth of their children. In most cases, registration cannot be performed immediately after birth and within the standard 30-day period, and these cases are referred to social work centres for further processing. See more information under PRS.6.e.</p> <p>This matter is not regulated at all in the Republika Srpska and Brčko District. In such situations, the laws on registry books and the laws on administrative procedure are applied. One case has been reported where a child born to parents with irregular residence status was born on the territory of Republika Srpska and was registered without any difficulties based on the available documents and statements of the parents.</p>	
PRS.6.b	Are all children issued with birth certificates upon registration, regardless of ethnicity, disability, illness, their or family members' residence status/documentation, or parents' sexual or gender identity? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p> <p>CRC, General Comment No. 7 (2005): States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p> <p>Human Rights Council Resolution on the right to a nationality (2023)</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023)</p> <p>ECtHR, G.T.B. v. Spain (2023): States have a positive obligation to assist the child in obtaining a birth certificate and identity documents.</p>	<p>Yes, when registered, all children are issued a birth certificate.</p> <p>Article 4 of the Law on Registry books of the Federation of Bosnia and Herzegovina prescribes that any form of discrimination based on gender, religion, race, and ethnic affiliation, skin colour, language, national or social origin, education, and social status is prohibited in the registration and issuance of extracts and certificates on facts and data from the vital records, in conducting administrative procedures related to the facts that are entered in the vital records, and on other issues regulated by this law.</p> <p>Article 52 of the Law on Registry Books of Republika Srpska states: Based on the birth records, extracts from the birth registry, extracts from the marriage registry, and certificates containing individual data entered in the birth records or individual facts about the personal status of citizens derived from these data (hereinafter referred to as certificates) are issued.</p> <p>(2) The authority that issues extracts and certificates based on the birth records is obliged, at the request of the party, to issue the extract or certificate in Cyrillic or Latin script and in one of the official languages of Republika Srpska.</p> <p>Article 36 of the Law on Registry Books of Brčko District of BiH prescribes:</p> <p>(1) An extract from the vital records or a certificate is issued upon request:</p> <p>a) of the person to whom the data relates;</p>	<p>Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12) https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf</p> <p>Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette, 80/2014) https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41h.htm</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p>	

				<p>b) of the authorised representative of the person to whom the data relates;</p> <p>c) of the immediate family members of the person to whom the data relates;</p> <p>d) of another person when there is a legal interest.</p> <p>The regulations in Bosnia and Herzegovina do not regulate the registration of children born in same-sex unions. Birth certificates contain information about the father and mother. The Law on Citizenship does not specifically regulate the acquisition of Bosnian citizenship for children born through surrogacy, nor is this institution regulated by legislation in Bosnia and Herzegovina. There have been cases of children born through surrogacy to same-sex couples married abroad. Children were not stateless but acquired American and Swiss nationality. They were not able to register their birth in BiH given that according to Bosnian law it is not possible to indicate same-sex parents in birth certificates.</p>	
PRS.6.c		<p>Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)</p>	<p>CRC: Articles 3 & 7</p>	<p>Registration of citizenship in the birth registry based on Articles 5, 6, and 7 of the Law (by descent, birth on the territory of the Federation of Bosnia and Herzegovina, adoption) is done based on an application (request) from Article 8, paragraph (1) of the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens, and it is acquired on the day of the child's birth.</p> <p>(2) The application from paragraph (1) of this article is submitted to the civil service of the municipality or city where the child's mother has registered residence, and if she does not have registered residence, the registration is done in the civil service of the municipality or city where the child was born (Article 13, paragraph 1 of the Law on Registry Books of FBiH), and for children of persons from Article 13, paragraph 3 of the Law on Registry Books, the application is submitted to the civil service of the municipality or city whose jurisdiction is determined by that legal provision.</p> <p>In the Federation of Bosnia and Herzegovina, the procedure differs from that in Republika Srpska and the Brčko District of BiH. The valid regulations on civil records of Republika Srpska and the Brčko District of BiH prescribe that when registering in the birth registry, citizenship is also recorded, and the fulfilment of the conditions for recording citizenship is determined in accordance with the Citizenship Law. Evidence of the parents' citizenship must be provided, e.g. a citizenship certificate.</p>	<p>Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens (Federation of Bosnia and Herzegovina Official Gazette FBiH 108/12) https://propisi.ks.gov.ba/sites/propisi.ks.gov.ba/files/pravilnik_od_post.stic_.i_prest._drzavlj._fbih_0.pdf</p> <p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBiH in the Register of Births and Citizens (FBiH Official Gazette, 85/16) http://www.fmup.gov.ba/files/broj085-41-77.pdf</p> <p>Amendments to the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of FBiH in the Register of Births and Citizens (FBiH Official Gazette,38/22) http://www.fmup.gov.ba/files/Pravilnik%20o%20izmjeni%20i%20dopuni%20Pravilnika%20o%20postupku,%20dokaznim%20sredstvi%20i%20na%20u%20upisa%20dr%20C5%BEavljanstva%20Federacije%20BiH%20u%20mati%20C4%8Dnu%20knjigu%20ro%20C4%91enih%20i%20mati%20C4%8Dnu%20knjigu%20dr%20C5%BEavljana.pdf</p> <p>Instructions on Manner of keeping the registry books of Republika Srpska (RS Official Gazette, 55/10) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette,119/12) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p> <p>Instructions on Amendments to the Manner of keeping the registry books (RS Official Gazette, 63/13) https://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/muls/Documents/Uputstvo%20o%20vodjenju%20maticnih%20knjiga.pdf</p>

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PRS.6.d		<p>If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.</p>	<p>CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021) Human Rights Committee, Zhao v. Netherlands (2020)</p>	<p>There is no prescribed deadline for recording citizenship if it was not registered at the time of entry into the birth registry. When it comes to the best interests of the child, there is no obligation for the civil registry office or the social work centre to officially submit a request for the confirmation of citizenship. If, at birth, the child has unknown citizenship, the child's citizenship can be determined in the administrative procedure. If a request is submitted for ascertaining BiH citizenship, it is necessary to attach proof that the parents are citizens of BiH. If a request is submitted for the acquisition of citizenship based on birth on the territory of BiH in a situation where the parents are unknown or of unknown citizenship, it is necessary to attach evidence proving these facts. If the parents do not submit a citizenship application when registering the birth or if the child is registered in the birth registry based on a decision of the social work centre because the parents failed to register the child within the regular deadline, it is possible to subsequently submit a request to amend the citizenship information, and such request can be submitted by the parents, the guardianship authority or the child upon majority. In such situations, the competent registry office issues a decision approving the citizenship, while in the case of regular registration immediately after birth, such a decision is not issued.</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>
PRS.6.e		<p>Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?</p>	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p>	<p>Yes.</p> <p>There are issues with current practices in certain registry offices in registering children born in Bosnia and Herzegovina, whose parents are asylum seekers or undocumented migrants, in particular those who have expressed the intention to apply for asylum or who have irregular residence status, and therefore do not possess the required identification documents and registered residence. When the parents have identification documents and a residence registration card, enrolment is carried out within the regular period. A case has been reported where parents left the country without their child being registered in the birth register and the centre for social work issued a decision on determining the child's personal name based on which registration in the birth register was made.</p> <p>The Federation of Bosnia and Herzegovina's Instructions on Manner of keeping the registry books 26 ('Instructions') explicitly list the documents that individuals who benefit from international</p>	<p>Article 85 of the Instructions on Manner of keeping the registry books of the Federation of Bosnia and Herzegovina, ("Official Gazette of the Federation of Bosnia and Herzegovina 51/2013, 55/2013, 82/2013 and 6/2015")</p> <p>Article 8 of the Bylaw on the Child's Birth Registration Form and Death Certificate, ("Official Gazette of the Federation of Bosnia and Herzegovina "68/12, 83/14)</p> <p>Article 6 of the Law on personal name ("Official Gazette of the Federation of Bosnia and Herzegovina"7/2012)</p> <p>Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12) https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf</p> <p>Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette,</p>

			<p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p> <p>ECtHR, Mennesson v. France (2014): States must grant legal recognition of parent-child relationship legally established abroad for children born through surrogacy.</p> <p>ECtHR, D.B. and others v. Switzerland (2022): Domestic law must provide a possibility of recognition of a legal parent-child relationship between the child born abroad through surrogacy to a same-sex couple and the intended parent.</p>	<p>protection, asylum seekers, or holders of temporary residence on humanitarian grounds may provide when registering a child. According to section 85 of the Instructions, parents may submit a refugee card, a card for asylum seekers, a card for beneficiaries of subsidiary protection, or an identity certificate for stateless people. However, many individuals in these situations do not have a formally registered residence status according to the Law on Foreigners, nor the status of asylum seeker according to the Law on Asylum but have merely expressed an intention to apply for asylum. These individuals either have no documents issued by the authorities in Bosnia and Herzegovina or only possess a certificate of expressed intention. Since the certificate of expressed intention is not mentioned as a relevant document in the Law on Registry Books, the Instructions, or other subordinate acts based on the Law on Registry Books, these individuals face administrative obstacles when registering the birth of their children. In most cases, registration cannot be performed immediately after birth, and these cases are referred to social work centres for further processing. Delays are mostly an issue in the Federation of Bosnia and Herzegovina, where the registry office of the municipality of the mother's place of stay is competent in this case, while in Republika Srpska and the Brčko District, the registry office of the municipality of the child's place of birth is competent.</p> <p>This matter is not regulated at all in the Republika Srpska and Brčko District. In such situations, the laws on registry books and the laws on administrative procedure are applied. One case has been reported where a child born to parents with irregular residence status was born on the territory of Republika Srpska and was registered without any difficulties based on the available documents and statements of the parents.</p> <p>While Article 8 of the Bylaw on the Child's Birth Registration Form and Death Certificate exceptionally allows oral statements as means of evidence, in line with the Law on Administrative Procedure, this provision is not applied in practice where the child's parent does not have identification documents specified in this Article, especially if they are undocumented migrants. This practice by the competent authorities prevents children from registering in the registry books within the regular period, and, according to the Law on Personal Name of the Federation of Bosnia and Herzegovina, these cases are referred to social work centres for further processing. There have been difficulties in the procedures for determining a personal name by social work centres due to issues in determining jurisdiction, since the centres' jurisdiction is determined by the child's mother's officially registered residence. Since these individuals often do not have a formally registered residence and stay at temporary reception centres, they can only confirm their residence through a card issued by the centre rather than a formal residence registration card. Therefore, the social work centres of the mother's place of stay often refer the application to the social work centre of the child's place of birth, which unduly prolongs the procedure.</p> <p>According to the practice of authorities responsible for registration in the vital records, the registration process for children born</p>	<p>80/2014https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41h.htm</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p> <p>Vaša prava BiH, case work</p> <p>Legal analysis of the application of the Institute entry in the register books of births in Bosnia and Herzegovina (Pravna analiza primjene instituta upisa u matične knjige rođenih u Bosni i Hercegovini) https://storage.googleapis.com/strapi-vasaprava/Analiza_upisa_u_maticne_knjige_96416082e4/Analiza_upisa_u_maticne_knjige_96416082e4.pdf</p> <p>Law on Amendments to the Law on non-contentious procedure of the Federation of Bosnia and Herzegovina ("Official Gazette of the Federation of Bosnia and Herzegovina 11/21) https://fbihvlada.gov.ba/bosanski/zakoni/2021/Zakoni/7-7h.htm.</p> <p>Law on non-contentious procedure of Republika Srpska ("Official Gazette of the Republic of Srpska 36/2009, 91/2016, 16/2023 i 27/2024) https://www.paragraf.ba/propisi/republika-srpska/zakon-o-vanparnicnom-postupku.html.</p> <p>Article 34 of the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens to the Federal Ministry of Interior (Federation of Bosnia and Herzegovina Official Gazette FBiH 38/22, 85/16 i "108/12)</p>
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				<p>abroad to BiH citizens can only be carried out based on an extract from the birth registry on an international form or a domestic form that has been properly apostilled.</p> <p>Casework has demonstrated that children born abroad to BiH citizens who are asylum seekers encounter administrative difficulties when seeking to register in the birth registries in BiH. If parents do not possess extracts from the birth registry in the country of birth on an international form or a domestic form that is apostilled, if there is an error in the foreign extract or if there is a note in the foreign extract stating that, for example, the identity of the mother is not confirmed, authorities require parents to obtain the corrected, prescribed extracts from abroad. If they are unable to do so, their only option is to initiate a non-contentious procedure in the competent court in BiH to determine the date and place of birth in accordance with the Law on Non-contentious Procedure of the Federation of Bosnia and Herzegovina and the Law on Non-Contentious Procedure of the Republika Srpska. This procedure is longer, more complicated, and more expensive than the administrative procedure for birth registration. There is no free legal aid in this non-contentious procedure and, in some cases, applicants must also bear the costs of medical expertise to determine the child's age, which has a deterrent effect and represents an obstacle that often leads applicants deciding not to initiate this procedure.</p> <p>There are specific challenges with the birth registration of children who are presumed BiH citizens born on the territory of Kosovo, since Bosnia and Herzegovina does not recognise documents issued by the authorities of Kosovo and the registry books for certain areas in Kosovo were destroyed or are inaccessible to the authorities of Serbia. These people, who were citizens of the SFRY, cannot obtain proof that they were indeed citizens of the SFRY because the Rulebook on the Procedure, Means of Evidence and Method of Enrolment of Citizenship of the Federation of Bosnia and Herzegovina in the Register of Births and Citizens specify that proofs of SFRY citizenship (citizenship certificate, passport, ID card, and military card) are required, and a request for citizenship will be denied failing presentation of any of the prescribed proofs.</p> <p>The regulations in Bosnia and Herzegovina do not regulate the registration of children born in same-sex unions (birth certificates contain information about the father and mother).</p> <p>The Law on Citizenship does not specifically regulate the acquisition of Bosnian citizenship for children born through surrogacy, nor is this institution regulated by legislation in Bosnia and Herzegovina.</p>	
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PRS.6.f		<p>Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?</p>	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p>CoE, ECRI General Policy Recommendation No. 16(2016): States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	<p>There is no mandatory reporting. In the territory of the Federation of BiH, the registration of newborn children is done according to the residence or place of stay of the mother. However, where the mother does not have a registered residence or place of stay, the registration in the vital records is done according to the place of birth, civil registry offices, when determining local jurisdiction, conduct checks with the competent ministry of internal affairs to see if the mother has a registered residence in their municipality, or checks with the Service for Foreigners' Affairs when it comes to foreign nationals to see if they have a registered stay. Given that a certain number of mothers do not have a registered residence, sometimes the process of registering a newborn child takes several months.</p> <p>Article 13 of the Law on Registry Books of the Federation of BiH prescribes: The registration of a child's birth in the birth registry is carried out by the registrar of the civil registry office of the municipality or city where the child's mother has registered residence, and if there is no registered residence, the registration is done in the civil registry office of the municipality or city where the child was born. This is carried out based on the birth notification of the child from Article 15 of this law. When it comes to foreign nationals, Article 13, paragraph 3, stipulates: Children of foreign nationals whose status is regulated by the Law on the Movement and Stay of Foreigners ("Official Gazette of BiH", nos. 36/08 and 87/12) and refugees born in the Federation, or Bosnia and Herzegovina, as well as children of other foreigners residing in Bosnia and Herzegovina, are registered in the birth registry according to the reported place of residence, and if there is no registered residence, then according to the reported place of stay, and if there is no reported stay or residence, the child is registered in the birth registry according to the place of birth of the child.</p> <p>Article 13 of the Law on Registry Books of the Republika Srpska prescribes that the birth of a child is reported verbally or in writing for registration in the birth registry to the registrar of the registry area where the child was born.</p> <p>Article 9, paragraph 3 of the Law on Registry Books of Brčko District BiH prescribes: The birth of a child is registered in the birth registry maintained for the place where the child was born.</p>	<p>Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12) https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf</p> <p>Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette, 80/2014) https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41h.htm</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p>
PRS.6.g		<p>Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.</p>	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration.</p> <p>HRC, Resolution A/HRC/RES/20/4 (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.</p> <p>CRC, General Comment No 7 (2005): States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.</p> <p>CRC, General comment No. 20 (2016): The lack of birth registration can result in significant additional complications during adolescence. Adolescents who have not been registered at birth or immediately</p>	<p>The laws on registry books prescribe different deadlines for registering the birth of a child, both for those born in healthcare institutions and those born outside them.</p> <p>In the Federation of Bosnia and Herzegovina and the Brčko District of Bosnia and Herzegovina, the deadline for children born in a healthcare institution is 15 days, while for children born outside of such institutions, the deadline is 30 days. In Republika Srpska, the deadline for registering a child's birth is eight days.</p> <p>If a child is not registered in the birth registry, it is possible to conduct a subsequent registration of such a person regardless of their age.</p> <p>Article 15 of the Law on Registry Books of the Federation of Bosnia and Herzegovina prescribes that the birth of a child in a healthcare</p>	<p>Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12) https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf</p> <p>Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette, 80/2014) https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41h.htm</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009) https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>ž</p>

			<p>after should be provided with free late birth certificates and civil registration.</p> <p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should reduce or remove administrative and financial barriers, such as late registration fees, that inhibit or delay registration.</p>	<p>institution must be reported within 15 days, and in other cases within 30 days from the day of the child's birth.</p> <p>Article 14 of the Law on Registry Books of Republika Srpska prescribes: The birth of a child must be reported within eight days from the day of birth.</p> <p>Article 12 of the Law on Registry Books of the Brčko District of BiH prescribes: The deadline for reporting the birth of a live child is 15 days from the day of birth.</p>	<p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011)</p> <p>https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p>
PRS.6.h	Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	<p>When it comes to children born in healthcare institutions in the Federation of Bosnia and Herzegovina and Republika Srpska, after the 30-day period from the day of birth, the responsibility for determining the personal name transfers to the social work centre. In the Brčko District, a decision on subsequent registration is made. Parents must pay a fee if the decision is made after the deadline for the regular registration of the child has expired. The fee is prescribed by the competent municipalities, and certain persons based on their social needs can be exempted from paying the fees.</p> <p>Article 16, paragraph 3 of the Law on Registry Books of the Federation of BiH prescribes: if the parents, or persons from Article 15, paragraph 2 of this law, do not report the child's name within the period from paragraph 1 of this article, after the expiration of that period, the personal name of the child is determined by the guardianship authority within 30 days from the receipt of the registrar's document, which is done in the manner prescribed by the Law on Personal Name.</p> <p>Article 16 of the Law on Registry Books of Republika Srpska prescribes: (1) persons who are authorised by the Law on Personal Name ("Official Gazette of Republika Srpska", nos. 27/93 and 15/00) to determine the personal name of the child are obliged to report the child's personal name to the competent registrar no later than 30 days from the day of the child's birth.</p> <p>Article 29 of the Law on Registry Books of the Brčko District of BiH prescribes: (1) if certain data are not entered in the birth register, the registrar can perform a subsequent entry of data based on a decision.</p> <p>For children born outside of healthcare institutions, as well as children born abroad who do not have a birth certificate on an international form or a domestic form that is apostille certified, the authorities responsible for conducting the registration process have taken the stance that all these procedures should be resolved in a court procedure to determine the time and place of birth in accordance with the Laws on Non-Contentious Procedure of the Federation of BiH and Republika Srpska, rather than in a subsequent registration procedure (see PRS. 6.e for more information).</p> <p>Article 73a, paragraph 1, point a) of the Law on Non-Contentious Procedure of the Federation of BiH prescribes that a proposal for determining the time and place of birth can be submitted to the court by a person who is not registered in the birth registry and cannot prove the time and place of their birth in the manner</p>	<p>Law on Registry Books of BiH Federation (BiH Federation Official Gazette, nos. 37/12)</p> <p>https://parlamentfbih.gov.ba/dom_naroda/bos/parlament/propisi/usvojeni_p/Zakon%20o%20maticnim%20knjigama.pdf</p> <p>Law on Amendments to the Law on Registry Books of Federation of Bosnia and Herzegovina (FBiH Official Gazette, 80/2014)</p> <p>https://fbihvlada.gov.ba/bosanski/zakoni/2014/zakoni/41h.htm</p> <p>Law on Registry Books of Republika Srpska (RS Official Gazette, 111/2009)</p> <p>https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-Republike-Srpske.pdf</p> <p>Law on Registry Books of Brčko District of Bosnia and Herzegovina (BD BiH Official Gazette, 58/2011)</p> <p>https://advokat-prnjavorac.com/zakoni/Zakon-o-maticnim-knjigama-brcko-distrikta-bih.pdf</p> <p>Legal analysis of the application of the Institute entry in the registry books of births in Bosnia and Herzegovina (Pravna analiza primjene instituta upisa u matične knjige rođenih u Bosni i Hercegovini)</p> <p>https://storage.googleapis.com/strapi-vasaprava/Analiza_upisa_u_maticne_knjige_96416082e4/Analiza_upisa_u_maticne_knjige_96416082e4.pdf</p> <p>Law on Non-Contentious Procedure of the Federation of Bosnia and Herzegovina (2/98, 39/04 i 73/05 i 11/21)</p> <p>https://www.paragraf.ba/propisi/fbih/zakon-o-vanparnicnom-postupku.html</p> <p>Analysis of the Law on the Amendments to the Law on Non-Contentious Procedure of FBiH – Determining the time and place of birth</p> <p>https://storage.googleapis.com/strapi-vasaprava/Analiza_utvrdivanje_vremena_i_mjesta_rodenja_9bab2e3f3c/Analiza_utvrdivanje_vremena_i_mjesta_rodenja_9bab2e3f3c.pdf</p> <p>Law on Non-Contentious Procedure of Republika Srpska (RS Official Gazette, 36/09 i 91/16 i 27/24)</p> <p>https://www.paragraf.ba/propisi/republika-srpska/zakon-o-vanparnicnom-postupku.html</p>	

				<p>prescribed by the regulations governing the maintenance of vital records. One difficulty for persons conducting this procedure is that Article 73f, paragraph 3 of the law provides that the court will order a medical expert of the appropriate specialty to examine the person whose time and place of birth is being determined and provide a finding and opinion on their age, which places the proposers in a situation where they must bear the costs of medical expertise for age determination.</p> <p>Regarding the Law on Non-Contentious Procedure of Republika Srpska, it contains a provision that medical expertise is not mandatory but can be ordered by the court if deemed necessary.</p>	
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7</p>	<p>No.</p> <p>In the past period, information campaigns were primarily organised by international organisations such as OSCE, UNHCR, and UNICEF, as well as non-governmental organisations.</p> <p>The first programmes and public campaigns promoting civil registration began in 2005, organised by OSCE. The main activity during this information campaign on registering Roma in the birth registries was to provide Romani communities with information about the importance of registering newborn children, explain the procedures they must follow, and remind State officials of their obligation to provide data on the birth of every child and to register the birth of every child in BiH.</p> <p>Since 2009, the UNHCR office has organised multiple projects to raise awareness among members of the Romani minority about how to exercise their right to registration in the birth registry books and to provide free legal assistance in subsequent registration procedures. After the adoption of new vital records regulations in the Federation of BiH, numerous workshops, training sessions, and roundtables were held with all relevant stakeholders in the field of civil registration, attended by representatives of Romani non-governmental organisations. Additionally, field visits were made to all Romani settlements to familiarise users with the new regulations in the area of vital records and to raise awareness among the population about the importance of registration in vital records.</p>	<p>Report on the Roma Civil Registration Information Campaign https://www.osce.org/files/f/documents/4/7/110222.pdf</p> <p>Guidelines for the improvement of the status of Roma children in Bosnia and Herzegovina http://www.mhrr.gov.ba/ljudska_prava/djeca_bih/Smjernice%20BOSANSKI.pdf</p>
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless or without their nationality confirmed/determined? Please provide details and source of information.	<p>1961 Convention: Article 9</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4</p> <p>HRC, Recommendations of the Forum on Minority Issues (2019): States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.</p>	<p>Yes, members of Romani communities.</p> <p>The strict requirements of the Law on Permanent and Temporary Residence of Citizens of Bosnia and Herzegovina, under which only BiH citizens or foreigners with a permanent stay permit may register their residence, especially affect people in vulnerable circumstances, in particular those who do not have registered residence and any form of identification documents, including Romani individuals living in informal settlements. Moreover, stateless people and those with undetermined citizenship are excluded from the legislation. These populations may be unable to access birth registration procedures within regular deadlines. Indeed, civil registration for children born in the Federation of Bosnia and Herzegovina is based on the mother's place of residence, or on the child's place of birth where the mother does not have a registered residence, and the determination of the local jurisdiction is a long procedure. For children born abroad to BiH</p>	<p>Legal analysis of the application of the Institute entry in the register books of births in Bosnia and Herzegovina (Pravna analiza primjene instituta upisa u matične knjige rođenih u Bosni i Hercegovini) https://storage.googleapis.com/strapi-vasaprava/Analiza_upisa_u_maticne_knjige_96416082e4/Analiza_upisa_u_maticne_knjige_96416082e4.pdf</p> <p>Report on the results of the recommendations of the Institution of Human Rights Ombudsman of BiH from the Special Report on the situation of Roma in BiH https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2017070515172836bos.pdf</p> <p>Special Report on the situation of Roma in BiH https://www.osce.org/files/f/documents/e/e/110497.pdf</p>

				<p>citizens, civil registration is based on the document of the foreign authority in the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District of BiH, and is conducted based on the parents' last known registered residence, or their place of birth in the absence of a registered residence.</p> <p>The Law on Amendment to the Law on Permanent and Temporary Residence of Citizens of Bosnia and Herzegovina (in force since June 2015) made the conditions and criteria for registering the residence of BiH citizens stricter, so every BiH citizen is obliged to present proof that they have a valid legal basis for registering at a specific address. A valid legal basis means a land registry extract, title deed, lease agreement or real estate use agreement, as well as a statement of the owner of the real estate indicating that they agree for the person to register at their address. These conditions mostly affect marginalised individuals in vulnerable circumstances who cannot obtain evidence that they have a valid basis for registering their residence. Many people, due to lack of property, have difficulties when registering their residence, and sometimes dozens of people may be registered at a single address. It is also reported that some property owners request payment in order to give their consent for someone to register at their address.</p> <p>Consequently, in all three entities, due to the lack of a registered residence, children cannot be registered within the regular deadline and these procedures are conducted with the assistance of social welfare centres, which can last for several months. During this time, children are unable to exercise their rights to social welfare and health care. Moreover, adults cannot obtain an identity card which is a pre-condition for exercising all other rights.</p>	<p>Law on permanent and temporary residence of citizens of Bosnia and Herzegovina (Official Gazette of BiH no. 32/01, 56/08, 58/15)</p> <p>ENS, Submission to inform the European Commission 2024 Enlargement Package, April 2024, p. 4-5 https://www.statelessness.eu/sites/default/files/2024-04/ENS%20submission%20DG%20NEAR%20Enlargement%20April%202024.pdf</p>
<p>PRS.7.c</p>		<p>Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)</p>	<p>1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022): States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality. UN Guiding Principles on Internal Displacement (1998): Principle 20 Human Rights Council Resolution on the right to a nationality (2023): States should undertake initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities, including those in hard-to-reach areas or nomadic persons, are aware of and able to exercise their rights, including the right of everyone to a nationality. Measures taken should be developed, designed, implemented and reviewed with the effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities.</p>	<p>Declaratively, yes. The Government signed the Zagreb Declaration on 27 October 2011, and the Poznan Declaration of Western Balkans Partners on Roma Integration within the EU Enlargement on 5 July 2019. Furthermore, at the High-Level Segment on Statelessness held in October 2019, Bosnia and Herzegovina committed to:</p> <ul style="list-style-type: none"> - By 2022, establish a dedicated statelessness determination procedure and provide stateless persons with rights in accordance with the 1954 Convention relating to the Status of Stateless Persons. - By 2023, improve the birth registration of all children regardless of their status or the status of their parents or lack of identity documents through changes to the legislation on civil registration and through the improvement of birth registration practice. These actions will facilitate the registration of children born abroad by BiH parents and the registration of children born in BiH by undocumented parents (asylum seekers and migrants). - By 2022, ensure the issuance of nationality documents to persons who are entitled to nationality under law but cannot acquire documentary proof. - Create a mechanism for regulating the status of persons in a situation of displacement who stay in BiH for a long time (citizens of the former SFRY) and who never registered residence. - By the end of 2020, develop a state action plan for ending statelessness by 2024 in cooperation with all relevant stakeholders at the state, entity, Brcko District, cantonal, and municipal/city levels. 	<p>Zagreb Declaration 27 October 2011, https://www.refworld.org/docid/4fa2193e2.html https://www.rcc.int/romaintegration2020/files/admin/docs/8d98c533b7d708423f7564fb513823e3.pdf https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/ http://sluzbenilist.ba/page/akt/uRdTuoNm8EE= https://ekonsultacije.gov.ba/legislationactivities/downloaddocument?documentId=1014882</p> <p>Global Compact on Refugees https://globalcompactrefugees.org/about/global-refugee-forum/global-refugee-forum-2023</p>

			<p>Report of the UN Special Rapporteur on Violence against women and girls, nationality laws and statelessness (2023): States should conduct public awareness-raising campaigns, establish accessible civil registration units and implement outreach programmes in remote and marginalised communities. States should sensitise and train health workers and civil registry officials with regard to statelessness and in a gender-sensitive manner.</p> <p>ENS, Statelessness and the prohibition on discrimination against Romani communities (2023): States must protect against arbitrary differential treatment and implement non-discriminatory policies to prevent the further marginalisation of persons already in a position of vulnerability. States should adopt and implement effective policies and measures to combat intersecting forms of discrimination, including in relation to Romani people who are also stateless or without their nationality confirmed/determined.</p>	<p>Additionally, the Council of Ministers of Bosnia and Herzegovina, at its 49th session held on April 20, 2022, adopted the Decision on the Adoption of the Action Plan of Bosnia and Herzegovina for the Social Inclusion of Roma for the period 2021-2025.</p> <p>In addition to the pledges made at the UNHCR High Level Segment on Statelessness, BiH made two pledges at the OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe held in Skopje in October 2023. In the context of the 2023 Global Refugee Forum , Albania, BiH, Croatia, Montenegro, North Macedonia, and Serbia jointly made the pledge to “make all necessary efforts, independently and collectively, to resolve, without delay, all known cases of statelessness within their territories, including by granting citizenship to or confirming the citizenship of existing in situ stateless populations when relevant legally required conditions, as set out by the Statelessness Conventions, are met, and undertake the law reforms, that may be needed, to ensure that no child is born stateless.”</p> <p>Although government institutions declaratively support these measures, unfortunately, the situation on the ground and in practice shows that government institutions do not fully adhere to the commitments made in the aforementioned documents.</p> <p>Whilst BiH may be on track to end known cases of statelessness, gaps in law and practice remain, which mean that cases of statelessness may be identified or arise in future. Pledges undertaken during the High-Level Segment on Statelessness have not been fulfilled. There have been no changes to the civil registration regulations nor improvement of birth registration practice since these pledges were made. Neither has BiH established a statelessness determination procedure. Moreover, the procedures to regulate the status of citizens of the former SFRY who did not have a formally registered residence have not yet been harmonised and these are still resolved on a case-by-case basis. Furthermore, BiH’s pledge to develop an action plan to end statelessness by 2024 has not yet been fulfilled.</p>	<p>OSCE-UNHCR Regional Conference on Access to Civil Documentation and Prevention of Statelessness in South-Eastern Europe Skopje, North Macedonia, 17 October 2023, Final Outcome Document: https://www.osce.org/odhr/564479</p>
<p>PRS.8.a</p>	<p>Deprivation of nationality</p>	<p>Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).</p>	<p>1961 Convention: Article 8 & 9 ECN: Article 7(3) UDHR: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or</p>	<p>There is a safeguard as established in Article 17 providing that citizenship may not be lost if the person concerned would thereby become stateless, except in the case specified in Article 23 paragraph (a), i.e. when the citizenship of Bosnia and Herzegovina was acquired by fraud, false information or concealment of any relevant fact which could be attributed to the applicant. In such cases, the person may be rendered stateless.</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>

			<p>renew documents without providing an explanation or justification).</p> <p>ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p> <p>CoE, PACE Resolution 2263 (2019): States should review their legislation in the light of international standards prohibiting arbitrary deprivation of nationality, and repeal any laws that would allow it; provide for safeguards against statelessness in their national laws; abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving minors of their nationality.</p> <p>ECtHR, Usmanov v. Russia (2020): A decision on deprivation of nationality must assess the consequences for the person and whether the measure is arbitrary.</p> <p>CJEU, Rottmann (2010): Decisions withdrawing nationality must be afforded a reasonable period of time in order to try to recover the nationality of their Member State of origin.</p> <p>CJEU, JY (2022): Decisions to revoke an assurance that nationality will be granted must be proportionate and consistent with EU law.</p> <p>CJEU, Tjebbes (2019): The loss of nationality must respect the principle of proportionality and national authorities must perform an individual assessment of the consequences for the applicants.</p>		
PRS.8.b	Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)? Please state if deprivation of nationality is only ever carried out in pursuance of a legitimate purpose, is provided for by law, is necessary, proportionate, in accordance with procedural safeguards, and in accordance with the right to respect for private and family life. Please also state if a reasonable period of time is afforded to allow recovery of the nationality of the State of origin in case of withdrawal of nationality.	<p>1961 Convention: Article 8(4)</p> <p>ECN: Articles 10 to 13</p> <p>ECHR: Article 8</p> <p>Charter of Fundamental Rights: Article 7</p> <p>Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.</p> <p>ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p> <p>CoE, PACE Resolution 2263 (2019): States should abolish or refrain from introducing administrative procedures allowing for the deprivation of nationality not based on a criminal conviction; refrain from depriving nationals of their nationality.</p> <p>ECtHR, Usmanov v. Russia (2020)</p> <p>CJEU, Rottmann (2010)</p> <p>CJEU, JY (2022)</p> <p>CJEU, Tjebbes (2019)</p>	<p>According to Article 15 of the Law on Ministries and Other Bodies of Administration of BiH, the competent authority for citizenship matters, registration and records of citizens, personal data protection, residence and stay registration, personal documents, travel documents, vehicle registration records, and demining is the Ministry of Civil Affairs of BiH. The procedure is conducted in accordance with the Law on Citizenship of Bosnia and Herzegovina and the Law on Administrative Procedure of Bosnia and Herzegovina. In the procedure, all facts that are important for making a lawful and correct decision must be fully and properly established. Before a decision is issued, the party must be given the opportunity to express their views on all the facts and circumstances that are important for making the decision. In accordance with Article 24 of the Citizenship Law of Bosnia and Herzegovina, citizenship can be terminated by release when the person lives in BiH, renunciation when the person lives abroad, or deprivation, on the day the decision on the termination of BiH citizenship is delivered to the person concerned. The party can initiate an administrative dispute against such a decision before the Court of Bosnia and Herzegovina within 60 days from the day of receiving the decision.</p>	<p>The Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina No. 5/2003, 42/2003, 26/2004, 42/2004, 45/2006, 88/2007, 35/2009, 59/2009, 103/2009, 87/2012, 6/2013, 19/2016 i 83/2017)</p> <p>https://advokat-prnjavorac.com/zakoni/Zakon_o_ministarstvima_i_drugim_organima_uprave_BiH.pdf</p> <p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>	

PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		<p>Yes, the provisions for deprivation of citizenship are applied in practice. They have never been applied if there was a risk of statelessness, and there has been no report of such cases.</p> <p>Article 17 of the Law on Citizenship of BiH provides that BiH citizenship cannot be lost if the person in question would be left stateless (<i>apatrid</i>), except in the case specified in Article 23, point a).</p> <p>Article 23 paragraph a) provides that a person can be deprived of citizenship if it is determined that they acquired citizenship by fraud, providing false information or hiding important information at the time of acquiring citizenship, that is, during the naturalisation process itself, including hiding facts about judgments for criminal offenses, including involvement in terrorism or other serious crimes, falsification of documents, etc. In other cases from Article 23, paragraph b) c) d) and f), citizenship will not be revoked if the person remains stateless, especially if prescribed circumstances that occurred after the person fulfilled all the conditions and acquired the citizenship of Bosnia and Herzegovina.</p>	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	1961 Convention : Article 7 ECN : Articles 7 and 8	<p>Yes, Article 19 of the Law on Citizenship of Bosnia and Herzegovina provides that "a citizen who is 18 years old, who lives abroad, and has citizenship of another country, or is guaranteed to acquire citizenship of another country, has the right to renounce the citizenship of Bosnia and Herzegovina." Accordingly, the prerequisite for the voluntary termination of Bosnian and Herzegovinian citizenship is the possession of citizenship of another country or the guarantee of acquiring citizenship of another country.</p> <p>Article 20 of the Law provides that if the person has not acquired the citizenship of the country that issued the guarantee, the decision on renunciation can be annulled at the request of that person, thereby preventing statelessness, in accordance with the provision of Article 7 of the 1961 Convention on the Reduction of Statelessness. There is no time limit for submitting such a request. The request of that person is given priority, and the person regains the citizenship of Bosnia and Herzegovina.</p>	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p>Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p> <p>UNHCR Guidelines on Statelessness No.5 (2020): Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p> <p>CoE, PACE Resolution 2263 (2019): States should review provisions allowing for deprivation of nationality on terrorism grounds in light of international human rights obligations, refrain from applying this measure and envisage and prioritise wider use of other counter-terrorism measures.</p>	<p>There are provisions on deprivation in Article 23 of the Citizenship law, according to which a person can be deprived of nationality in the following cases:</p> <p>When performing voluntary service in foreign military forces despite an injunction to the contrary; When a person has been sentenced in or outside the territory of Bosnia and Herzegovina with a final and binding judgment, for undertaking actions which disturb the constitutional order and security in BiH, or when they have been sentenced for membership in an organisation which undertakes such actions, providing that such actions severely violate the vital interests of BiH; When a person has been sentenced in or outside the territory of Bosnia and Herzegovina with a final and binding judgment for a crime which includes smuggling of fire-weapons, explosives, radioactive materials or narcotics or psychogenic substances; or illegal transport and trade of materials and equipment for production of weapons and other means of mass destruction; or illegal entry into BiH and stay in or exit from BiH of individuals or groups; or organisation and participation in trafficking and smuggling of human beings;</p>	Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html

				<p>providing that such actions severely violate the vital interests of BH; When person has been sentenced in or outside the territory of Bosnia and Herzegovina with a final and binding judgment for a crime arising from the activities which are different from those mentioned in sub-paragraphs 4. and 5. above, and which severely violate the vital interests of BiH.</p> <p>In a national security context, a decision to deprive someone from their citizenship may not be made if this would render a person statelessness.</p>	
PRS.8.f	Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p>ICCPR: Article 26</p> <p>1961 Convention: Article 9</p> <p>ECN: Article 5</p> <p>Principles on Deprivation of Nationality: Principle 6.</p> <p>Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p> <p>CoE, PACE Resolution 2263 (2019): States should not discriminate between citizens on the basis of the way in which they have acquired nationality, in order to avoid indirect discrimination against minorities.</p>	<p>No, there are no provisions on deprivation of nationality that discriminate against a person or a group of persons on any ground.</p> <p>The Decision on Admissibility and Merits of the Constitutional Court of BiH, case number U-9/11, found that the provisions of Article 17 and Article 39, paragraph 1 of the Law on Citizenship of Bosnia and Herzegovina are not in accordance with Article 1/7.b) and d) of the Constitution of Bosnia and Herzegovina. These constitutional provisions do not provide that citizens of Bosnia and Herzegovina will be deprived of their citizenship if they also hold citizenship of another State and have not renounced it by a date specified by the contested law, or if Bosnia and Herzegovina has not concluded a bilateral agreement on citizenship with the State of dual citizenship.</p> <p>In essence, this decision highlights that the Constitution of Bosnia and Herzegovina does not provide for the deprivation of citizenship solely based on the possession of dual citizenship or the lack of a bilateral agreement on dual citizenship between Bosnia and Herzegovina and another country. This ruling ensures the protection of citizens' rights to retain their Bosnian citizenship even if they hold another nationality.</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p> <p>https://www.ustavnisud.ba/uploads/odluke/bs/U-9-11-457661.pdf</p>	
PRS.8.g	Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p>1961 Convention: Article 6</p> <p>CRC: Articles 2(2), 7 and 8</p> <p>CEDAW: Article 9(1)</p> <p>Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	<p>In situations where a person is deprived of citizenship in accordance with Article 23 of the Citizenship Law of Bosnia and Herzegovina (i.e. where a person who acquired BiH citizenship through naturalisation and who participated in the initiation of serious crimes and similar activities), all legal consequences are annulled. This means that the citizenship of the person's children and spouse would also be revoked, but not if that would render them stateless.</p> <p>In situations where citizenship is revoked in accordance with Article 44 (i.e. where a person acquired citizenship between 6 April 1992 to 1 January 2006), the decision does not have retroactive effect. Article 44, paragraph 4, provides that citizenship can be revoked if the person does not become stateless as a result. The decision on revocation takes effect from the day the decision on revocation is delivered.</p> <p>Article 23 of the Law on Citizenship of Bosnia and Herzegovina provides for deprivation of citizenship under certain conditions, while ensuring that such actions do not render the person stateless, aligning with international standards to prevent statelessness.</p> <p>In contrast, Article 44 deals with different conditions for revoking citizenship and specifies that the effects of such a decision are not retroactive, safeguarding the rights of family members to retain their citizenship.</p>	<p>Law on Citizenship of Bosnia and Herzegovina ("Official Gazette of Bosnia and Herzegovina", No. 22/2016 - consolidated text): https://www.paragraf.ba/propisi/bih/zakon-o-drzavljanstvu-bosne-i-hercegovine.html</p>	

				Article 43 of the Law on Citizenship of BiH provides that the Ministry will audit the status of persons previously naturalised.	
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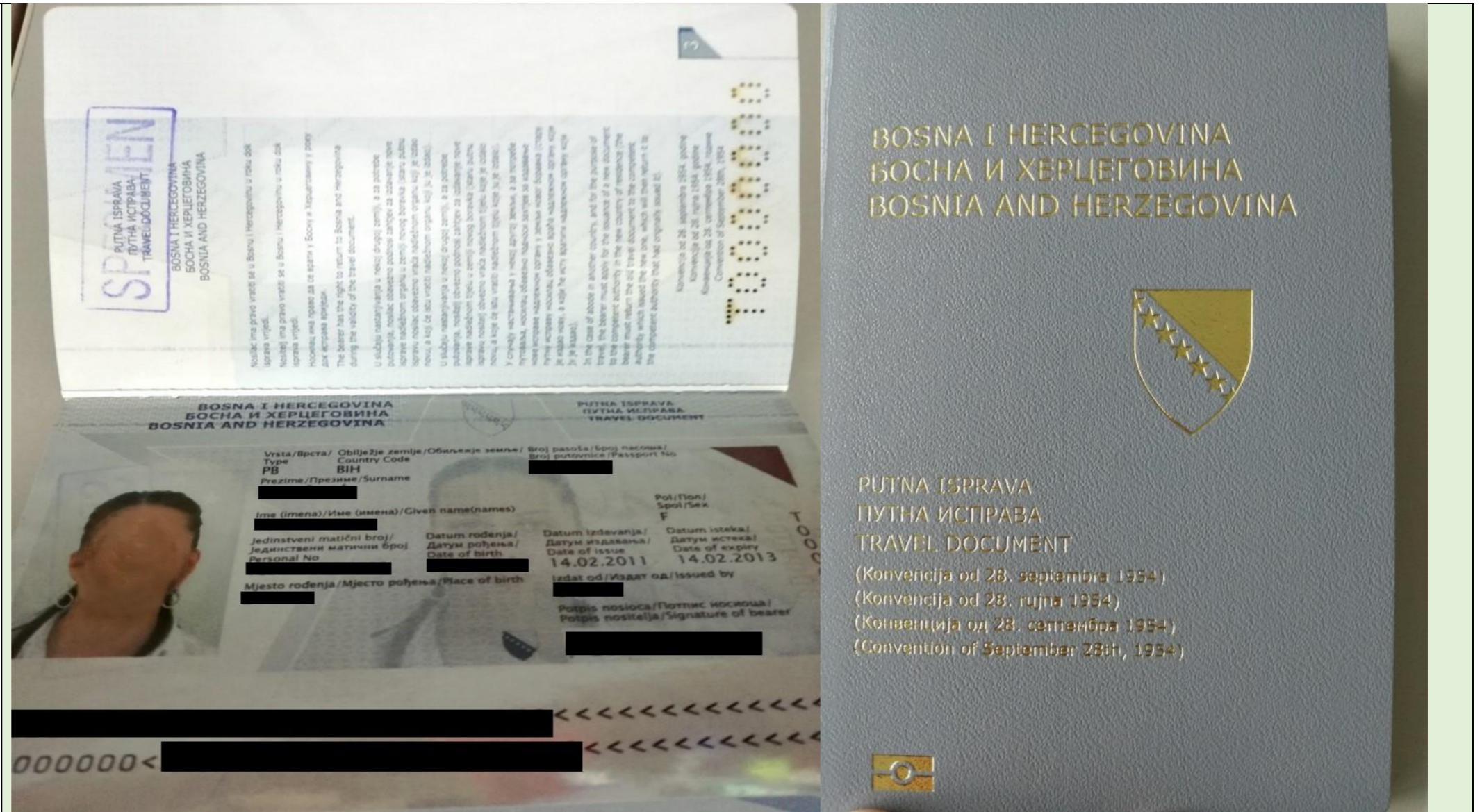
Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p>The Decision on Admissibility and Merits of the Constitutional Court of BiH, case number U-9/11, found that the provisions of Article 17 and Article 39, paragraph 1 of the Citizenship Law of Bosnia and Herzegovina are not in accordance with Article I/7.b) and d) of the Constitution of Bosnia and Herzegovina. These constitutional provisions do not stipulate that citizens of Bosnia and Herzegovina will be deprived of their citizenship if they also hold citizenship of another state and have not renounced it by a date specified by the contested law, or if Bosnia and Herzegovina has not concluded a bilateral agreement on citizenship with the state of dual citizenship.</p> <p>In essence, this decision highlights that the Constitution of Bosnia and Herzegovina does not provide for the deprivation of citizenship solely based on the possession of dual citizenship or the lack of a bilateral agreement on dual citizenship between Bosnia and Herzegovina and another country. This ruling ensures the protection of citizens' rights to retain their Bosnian citizenship even if they hold another nationality.</p>	https://www.ustavnisud.ba/uploads/odluke/_bs/U-9-11-457661.pdf
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or people with undetermined nationality? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	The association Vaša prava BiH, with the support of UNHCR, provides free legal assistance and advice to stateless persons and individuals with undetermined nationality. .	https://pravnapomoc.app/ba/categories
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		<p>Savić, T. (n.d.). Sticanje i prestanak državljanstva u državama nastalim na teritoriji bivše SFRJ [Master's thesis, University of Sarajevo, Faculty of Political Sciences, Department of Political Science - International Relations and Diplomacy]. Retrieved from https://fpn.unsa.ba/b/wp-content/uploads/2020/01/Magistarski-rad-Teodor-Savi%C4%87.pdf</p> <p>Mudrinić, L. (2022). Višestruko državljanstvo i lica bez državljanstva. <i>Politika nacionalne bezbednosti</i>, 22(2), 37-53. Retrieved from https://scindeks-clanci.ceon.rs/data/pdf/1820-3159/2022/1820-31592202237M.pdf</p>	<p>https://fpn.unsa.ba/b/wp-content/uploads/2020/01/Magistarski-rad-Teodor-Savi%C4%87.pdf</p> <p>https://scindeks-clanci.ceon.rs/data/pdf/1820-3159/2022/1820-31592202237M.pdf</p> <p>https://scindeks-clanci.ceon.rs/data/pdf/1820-3159/2022/1820-31592202237M.pdf</p>

RES.4.a.

Examples of identity and travel documents

Please insert pictures of **anonymised** identity and/or travel documents issued to stateless people in your country (if applicable). If the country issues several documents, please specify what each document is.



			<p>Obrazac 16/ Обрасац 16/ Form 16</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>1. Boravište/ Боравиште/ Temporary residence Grad/ Град/ City: _____ Adresa/ Адреса/ Address: _____ Važi/ Валијед до/ Важи до/ Date of expiry: _____</p> <hr/> <p>2. Boravište/ Боравиште/ Temporary residence Grad/ Град/ City: _____ Adresa/ Адреса/ Address: _____ Važi/ Валијед до/ Важи до/ Date of expiry: _____</p> <hr/> <p>3. Boravište/ Боравиште/ Temporary residence Grad/ Град/ City: _____ Adresa/ Адреса/ Address: _____ Važi/ Валијед до/ Важи до/ Date of expiry: _____</p> </div> <div style="width: 50%; text-align: center;"> <p>Босна и Херцеговина Министарство сигурности Служба за послове за странци</p> <p>Босна и Херцеговина Министарство безбедности Служба за послове за странци</p> <p>POTVRDA O IDENTITETU ПОТВРДА О ИДЕНТИТЕТУ IDENTITY CERTIFICATE</p> <p>No: _____</p> </div> </div>				
			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 45%; text-align: center;"> <p>Fotografija Фотографија Photograph</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> <p>_____ (Potpis nosioca/korisnika) (Потпис носиоца/корисника) (Signature of the card holder)</p> </td> <td style="width: 55%;"> <p>Prezime(na)/ Презиме(на)/ Surname(s): _____</p> <p>Ime(na)/ Име(на)/ Name(s): _____</p> <p>Ime roditelja/ Име родитеља/ Names of the parents: _____</p> <p>Datum rođenja/ Датум рођења/ Date of birth: _____</p> <p>Država i mjesto rođenja/ Држава и мјесто рођења/ State and place of birth: _____</p> <p>Adresa boravka u BiH/ Адреса боравка у БиХ/ Residence address in BiH: _____</p> </td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> </tr> </table>	<p>Fotografija Фотографија Photograph</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> <p>_____ (Potpis nosioca/korisnika) (Потпис носиоца/корисника) (Signature of the card holder)</p>	<p>Prezime(na)/ Презиме(на)/ Surname(s): _____</p> <p>Ime(na)/ Име(на)/ Name(s): _____</p> <p>Ime roditelja/ Име родитеља/ Names of the parents: _____</p> <p>Datum rođenja/ Датум рођења/ Date of birth: _____</p> <p>Država i mjesto rođenja/ Држава и мјесто рођења/ State and place of birth: _____</p> <p>Adresa boravka u BiH/ Адреса боравка у БиХ/ Residence address in BiH: _____</p>	2	3
<p>Fotografija Фотографија Photograph</p> <div style="border: 1px solid black; width: 40px; height: 40px; margin: 0 auto;"></div> <p>_____ (Potpis nosioca/korisnika) (Потпис носиоца/корисника) (Signature of the card holder)</p>	<p>Prezime(na)/ Презиме(на)/ Surname(s): _____</p> <p>Ime(na)/ Име(на)/ Name(s): _____</p> <p>Ime roditelja/ Име родитеља/ Names of the parents: _____</p> <p>Datum rođenja/ Датум рођења/ Date of birth: _____</p> <p>Država i mjesto rođenja/ Држава и мјесто рођења/ State and place of birth: _____</p> <p>Adresa boravka u BiH/ Адреса боравка у БиХ/ Residence address in BiH: _____</p>						
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