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Bosnia and Herzegovina Country Brief on Irregular Migration Policy Context

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Co-funded by:



Canada Excellence
Research Chair in
Migration & Integration

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THE MIRREM PROJECT

MIRREM examines estimates and statistical indicators on the irregular migrant population in Europe as well as related policies, including the regularisation of migrants in irregular situations.

MIRREM analyses policies defining migrant irregularity, stakeholders' data needs and usage, and assesses existing estimates and statistical indicators on irregular migration in the countries under study and at the EU level. Using several coordinated pilots, the project develops new and innovative methods for measuring irregular migration and explores if and how these instruments can be applied in other socio-economic or institutional contexts. Based on a broad mapping of regularisation practices in the EU as well as detailed case studies, MIRREM will develop 'regularisation scenarios' to better understand conditions under which regularisation should be considered as a policy option. Together with expert groups that will be set up on irregular migration data and regularisation, respectively, the project will synthesise findings into a Handbook on data on irregular migration and a Handbook on pathways out of irregularity. The project's research covers 20 countries, including 12 EU countries and the United Kingdom. This Deliverable of 15 country briefs is developed as part of Work Package 3 Politics: Understanding Legal and Policy Contexts.

TO CITE:

Oruc, N. 2024. Bosnia and Herzegovina Country Brief on Irregular Migration Policy Context. MIRREM Report. Krems: University for Continuing Education Krems (Danube University Krems). <https://doi.org/10.5281/zenodo.12570852>

KEYWORDS

Irregular migration; policy measures; pathways into and out of irregularity

FUNDING ACKNOWLEDGEMENT

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the Research Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

In addition, MIRREM benefits from funding provided by UK Research and Innovation (UKRI) under the UK government's Horizon Europe funding guarantee. The Canadian research component of this project is undertaken, in part, thanks to funding from the Canada Excellence Research Chairs Program of the Government of Canada.

Bosnia and Herzegovina

This Brief provides an abridged overview of the national policy landscape on irregular migration in the country, based on a more extensive policy analysis. It also provides an overview of the main types of migrant irregularity that emerge and the pathways into and out of irregularity, including regularisations as relevant. Annexed to this Deliverable is also an overview of the mapped legal and policy frameworks.

1.1. POLICY PRIORITIES

The most relevant policy priorities of BiH for addressing migrant irregularity at the moment, as listed by official policy documents and confirmed at interviews, are:

- **Strengthening institutions**

In particular, the focus is on strengthening capacities of the Border Police, including both human resources and equipment such as surveillance and biometric identification at the borders (DG NEAR, 2022). Activities are currently being implemented through EU-IPA projects and support by the Swiss government. Moreover, the asylum system and temporary reception centers are in the need of further investments to increase their capacities and effectiveness. Finally, services to migrants are currently provided by NGOs (such as legal services) or informal groups, whereas they could be further institutionalised (Organization for Security and Co-operation in Europe, 2018).

- **Readmission agreements**

Following positive experience of readmission agreement with Pakistan, BiH is continuing its efforts to sign agreements with other source countries of irregular migrants to improve the process of return of migrants and discourage their transit through BiH. These efforts aim to have both a preventive (making BiH less attractive transit country) and remedial effect on the magnitude of irregular migration from some countries.

- **Improving legislation related to labour market integration of migrants**
Lack of labour force in specific sectors drives changes in the labour legislation in the direction of easing employment of foreigners. However, regulating their status and rights still remains a challenge.

1.2. OVERVIEW OF THE BOSNIAN AND HERZEGOVINIAN POLICY FRAMEWORK

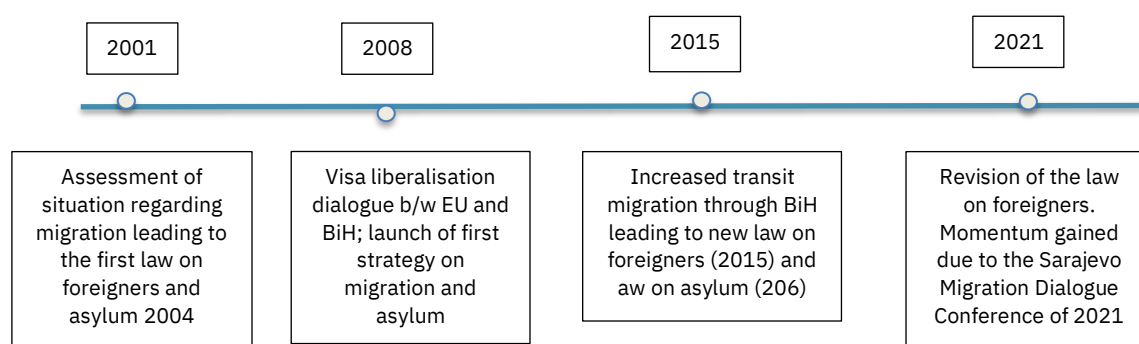
See Annex 1 for an overview of the legal and policy frameworks mapped for this country.

1.2.1 Policy implementation measures

- **Establishing JRAC at the Border Police**
A Joint Risk Assessment Centre was established in accordance with the Integrated Border Management Strategy for BiH 2019-2023, and includes from BiH Ministry of Security, Indirect Taxation Authority, Border Police, Service for Foreigners' Affairs, Plant Health Agency and Veterinary Office. The purpose of this centre is to conduct risk assessments and analysis, and then disseminate the findings to coordinate actions at the sub-regional level and formulate national policies. The JRAC serves as a platform for inter-agency collaboration and communication on risk assessments, by leveraging the analytical capacities of border management agencies and the Ministry of Security. Nevertheless, there still remains much to be done on improvement of the risk analysis capabilities of the JRAC.
- **Improving registration system**
With support of international donors, primarily EU and the Swiss government, BiH is making efforts at improving its documentation of migrants, as well as upgrading and increasing interoperability of a central information system on migration (MIS) (ICMPD, n.d.). Still, further support is needed to ensure full compliance to EC Regulation No 862/2007 and full compatibility with the EURODAC system of the EU member states. In order to improve the management of irregular migration, it is essential to reinforce and standardise the legislative regulations related to the collection of biometric data, data protection and the exchange of information in accordance with the EU acquis.
- **Regularisation of the readmission procedures**
In the case of a readmission from Croatia, which is a European Union member state, irregularities were observed in the readmission process, including the declaration of children as adults. However, in the case of readmission from Bosnia and Herzegovina to Serbia, the process was conducted in a more orderly manner, with the participation of guardians, the service for affairs with foreigners, the border police, and social

services. The children were protected and handed over to social workers, rather than being left at the border.

1.2.2 Policy evolution: Main turning points



1.2.3 Policy impact

- Improved capacities of institutions**
 Policies that improved capacities of institutions have reportedly resulted in improved effectiveness and efficiency of their implementation of policies. This includes improved legislation (Bosnia and Herzegovina Ombudsman, 2018) and introduction of new bodies, such as Coordination Body for Migration, initially established in 2013, with extensions of its mandate made in 2016 and 2020. Improved data collection and exchange provided a basis for design of policies based on evidence. Steps forward made recently in both of these areas have improved cooperation and coordination between various institutions involved in management of irregular migration.
- Increase in immigration from countries such as Iraq, Burundi and Cuba**
 According to stakeholders interviewed, the recent increase in the number of irregular migrants from countries such as Iraq is a direct consequence of a visa liberalisation agreements of BiH with these countries, whereas increase of irregular migrants from Burundi and Cuba is reportedly a direct consequence of a visa liberalisation agreements between these countries and Serbia. Migrants reach Serbia without visas, and then enter BiH mainly on foot. This highlights the need for a coordination of migration related policies between neighbouring countries.
- Decline of immigration from countries such as Pakistan**
 According to stakeholders interviewed, they assure that the decline may be primarily explained as a result of signing a bilateral agreement with Pakistan, which reportedly discourages migrants from Pakistan to use the route through BiH because of the threat of quick readmission to Pakistan. If such a causal relationship can be

confirmed, then bilateral agreement can serve as effective mechanisms to discourage irregular migration from the main source countries.

1.2.4 Policy challenges in addressing migrant irregularity

- **A “soft” border**

The border of BiH was described by stakeholders as “soft”, meaning that due to understaffed Border Police in Bosnia (they reported an estimate of more than 1,000 of field staff posts currently not filled), large parts of the BiH border remain unmonitored, which is well known among migrants and smugglers. As the requests for staffing made by Border Police were rejected on several occasions, the challenge to secure political will for it remains. BiH is expected to start negotiations with Frontex soon, which could improve monitoring of its border in the future (Sarajevo Times, 2023).

- **Coordination between institutions**

The rise in mixed migrant flows compelled Bosnia and Herzegovina to intensify its endeavours to enhance migration management. In Bosnia and Herzegovina, authorities are divided among several institutions, resulting in challenges in coordination between these institutions and reducing the effectiveness of law enforcement. Despite recent improvements, considerable challenges persist in terms of institutional collaboration and coordination in the area of migration management. Particularly important is to assure state-led migration management and considerable work remains to be done in that direction (Press and information team of the Delegation to Bosnia and Herzegovina, 2023).

- **Lack of pathways for regularisation of status**

BiH lacks regulation that will allow irregular migrants to regularise their status. The issue is mainly a lack of motivation to introduce such a legislation due to a relatively low number of individuals requiring regularisation of their status. For example, a legislation does not treat the status of children born in BiH to irregular migrants and there is no clear intention to consider such a legislation because it happens rarely and is treated case-by-case, mainly with support of a local NGO providing legal services to migrants.

Table 1: Relevant Bosnia and Herzegovinian institutions

Sr. No.	Institution/department	Responsibilities	Web link
1.	Coordination Body for Migration Issues in BiH	By the Decision of the Council of Ministers of Bosnia and Herzegovina from 2013, the Coordination Body for Migration Issues in BiH was appointed. The coordinating body is in charge of continuously	Link (EN)

		<p>reviewing the overall situation in the field of migration and asylum, encouraging and ensuring inter-ministerial cooperation between relevant institutions dealing with migration and asylum, as well as assessing future migration trends and proposing measures to improve migration policies and strategic documents. It also oversees implementation of strategic documents. The Coordination Body is composed of high-ranking officers of the BiH Border Police, the Service for Foreigners, the Immigration Sector, the Asylum Sector and the State Investigation and Protection Agency (SIPA) within the Ministry of Security; the Sector for International Legal and Consular Affairs of the Ministry of Foreign Affairs; Sector for Refugees, Displaced Persons, Readmission and Housing Policy and the Sector for Emigration of the Ministry of Human Rights and Refugees. Technical assistance to the work of the Coordinating Body is provided by the Immigration Sector.</p>	
2.	Ministry of Security	<p>The Law on Asylum designates the Ministry of Security's Asylum Sector as the first instance authority responsible for deciding on asylum applications. Appeals against these decisions are handled by the Court of BiH. The Ministry of Security's Asylum Sector can make various decisions on asylum applications, including:</p> <ul style="list-style-type: none"> -Approval of refugee status or subsidiary protection; -Rejection with a voluntary departure deadline; -Rejection but inability to remove the applicant due to the non-refoulement principle; -Suspension of the asylum procedure with a voluntary departure deadline; -Rejection with a voluntary departure deadline. 	LINK (EN)
3.	Sector for Asylum, Ministry of Security	<p>This Sector is in charge of:</p> <ul style="list-style-type: none"> • applications for international protection in BiH, • decisions on applications for international protection in BiH, • rejected applications for international protection in BiH, by reasons, 	LINK (EN)

		<ul style="list-style-type: none"> procedures for applications for international protection in BiH that have been suspended, by reasons, applications and decisions of international protection in BiH for unaccompanied minors, Decisions on applications for international protection in BiH for unaccompanied minors. 	
4.	Service for Foreigners, Ministry of Security	<p>The Service for Foreigners' Affairs (SFA) is a specialised agency operating under the Ministry of Security in BiH. It holds a significant role in managing the movement and stay of migrants across the country. As the administrative body within the BiH Ministry of Security, the SFA is responsible for administrative tasks and inspections related to foreigners and asylum seekers. As they are part of the MoS, they work in close coordination with the other sectors of MoS, such as Sector for Asylum. This Service is in charge of:</p> <ul style="list-style-type: none"> applications and the decision for permanent residence in BiH, applications and decisions for temporary residence in BiH, the basis for a temporary residence permit, temporary residence permit - issued permits (stickers of stay) during the year, temporary stay - active permits at year-end granted temporary residence on the basis of work permit by nationality, sex, age, sector and skills, <ul style="list-style-type: none"> temporary residence granted on humanitarian grounds during the year, temporary granted stay for humanitarian reasons at the end of active year, <ul style="list-style-type: none"> measures against foreigners, cancellation of visa and cancellation of temporary residence, by reasons cancellation of permanent residence, by reasons annulment of visa or temporary residence with the measure of expulsion from the territory of BiH by reasons 	LINK (BS)

		<ul style="list-style-type: none"> • measures of expulsion from the territory of BiH, by reasons, • receipt of persons in BiH by the agreements on readmission, • return from BiH on readmission agreements, <ul style="list-style-type: none"> • foreigners who left BiH themselves within the period left for voluntary leave, • foreigners who have voluntarily left BiH, <p>Considered a "migration control mechanism," the SFA ensures that individuals meet the necessary requirements to enter the asylum system in BiH. Moreover, the SFA plays a critical role in identifying potential victims of human trafficking, as well as victims of child abuse or gender-based violence among the migrant population.</p>	
5.	Border Police of BiH, Ministry of Security	<p>The Border Police is a law enforcement agency that plays a vital role in ensuring border security and overseeing the movement of individuals into and out of BiH. Operating at the borders and entry points, the Border Police enforces immigration laws, conducts document inspections, and actively works to prevent "illegal" migration. As an operationally independent body within the Ministry of Security, the BiH Border Police is primarily responsible for monitoring and controlling the country's international borders. Its pivotal role involves screening migrants and refugees upon arrival and identifying potential victims of human trafficking.</p> <p>The Border Police oversees:</p> <ul style="list-style-type: none"> • visas issued at the border of Bosnia and Herzegovina, • refused entries at the border of Bosnia and Herzegovina, • illegally crossing the border of Bosnia and Herzegovina, • receipt of persons in BiH by the agreements on readmission, • return from BiH on readmission agreements, <ul style="list-style-type: none"> • foreigners who left BiH themselves within the period left for voluntary leave, • foreigners who have voluntarily left BiH, 	LINK (EN)

6.	Sector of Immigration, Ministry of Security	<p>This Sector is in charge of:</p> <ul style="list-style-type: none"> reception of persons in BiH by the agreements on readmission, foreigners who have voluntarily left BiH. 	n/a
7.	Ministry of Human Rights and Refugees	<p>After the refugee status or subsidiary protection is granted, the Ministry for Human Rights and Refugees assumes responsibility for safeguarding the rights and addressing the concerns of refugees and individuals with subsidiary protection in BiH. The MoS collaborates with several independent bodies to effectively carry out its duties in this regard. According to Article 12 of the Law on the Ministries and Other Bodies of the BiH Government, the MHRR is responsible for providing reception and care for up to 30 days to BiH nationals returning to BiH under readmission agreements.</p>	LINK (BS)
8.	Ministry of Foreign Affairs (MFA)	<p>This Ministry is in charge of:</p> <ul style="list-style-type: none"> Visa policies Visa applications and visa issuances <p>The Ministry of Foreign Affairs has the authority and responsibility for the readmission of Bosnian and Herzegovinian nationals, as established in the Readmission Agreement between BiH and the European Community, as well as in bilateral readmission agreements with other countries. These agreements are implemented through protocols. The ministry, through its diplomatic and consular representations, issues the necessary travel documents for the return of individuals who will be readmitted. If there is insufficient evidence to meet the requirements for readmission, the relevant Bosnian and Herzegovinian diplomatic and consular representations arrange an interview, upon request, with the potential returnee to determine their nationality. The ministry's Division for International Law Relations and Consular Affairs acts as a mediator between the competent institutions involved in implementing the agreements, facilitating discussions on specific details such as the date of return, designated border crossing points, and the need for possible escorts.</p>	LINK (EN)

9.	Agency of Labour and Employment (PES)	<p>This Agency is in charge of:</p> <ul style="list-style-type: none"> • work permits to foreigners, by citizenship, sex, age and branch of activity, • issued, extended, annulled, and valid work permits to foreigners, by country of citizenship, • issued, extended, annulled, and valid work permits to foreigners, by branch of activity. 	LINK (EN)
10.	Intelligence and Security Agency (OSA)	<p>The Intelligence and Security Agency (OSA) in Bosnia and Herzegovina (BiH) plays a significant role in relation to immigration legislation, particularly concerning the security aspect. It is responsible for conducting security checks on foreigners to assess potential risks to the security of BiH. These checks aim to identify any potential threats or concerns that may arise from the presence of certain individuals in the country. The OSA's role is crucial in ensuring the safety and stability of BiH by assessing the security implications associated with the entry and presence of foreigners, thereby contributing to effective immigration control and safeguarding national security.</p>	LINK (EN)
11.	State Investigation and Protection Agency (SIPA)	<p>The State Investigation and Protection Agency (SIPA), is an independent agency operating within the Ministry of Security of Bosnia and Herzegovina. It has operational independence in carrying out its duties and was established to fulfil police responsibilities. SIPA plays a crucial role in criminal investigations, counter-terrorism efforts, and combating organized crime. It collaborates with various security and law enforcement agencies, including those involved in addressing immigration-related crimes such as human trafficking and migrant smuggling. SIPA's mandate, as defined by relevant laws, includes the prevention, tracking, and investigation of criminal acts falling under the jurisdiction of the Court of Bosnia and Herzegovina. These acts encompass organized crime, terrorism, war crimes, human trafficking, and other crimes</p>	LINK (EN)

		against humanity and values protected by international law.	
12.	Centres for Social Work	Centres for Social Work in Bosnia and Herzegovina (BiH) are local or regional institutions dedicated to providing social support and protection, with a particular focus on families and vulnerable individuals. In accordance with national and international laws, these centres have the responsibility to ensure legal guardianship and protection for all unaccompanied and separated children, irrespective of their nationality. Working in collaboration with organizations such as UNICEF, UNHCR, BHWI, Save the Children, and other partners, the Centres for Social Work appoint guardians for unaccompanied migrant and refugee children. This cooperative effort aims to safeguard the rights and well-being of these children and ensure their access to essential services. Additionally, the Centres for Social Work bear the responsibility of addressing issues related to violence, abuse, neglect, and exploitation of children, as well as domestic violence. They play a critical role in identifying and responding to such cases, providing necessary support, and working towards the overall protection and welfare of children in BiH.	n/a
13.	IOM	The IOM is an intergovernmental organisation that works closely with BiH authorities to provide support in various areas related to migration management. This includes capacity building, technical expertise, data collection and analysis, awareness raising, and assistance to migrants and vulnerable groups.	LINK (EN)
14.	UNHCR	UNHCR is responsible for the protection of refugees worldwide. In BiH, UNHCR works with national authorities and other partners to provide protection, assistance, and durable solutions for refugees and asylum seekers. It supports the development and implementation of refugee policies, refugee status	LINK (EN)

		determination procedures, and the integration of refugees into the host society.	
15.	Danish Refugee Council	The Danish Refugee Council (DRC) is an international non-governmental organization that operates in BiH, providing assistance to refugees, asylum seekers, and internally displaced persons. They offer protection, legal aid, livelihood support, and psychosocial assistance, working to improve the living conditions and resilience of displaced populations.	LINK (EN)
16.	Save the Children	Save the Children is a global humanitarian organization that focuses on improving the lives of children. In BiH, they provide support and assistance to migrant and refugee children and their families. Their efforts include ensuring access to education, healthcare, psychosocial support, and protection services. Save the Children works closely with local partners, government agencies, and other organizations to address the specific needs and rights of migrant children in BiH.	LINK (EN)
17.	The Bosnia and Herzegovina Women's Initiative	The Bosnia and Herzegovina Women's Initiative (BHWI) is a NGO that collaborates with UNHCR to provide various services to asylum seekers and refugees in BiH. BHWI offers a range of support to individuals in need, including psychosocial assistance to address their emotional well-being and mental health. They also provide interpretation and transportation services to help refugees and asylum seekers navigate official procedures and engage with institutions effectively. Additionally, BHWI organises recreational and vocational activities, promoting integration and empowerment among the refugee community. BHWI operates in several reception centres in BiH, such as the Salakovac Refugee Reception Centre, Delijaš Asylum Centre, and Ušivak Transit/Reception Centre. Their staff members can also be found at the UNHCR Information Centre in Sarajevo, where they provide information and support to individuals seeking refuge in the country.	n/a

		In collaboration with UNHCR, the Bosnia and Herzegovina Women's Initiative plays a vital role in assisting and supporting asylum seekers and refugees, ensuring their well-being and helping them navigate the challenges they face during their displacement.	
18.	World Vision BiH	World Vision BiH is another non-profit organisation that works with vulnerable communities, including migrants and refugees. They aim to provide immediate relief and long-term support to meet the needs of individuals and families affected by displacement. World Vision BiH focuses on areas such as shelter, water and sanitation, education, and livelihood support. They collaborate with local communities, authorities, and other stakeholders to promote the well-being and integration of migrants in BiH.	LINK (EN)
19.	Foundation for Local Democracy	Foundation for Local Democracy (FLD) focuses on providing support and assistance to migrants and refugees in BiH. They work on various aspects, including protection, integration, access to healthcare and education, and promoting human rights.	LINK (EN)
20.	Vasa prava	Vaša Prava BiH is a legal aid organization that provides free legal assistance to migrants and refugees. They help individuals navigate the legal system, provide information on their rights, and support them in asylum and residency procedures.	LINK (EN)

1.3. THE SPECTRUM OF MIGRANT IRREGULARITY IN BOSNIA AND HERZEGOVINA: CATEGORIES AND PATHWAYS INTO/OUT OF IRREGULARITY

Table 2: Categories of migrant irregularity in Bosnia and Herzegovina

Most relevant categories of migrants in an irregular situation	Description (who does this category apply to, what conditions may lead to this category, and what are the implications of being in such a situation)
Overstayer	<p>A person who has legally entered but then stayed in BiH beyond the allowed duration of their permitted stay without the appropriate visa (typically 90 days or six months), or of their visa and /or residence permit.</p> <p>Penalties in Bosnia and Herzegovina usually include immediate deportation or an order to leave the country.</p> <p>The number of such cases are considered low by the authorities and subsequently not a major policy concern.</p>
Rejected asylum seeker	<p>A person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period.</p>
Person illegally entering the country.	<p>An individual entering the country without legal documents or funds to sustain oneself</p>
New-born children of irregular migrants	<p>Children born to parents who are irregularly residing in BiH either because of irregular entry with lack of relevant documents and sufficient funds, or overstay of the authorised period mentioned on their entry permit. There are cases where children may become stateless, particularly if their mother's nationality is not recognised or if they have no official status</p>

1.3.1 Pathways into and out of irregularity

- **Asylum application**

Bosnia and Herzegovina is party to the 1951 Refugee Convention relating to the Status of Refugees and its 1967 Protocol Relating to the Status of Refugees and the Government has the responsibility to process asylum claims and to decide whether somebody can be granted refugee status in Bosnia and Herzegovina. If a foreigner has not been granted refugee status or subsidiary protection due to the application of exclusion clauses, but it is established in the asylum procedure that there is a serious risk that he will be subjected to the death penalty or execution, torture or other inhuman or degrading treatment or punishment by return or forced removal to another country, the foreigner is allowed to stay in BiH in accordance with the Law on Foreigners, which regulates the area of movement and residence of foreigners.

- **Assisted voluntary return**

BiH recorded several hundreds of assisted voluntary returns of foreigners from BiH. It was implemented by IOM through its Assisted voluntary return and reintegration (AVRR) programme (IOM Bosnia and Herzegovina, n.d.), in coordination with BiH institutions and migrant communities, as an example of multi-sector approach to voluntary return and creating a comprehensive migration management system. The program provides administrative, logistical, financial support and reintegration assistance to migrants unable or unwilling to remain in the host/transit country and who decide to return to their country of origin. BiH institutions report a low number of forcible removals of foreigners identified as staying illegally in the country (e.g. only 1 in 2021) and interpret it as a good sign of effective voluntary return schemes (BiH interview with government representative).

- **Work permits**

A migrant status can be regulated through a work permit. The work permit application is submitted by an employer. A migrant who entered the country through a visa-free regime or with a long-term visa can find an employer who will apply for a work permit on migrant's behalf, and in such a manner regularise her/his status in the country by obtaining a residence permit on the basis of a work permit issued.

References

- Bosnia and Herzegovina Ombudsman. (2018). *Specijalni izvještaj o stanju u oblasti migracija u Bosni i Hercegovini*. https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2019010713545979bos.pdf
- DG NEAR. (2022). *ANNEX 1 to the Commission Implementing Decision on the financing of the annual action plan in favour of Bosnia and Herzegovina for 2021 "Action Document for "EU4 Migration, Border management and Mine Action."* https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-01/C_2021_9661_F1_ANNEX_EN_V1_P1_1664469.PDF
- ICMPD. (n.d.). *Enhancement of the Migration Information System (MIS) for Strengthening Migration, Asylum and Border Management in Bosnia and Herzegovina*. <https://www.icmpd.org/our-work/projects/enhancement-of-the-migration-information-system-mis-for-strengthening-migration-asylum-and-border-management-in-bosnia-and-herzegovina-mis-bih>
- IOM Bosnia and Herzegovina. (n.d.). *Assisted Voluntary Return*. <https://bih.iom.int/assisted-voluntary-return>
- Organization for Security and Co-operation in Europe. (2018). *Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina; An overview of the intervention of key actors in the field*. <https://www.osce.org/mission-to-bosnia-and-herzegovina/397319>
- Press and information team of the Delegation to Bosnia and Herzegovina. (2023, September 19). *Further advancement towards independent migration management in Bosnia and Herzegovina*. https://www.eeas.europa.eu/delegations/bosnia-and-herzegovina/further-advancement-towards-independent-migration-management-bosnia-and-herzegovina_en?s=219
- Sarajevo Times. (2023, December 1). *The Agreement with Frontex is an important Step for BiH on its Approach to the European Union*. Sarajevo Times. <https://sarajevotimes.com/the-agreement-with-frontex-is-an-important-step-for-bih-on-its-approach-to-the-european-union/>

ANNEX 1: Policy and Legal Frameworks

Laws and policies on migrant irregularity

Sr. No	Title of policy/law	Year	Description	Web link to source
1.	Law on Foreigners	2015, revisions in 2021	The Law on Foreigners provides the legal framework for regulating the entry, stay, and movement of foreign nationals in BiH. It outlines the procedures for obtaining visas, residence permits, and work permits. The law also sets criteria for granting international protection to foreigners, establishes grounds for deportation, and defines the responsibilities of relevant authorities in enforcing immigration laws.	“The BiH Official Gazette”, No. 88/15, and 34/21,
2.	Law on Asylum	2016	The Law on Asylum governs the process of granting asylum and international protection to individuals who seek refuge in BiH due to persecution, conflicts, or generalised violence. It establishes the criteria for determining refugee status, procedures for lodging and examining asylum applications, and the rights and obligations of asylum seekers and recognised refugees. The law also addresses the establishment and functioning of reception centres for asylum seekers.	Official Gazette of BiH”, No. 11/16
3.	Strategy and Action Plan on Migration	2008-2011	The strategy defines the main topics as: visas, border control. Immigration and asylum, and readmission. The goal specified was to develop a system for managing borders, visa regime,	LINK (EN)

	and Asylum		immigration and asylum in BiH according to the EU standards.	
4.	Strategy and Action Plan on Migration and Asylum	2012-2015	<p>Mid-term strategic goals, defined for the period 2012 – 2015 are the following:</p> <ol style="list-style-type: none"> 1 Enhancement of the system of entry and stay control of foreigners in Bosnia and Herzegovina; 2 Enhancement of the quality of international and temporary protection (asylum) in Bosnia and Herzegovina; 3 Increasing efficiency of monitoring and control of the state border of Bosnia and Herzegovina; 4 Enhancement of the fight against illegal migrations in Bosnia and Herzegovina; 5 Contribution to the reduction of human trafficking in Bosnia and Herzegovina; 6 Strengthening institutional capacities in Bosnia and Herzegovina with the purpose of connecting migration and development; 7 Ensuring overall integration of foreigners who reside in Bosnia and Herzegovina legally and 8 Establishment of Permanent Coordination System in the realization of migration policy of Bosnia and Herzegovina. 	LINK (EN)
5.	Strategy and Action Plan on Migration and Asylum	2016-2019	<p>Medium term strategic goals, as defined for the period 2016 – 2020, are the following:</p> <ol style="list-style-type: none"> 1) Improving the system of control of entry and stay of aliens in Bosnia and Herzegovina; 2) Strengthening capacities in the area of asylum in Bosnia and Herzegovina; 3) Increasing efficiency of control of the state border of Bosnia and Herzegovina; 4) Improvement of the fight against illegal migrations in Bosnia and Herzegovina; 	LINK (EN)

			<p>5) Contribution to the reduction of human trafficking in Bosnia and Herzegovina;</p> <p>6) Strengthening institutional capacities in Bosnia and Herzegovina with objective of linking migration and development;</p> <p>7) Establishing of a system for monitoring of integration of aliens who reside legally in the territory of Bosnia and Herzegovina;</p> <p style="text-align: center;">and</p> <p>8) Establishing of a Permanent Coordination System in the implementation of migration policy of Bosnia and Herzegovina.</p>	
6.	Strategy for Integrated Border Management in Bosnia and Herzegovina for the period 2019-2023	2019-2023	<p>VISION: Ensure the unimpeded movement of people and goods across the national border whilst preventing all forms of illegal activity linked to crossing the national border.</p> <p>MISSION: Implement the new concept of integrated border management and joint inter-agency action in order to reduce the threat to border security and internal security and act to increase the overall level of security in Bosnia and Herzegovina</p>	LINK (EN)
7.	Mobility partnership with Switzerland		Switzerland and Lichtenstein have been supporting work in the field of migration for many years now. Based on the existing, long-lasting, and intensive cooperation, both countries have established "Migration Partnerships" with BiH through memorandums of understanding (Switzerland in 2009, Lichtenstein in 2011) within the Swiss "Migration Partnership Strategy for the Western Balkans".	LINK (EN) .
8.	Rulebook on the content, manner of keeping	2016	It regulates the content, manner of keeping and use of official records on foreigners	("Official Gazette of BiH" No. 51/16

	and use of official records on foreigners			
9.	Rulebook on entry and stay of aliens		This Rulebook stipulates: the procedures for entry of aliens in BiH; refusal of entry; certification of invitation letter; issuance of visas at the border; visa extension; visa cancellation and revocation; approval of residence and issuance of residence permits; issuance of certificates on identity; work registration certificates; registration and deregistration of permanent and temporary residence; issuance of Alien ID Card; termination of residence; cancellation of residence; certification of the Book of Aliens, as well as other issues related to the entry, movement and stay of aliens in BiH.	"Official Gazette of BiH" No. 36/08, 87/12
10.	Rulebook on the Central Database on Foreigners	2017	This rulebook determines the authority for the conduct, content and rules on management, use, protection and storage of data and the procedure for deleting data, as well as the rules for accessing data in the Central Database on Foreigners. The central database on foreigners is part of the Information System for Migration, it is maintained in electronic form and contains data from official records maintained on the basis of the Law on Foreigners and the Asylum Law.	"Official Gazette of BiH" No. 19/17
11	Law on State Borders Service	2004	It regulated competence, organisation and management of the BiH State Borders Service	"Official Gazette of BiH" No. 50/04, 27/07, 59/09

Laws and policies indirectly impacting migrant irregularity

Sr. No.	Title of policy/law	Year	Description: How it relates to migrant irregularity	Weblink to source
1.	The Law on Administrative Dispute	2002	This law regulated procedures of administrative disputes at the BiH courts, including the ones where irregular migrants are involved	"Official Gazette of BiH" No. 19/02
2.	The Law on Ministries and Other Bodies of Administration	2003	Regulated mandates of different ministries, and their responsibilities over different issues, including the ones related to irregular migration	"Official Gazette of BiH" No. 5/03
3.	The Law on Protection of Personal Data	2006	The purpose of this Law is to secure in the territory of BiH for every individual, regardless of his/her nationality or residence, respect for human rights and fundamental freedoms, and in particular the right to privacy with regard to the processing of personal data relating to him/her.	"Official Gazette of BiH" No. 49/06
4.	Various Criminal Laws at different levels in BiH		They regulate criminal offences and sanctions by and against individuals, including irregular migrants.	LINK (EN) ,
5.	State and entity level laws on employment of foreigners		These laws regulate the conditions, manner and procedure of employment of foreign citizens and stateless persons in Bosnia and Herzegovina and its entities, exceptions to the issuance of work permits, termination of validity of work permits, record keeping of issued work permits and other matters of importance for the employment of foreigners.	LINK (EN)

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