

Based on Article 70 Paragraph 3 and Article 73 of the Law on State Administration (RS Official Gazette, number 11/94 and 6/97) and Article 27 of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska (RS Official Gazette, number 33/99), the Minister of Interior and the Minister of Refugees and Displaced Persons are passing the:

I N S T R U C T I O N
**on the Application of Provisions of Articles 12-18 of the Law on Displaced
Persons, Refugees and Returnees in the Republika Srpska**

1. This Instruction shall regulate the procedure of filing applications for acquiring the status of a displaced person, the work of administrative authorities with regard to deciding upon requests, issuing a displaced person card, keeping records of issued cards and change of a temporary residence of displaced persons, as well as the procedure of terminating and/or ceasing the status of a displaced person.

This Instruction shall also regulate the method of completing prescribed forms and the procedure for issuing personal documents to returnees in the Republika Srpska.

2. Filing applications for recognising the status of a displaced person

2.1 The application for recognising the status of a displaced person shall be filed with the Ministry of Refugees and Displaced Persons in the municipality of his/her temporary residence (hereinafter: the OMI).

2.2 The application shall be filed on the Forms RAS-1 and RAS-2 that are attached hereto and that make the integral part of this Instruction.

For displaced persons younger than 15, the application shall be filed by a parent or a custody authority, and/or a guardian.

2.3 Each applicant is responsible for the accuracy of data stated in his/her application and s/he must provide the relevant documentation.

If the applicant does not have the documentation relevant for establishing certain facts, those facts shall be established by the OMI based on the applicant's statement.

2.4 The application shall be filed in two copies.

2.5 The OMI shall register both copies of the application at the time of receipt, certify them by sealing them and return one copy to the applicant.

2.6 The OMI shall accept every identification document that confirms the identity of the applicant, including ID documents issued under any previous legislation.

2.7 The applicant shall be fully exempt from paying fees, as well as all the other procedural costs in accordance with the Law on General Administrative Procedure.

3. Deciding upon the application for acquiring the status of a displaced person

3.1 The OMI shall, upon receiving the application for recognising the status of a displaced person, make a decision upon the application within 30 days from the day of receiving the application.

3.2 The procedure of determining the status of a displaced person shall be conducted in accordance with provisions of the Law on General Administrative Procedure.

The procedure of issuing the decision shall be conducted in an expedited manner.

3.3 The decision on recognising the status of a displaced person shall contain data about first and last name of a displaced person, date and place of his/her birth, JMBG number (if available), the name of the municipality where s/he originally fled from, the address of his residence and specification of the time of his/her displacement into the Republika Srpska.

3.4 The OMI shall deliver to the applicant the decision referred to in previous Item within 8 days from the day of issuing.

A decision shall be delivered in two copies.

An appeal against the decision may be submitted to the Minister of Refugees and Displaced Persons within 15 days from the day of receiving the decision. An administrative dispute may be initiated against the decision of the Minister of Refugees and Displaced Persons in accordance with the Law.

4. The procedure of issuing a displaced person card

4.1 A displaced person who has received the decision on recognising the status of a displaced person shall deliver one copy of the decision to the public security station (hereinafter: SJB) on the territory of the municipality of his/her temporary residence for the purpose of obtaining a displaced person card.

4.2 Upon checking whether that person has already been registered in another municipality of the Republika Srpska, SJB shall issue a displaced person card under the method and the procedure for issuing an ID card.

The form of a displaced person card (RL-1) shall be made on a yellow cardboard (file-card), dimensions of which are 145 x 100 mm, printed in the attachment of this Instruction and it makes its integral part.

4.3 SJB in the municipality of temporary residence of a displaced person shall keep the registry of received decisions of the OMI on issuing DP cards.

The registry referred to in Paragraph 1 of this Item shall be kept in a special book that contains data prescribed for the registry of received applications for issuing ID cards.

4.4 SJB shall keep records of issued DP cards on the form of the cardboard on issued ID card.

Change of temporary residence of a displaced person shall be recorded on the cardboard referred to in Paragraph 1 of this Item. Cardboards referred to in Paragraph 1 of this Item shall be deposited in a special card-file according to alphabet.

5. Cessation of the status of a displaced person

5.1 The status of a displaced person shall cease upon meeting conditions established in Article 17 of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska.

The procedure for the cessation of the status of a displaced person shall be conducted according to provisions of the Law on General Administrative Procedures.

5.2 Upon meeting conditions referred to in Article 17 of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska, displaced persons must notify the OMI in the municipality of his/her temporary residence for the purpose of deleting their names from the records of displaced persons, and the grounds upon which the deletion is made, if available, shall be recorded in a register. Exceptionally, for persons who have already returned at the date of entry into force of this Instruction, they can also notify the same OMI in writing (by mail or by any other person).

5.3 The grounds upon which the deletion is made for a displaced person are as follows:

- a. s/he has returned to her/his former place of permanent residence;
- b. where there is a possibility for safe and dignified return to her/his former place of residence, but a displaced person has not returned there;
- c. s/he has voluntarily decided to permanently settle in a place of her/his free and voluntary choice;
- d. s/he has freely disposed of her/his property in the place of her/his former permanent residence, in order to settle in a place of her/his free and voluntary choice.

5.4 The OMI shall conduct the procedure of cancelling the status of a displaced person *ex officio* if, based on their own knowledge or based on the reports of other state or local authorities - institutions, international organisations or citizens, they determine that conditions for the cessation of the status of a displaced person prescribed by the Law have been met, but the person has not, for the purpose of deleting his/her name from the records, notified the OMI about that fact.

5.5 The OMI must issue the decision on the cessation of the status of a displaced person within 30 days from the day of establishing or finding out that the conditions for

the cessation of the status of a displaced person prescribed by law have been met, and deliver the decision to the displaced person within 8 days of making the decision. The decision on the cessation of the status of a displaced person shall invalidate the decision on recognising the status of a displaced person to that person once it becomes final.

5.6 An appeal may be filed against the decision on the cessation of the status of a displaced person to the Minister of Refugees and Displaced Person within 15 days from the day of receiving the decision, and it shall be filed through the office of the OMI.

5.7 In case that the decision on the cessation of the status of a displaced person has been made by the OMI other than the one that has made the decision on recognising such status, the copy of the decision, once it becomes final, shall be delivered to the OMI that has made the decision on recognising the status.

An authorised employee of the OMI shall, upon the receipt of the decision in the sense of previous provisions, record the change and/or the entry into the relevant registry. The grounds upon which the decision was made shall also be recorded in the register (see Art.17 of the Law).

5.8 Upon deleting their names from the records of displaced persons, these persons must return their previously issued cards recognising their DP status, in person, to the Ministry of Interior, the issuing public security station. Exceptionally, for persons who have already returned at the date of entry into force of this Instruction, they can also send their card by mail or by any other person.

SJB shall notify the responsible OMI for the purpose of deleting that displaced person from their records.

6. Registration of returnees and issue of return certificates

6.1 Returnees, either organised or spontaneous, must upon the return into their previous permanent residence on the territory of the Republika Srpska (i.e. return to pre-conflict home and/or municipality), register their return with the OMI in the municipality of their pre-war permanent residence.

The return must be registered within 15 days from the day of their return to the address of their previous permanent residence.

Returnees who have returned to their previous permanent residence on the territory of the Republika Srpska prior to the adoption of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska and prior to passing this Instruction must register their return (i.e. to their pre-conflict home and/or municipality) with the OMI in the municipality of their return within 30 days from the day of publishing this Instruction in the RS Official Gazette.

6.2 The return application shall be filled on the prescribed form of voluntary return registration (the form O-1 - application for voluntary return, herewith attached) in

accordance with the Instruction on the Method of Organising the Return of Displaced Persons and Repatriates for the Territory of the Republika Srpska (RS Official Gazette, number 18/98).

In case that a returnee has already completed the application form for voluntary return, s/he shall hand over a copy of the completed application form with the recorded ID number and the date and place of completing the application to an official in the OMI.

6.3 The official person in the OMI shall, while processing the applications for voluntary return and closing the case status, act in accordance with the Manual for the Return Application Database System Users (RADS), general part and technical instructions.

6.4 An authorised official of the OMI shall, without any delay, upon receiving an application for the return and upon recording returnees into the RADS database, issue the return certificate.

The return certificate shall contain the following data: registration number and date of the returnee, first and last name of the returnee and all household members who have returned, date and place of birth, JMBG (if available) and date and address of the return (the return certificate form is attached herewith and makes the integral part of the Instruction)

6.5 All members of the returnee's household who are of a full legal age shall, within 30 days upon receiving the return certificate, initiate the procedure for issuing personal documents with the competent authorities in the place of the return.

An ID Card and other personal documents of the Republika Srpska shall be issued to returnees under the method and the procedure established by the Law on ID card and other regulations.

7. Records of returnees into the Republika Srpska

7.1 The OMIs shall keep the registry of returnees.

The registry shall be kept in the form of book bound in stiff covers of A-3 format, the cover of which shall contain the inscription of the title of the registry, designation and seat of the OMI.

7.2 The content of the registry is established on the form R-1 attached herewith and makes the integral part of this instruction.

7.3 Recording into the registry shall be done by filling out certain data in relevant columns. The columns should be filled in legibly, and the recorded text must not be deleted or corrected.

If it is determined that the record has been incorrect, it shall be crossed out with a diagonal line, and the record shall be made in the next available recording space.

7.4 The pages of the registry shall be certified by an authorised person of the OMI, and the last page of the registry shall include the specification of the number of pages and date of certification.

7.5 The Office of the Commissioner for Refugees and Humanitarian Aid shall, in accordance with Article 24 of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska, run the database system of registered returnees into the Republika Srpska.

8. This Instruction shall enter into force on the day of being published in the Official Gazette of the Republika Srpska.

Number:	Minister of Refugees and Displaced Persons	Minister of Interiors
Date:	Miladin Dragicevic	Sredoje Novic

APPLICATION FOR RECOGNISING THE STATUS OF A DISPLACED PERSON

The application for recognising the status of a displaced person shall be filed on this form by one of household members of a full legal age and shall include all the other displaced household members.

1.	First name _____, Father's name _____ Last name _____
2.	Sex Male _____ 1 Female _____ 2
3.	B O R N Day, month and year _____ Place _____ Municipality _____ Country/ Republic of ex SFRY _____
4.	Occupation _____
5.	Nationality 1. Serb 2. Bosniak 3. Croat 4. Other (According to Article 34 of the Constitution of the Republika Srpska, stating the nationality is optional.)
6.	PREVIOUS PERMANENT RESIDENCE Place _____ Municipality _____ Street and number _____
7.	Date of displacement _____
8.	New temporary residence Place _____ Municipality _____ Street and number _____ First and last name of a host person _____ Telephone _____
9.	JMBG (personal number) _____

DATA ABOUT HOUSEHOLD MEMBERS IN DISPLACEMENT

10.	Ordinal number	First name	Name of one parent	Last name	Relationship with the applicant	Date of birth	Sex	
							M	F
	01						1	2
	02						1	2
	03						1	2
	04						1	2
	05						1	2
	06						1	2
	07						1	2

_____ 200_____

Signature of the applicant

In _____

APPLICATION FOR RECOGNISING THE STATUS OF A DISPLACED PERSON

The application for recognising the status of a displaced person shall be filed on this form for each displaced person except for those persons who have already filed the form RAS-1.

1.	First name _____, Father's name _____ Last name _____
2.	Sex Male _____ 1 Female _____ 2
3.	B O R N Day, month and year _____ Place _____ Municipality _____ Country/ Republic of ex SFRY _____
4.	Occupation _____
5.	Nationality 1. Serb 2. Bosniak 3. Croat 4. Other (According to Article 34 of the Constitution of the Republika Srpska, stating the nationality is optional.)
6.	PREVIOUS PERMANENT RESIDENCE Place _____ Municipality _____ Street and number _____
7.	Date _____ of _____ displacement
8.	New temporary residence Place _____ Municipality _____ Street and number _____ First and last name of a host person _____ Telephone _____
9.	JMBG (personal number) _____

_____ 200_____

Signature of the applicant

In _____

(Front cover page)

**REPUBLIKA SRPSKA
DISPLACED PERSON CARD**

(inside page)

(Municipality)

(First name)

(Last name)

(Day, month and year of birth)

(Place of birth, municipality, country(republic of ex Yugoslavia))

(ID Card or another document number)

(JMBG)

(Place and municipality the person has been displaced from and the address)

(Registration date)

(Place of residence and address)

(Number of a displaced person card)

(Issuance date)

(Signature of an authorised person)

(back page)

CHANGE OF THE PLACE OF TEMPORARY RESIDENCE

LS

(Residence deregistration date) (Certification)

(Place of registering temporary residence and apartment address)

LS

(Residence registration date) (Certification)

CHANGE OF THE PLACE OF TEMPORARY RESIDENCE

LS

(Residence deregistration date) (Certification)

Based on this certificate, a returnee shall initiate the procedure for obtaining personal documents of the Republika Srpska with the competent authorities in the place of his/her return. The certificate may not be used for other purposes.

In _____ LS _____
(Authorised person)

The registry form of a returnee R-1

The Department of the Ministry of Refugees and Displaced Person _____ Municipality _____

Ordinal number	Recording date	First name (name of one parent) and last name of the applicant	RADS No. for voluntary return	Data about family members who have returned			Return date	Return address	Note:
				First and last name	Relationship	Year of birth			
		_____ _____ _____	Registration place and date <u>(Record data from RADS database)</u>	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____		City (place) _____ Municipality (Loc. Comm.) _____ Street & no. _____	