

LAW
ON DISPLACED-EXPELLED PERSONS AND REFUGEES-REPATRIATES
IN THE SARAJEVO CANTON
(Canton Sarajevo Official Gazette, no. 27/05)

Consolidated text prepared by the Legislative Commission of the Canton Sarajevo Assembly which include the Law on Displaced-Expelled Persons and Refugees-Repatriates in the Canton Sarajevo (Canton Sarajevo OG, no. 15/01) and the Law on Amendments to the Law on Displaced-Expelled Persons and Refugees-Repatriates in the Canton Sarajevo (Canton Sarajevo OG, no. 22/05)

I GENERAL PROVISIONS

Article 1

This Law shall regulate:

- the procedure for the exercise and recognition of the rights and obligations of displaced-expelled persons and refugees-repatriates in the territory of the Sarajevo Canton (hereinafter: Canton);
- the submission of the request for the acquisition of the status;
- the competent authority for issuing decisions on recognition and cessation of the status and rights;
- the rights and obligations of displaced-expelled persons and refugees-repatriates;
- cessation of the status and rights in accordance with this Law;
- issuing of DP cards;
- the procedure for keeping basic records;
- the provision of resources for the return and exercise of other rights;
- monitoring of the implementation of the law;
- other issues with regard to the rights and obligations of these persons in accordance with the Constitutions of BiH, the BiH Federation and the Canton, Federation and Cantonal laws and regulations.

Article 2

The issues which are not regulated by this Law shall be regulated by the Law on Displaced Persons and Returnees in the Federation of Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina (FBiH Official Gazette, no. 15/05), (hereinafter: the Federation Law) and the Law on Refugees from BiH and Displaced Persons in BiH (BiH Official Gazette, nos. 23/99, 21/03 and 33/03) (hereinafter: the BiH Law).

Article 3

The status of persons referred to in Articles 4 and 5 of the Federation Law shall be acquired and shall cease based on the BiH Law and the Federation Law, in accordance with the procedure prescribed by this Law.

II – PROCEDURE FOR SUBMISSION OF REQUESTS FOR RECOGNITION OF THE STATUS

Article 4

The recognition and cessation of the status of persons referred to in Articles 4 and 5 of the Federation Law, as well as the recognition and cessation of their rights and

obligations shall be decided by the department competent for displaced persons and refugees in the municipality of the temporary residence (hereinafter: the competent municipal department).

The request for recognition of the status of a person referred to in paragraph 1 of this Law, shall be submitted to the competent municipal department.

The applicant is responsible for the accuracy of data from the request with the attached corresponding documentation necessary for decision-making procedure.

Where the applicant neither holds the corresponding documentation necessary for the establishment of a certain fact nor is able to provide it, for justified reasons, the competent municipal department shall provide this documentation *ex officio* on the basis of the statement given by the applicant.

Article 5

The parent-legal guardian or custodial body shall submit the request for recognition of the status of a person younger than 15 years of age.

The competent municipal department shall recognise any document confirming the identity of the applicant, including identification documents issued on the basis of prior regulations.

III – DECISION-MAKING UPON REQUEST FOR ACQUISITION OF THE STATUS

Article 6

The competent municipal department, upon completing the request for recognition of the status, receiving and completing the status data, in accordance with the Instruction on the Form of the DP Card of a Displaced-Expelled Person (“Official Gazette of the BiH Federation”, no. 28/00 and 42/00) and the Instruction on Keeping the Central and Basic Records on Displaced-Expelled Persons and Refugees-Repatriates for the territory of the Federation of Bosnia and Herzegovina (“Official Gazette of the BiH Federation”, no 29/00), shall enter data into the basic evidence, complete the case and make a decision upon this request at the first instance.

The competent municipal department shall make a decision upon the request within the 30 days from the day of receiving a request.

The procedure of the recognition and cessation of the status as well as of the rights and obligations of persons referred to in Articles 4 and 5 of the Federation Law shall be conducted in accordance with provisions of the Law on Administrative Procedure.

Article 7

A decision on recognition and a decision on cessation of the status of persons referred to in Articles 4 and 5 of the Federation Law contains all data envisaged by the Instruction on Keeping Central and Basic Records on Displaced –Expelled Persons and Refugees-Repatriates for the territory of the Federation of Bosnia and Herzegovina.

The status and rights of persons referred to in Articles 4 and 5 of the Federation Law shall be recognised as of the day when the request was submitted.

At the request of a returnee himself/herself who have returned to his/her former residence-address of residence, the competent municipal department shall issue a certificate on the status of returnee.

IV – RIGHTS AND OBLIGATIONS OF A DISPLACED-EXPELLED PERSON AND A REFUGEE-REPATRIATE

Article 8

Displaced-expelled persons and refugees-repatriates shall exercise their rights under conditions and in the procedure determined based on the Annex VII – the General Framework Agreement for Peace in BiH and other international documents in the field regulating protection of human rights and rights of displaced-expelled persons and refugees-repatriates.

Article 9

The rights determined by Article 11, paragraph 1, of the Federation Law shall be recognised to persons whose status has been recognised within the same decision, under condition and method prescribed by this Law.

A returnee shall not lose the right to receive assistance for sustainable return and assistance in basic repair of his/her own apartment or house after the cessation of the status.

Assembly or the Government of Canton Sarajevo, in accordance with financial possibilities, can determine other rights to displaced persons and returnees.

Right to temporary accommodation

Article 10

The right to provision of temporary accommodation shall be provided to persons referred to in Articles 4 and 5 of the Federation Law, provided that they are unable to return to their former permanent residence, what shall be verified by the competent municipal department in co-operation with the Cantonal Ministry *ex officio* through municipalities in the BiH Federation and the department of the Ministry for Refugees and Displaced Persons in the Republika Srpska.

The right to provision of the temporary accommodation shall not be provided to persons referred to in Articles 4 and 5 of the Federation Law regardless the conditions referred to in paragraph 1 of this Article have been fulfilled, if they have sufficient disposable income, including assets, to provide for their own accommodation. Sufficient disposable income shall be defined as one-fourth of the applicable breadbasket, as calculated by the competent statistical institute, per current family household member, plus 200 KM for housing costs.

Article 11

The total household income used as a basis for the exercise of right referred to in Article 10 of this Law, shall include income realised by the household members based on:

1. salaries and other income deriving from employment;
2. old-age pension, disability pension and family pension;
3. income realised based on economic, service and other activities;
4. income realised based on property rights;
5. additional work;
6. and other income.

The incomes in terms of item 3 of this Article shall be considered incomes realised through economic, service and other activities from the previous year divided into twelve (12) months as well as by household members.

Article 12

Provided that persons referred to in Articles 4 and 5 of the Federation Law fulfil conditions for the exercise of right to temporary accommodation in accordance with this Law, temporary accommodation shall be provided for in: reception-transit centres, collective centres, settlements that have been constructed, reconstructed or renovated for the purpose of accommodation and available apartments, as well as in other types of accommodation determined by regulation of the Cantonal Government.

Exceptionally, for the purpose of ensuring minimum conditions for accommodation of persons referred to in paragraph 1 of this Article, the Government of the Federation of Bosnia and Herzegovina, upon agreement of the Cantonal Government, shall determine particular units in the territory of the canton which are of importance for the Federation for temporary accommodation of displaced persons.

User of temporary accommodation referred to in paragraphs 1 and 2 of this Article is obliged to pay housing costs except when being a beneficiary of financial allowance granted for payment of utility services and of other subventions according to the *Law on Social Welfare, Protection of Civilian War Victims and Protection of Families With Children* (Sarajevo Canton Official Gazette, no. 16/00).

Right to food

Article 13

The right to food shall be provided through provision of packets containing basic items, through the competent municipal department where persons referred to in Articles 4 and 5 of the Federation Law have their temporary residence.

The right to food shall not be exercised for persons referred to in paragraph 1 of this Article provided that they do realise their income on any basis and regardless of the income amount.

Right to social adaptation and psychological support

Article 14

Social adaptation and psychological support of a person referred to in Articles 4 and 5 of the Federation Law shall be provided within special programmes for this purpose financed by governmental and non-governmental organisations, through Centres for Social Affairs and Family Guidance Centres.

Right to health care

Article 15

The right to health care of a person referred to in Articles 4 and 5 of the Federation Law shall be exercised under condition that they could not acquire the status of the insured person on any other basis in accordance with regulations of health insurance.

Persons referred to in paragraph 1 of this Article, except displaced persons who had permanent residence in the territory of the Canton Sarajevo on 30 April 1991, are obliged to register to the competent municipal department in the period from 25 to 30 of the each month in order to continue with realization of the right to health care.

The health booklet for persons referred to in paragraph 1 of this Article shall be issued by the competent municipal department.

Right to education of children and youth

Article 16

The right to education of children and youth of persons referred to in Articles 4 and 5 of the Federation Law shall be exercised in accordance with regulations deriving from the education field.

Right to the exercise of other necessary everyday needs

Article 17

The right to the exercise of other necessary everyday needs of persons referred to in Articles 4 and 5 of the Federation Law shall be exercised under conditions and method prescribed by laws in the field of social care.

V – CESSATION OF THE STATUS AND RIGHTS OF PERSONS REFERRED TO IN ARTICLES 4 AND 5 OF THE FEDERATION LAW

Article 18

In addition to the reasons for cessation of the status foreseen by the Federation Law, status of a displaced person shall cease:

-if displaced person refused assistance-donation for reconstruction of the house, apartment in the place of permanent residence, for acquisition of minimum housing conditions.

Article 19

Upon fulfilling conditions for cancellation of the status of persons referred to in Articles 4 and 5 of the Federation Law, or some of the rights recognised by a decision, these persons are obliged to notify the competent municipal department within 15 days from the day the conditions are fulfilled, as well as to complete the de-registration form for the purpose of deleting their names from the record of displaced-expelled persons, setting out the basis for deletion.

Article 20

The competent municipal department shall initiate the procedure for cancellation of the status of persons referred to in Articles 4 and 5 of the Federation Law or of rights determined by decision, *ex officio*, in case it has not been enforced in accordance with the previous Article, respectively, if to its own knowledge or based on information provided by other state or local authorities – institutions, international organisations or citizens, the department ascertains the conditions prescribed by the law for cancellation of the status or of rights has been fulfilled, and a person has not notified the competent municipal department.

VI – ISSUING OF DP CARDS TO DISPLACED-EXPELLED PERSONS

Article 21

A DP card shall be issued to displaced-expelled persons by the competent municipal department based on the decision on recognition of the status.

The competent municipal department shall deliver the list of persons who have been issued DP cards to the competent Police administration in the municipality of temporary residence.

VII – KEEPING OF BASIC RECORDS

Article 22

The basic records on persons referred to in Articles 4 and 5 of the Federation Law shall be kept by the Cantonal Ministry in co-operation with competent departments in the municipalities of the Canton.

Article 23

The basic record shall contain the status data on persons referred to in Articles 4 and 5 of the Federation Law.

Apart from data prescribed by the Instruction on Keeping Central and Basic Records on Displaced-Expelled Persons for the territory of the BiH Federation, the basic records shall also contain data on the number of issued DP cards of displaced-expelled persons as well as data referred to in the application for voluntary return of displaced-expelled persons and refugees-repatriates.

VIII – RESOURCES FOR FINANCING THE NEEDS OF DISPLACED-EXPELLED PERSONS AND REFUGEES-REPATRIATES

Article 24

Apart from recourses prescribed by the Federation Law, the resources for financing the needs of persons referred to in Articles 4 and 5 of the Federation Law shall also be provided from:

- financial assistance of host countries accommodating refugees,
- donations and credits of international financial organisations,
- legacy, gifts and special legacies,
- other sources in accordance with the Law.

The financial resources necessary for the exercise of a part of rights prescribed by the Federation Law, the BiH Law and by this Law, the Plan of Return and Repatriation for the territory of the Canton and by the regulation of the Cantonal Government on other types of providing the accommodation, shall be provided from the Cantonal budget for each year from the above-mentioned sources.

The Cantonal Government shall every year prepare the balance of necessary resources for the exercise of rights of persons referred to in Articles 4 and 5 of the Federation Law which comprises the part of resources to be secured for the Canton for this purpose by the Federation BH.

IX – SUPERVISION OF THE APPLICATION OF THIS LAW

Article 25

The Cantonal Ministry shall supervise the application of this Law, other regulations and Cantonal general regulations of the Canton issued in accordance with this Law.

X – TRANSITIONAL AND FINAL PROVISIONS

Article 26

The application of the Temporary Decree on the Procedure of the Recognition of the Status in the first instance of Displaced-exiled Persons, Refugees-repatriates and the competence in the first instance in the Sarajevo Canton territory (“Official Gazette of the Sarajevo Canton”, number 18/00) shall cease on the day of entry into force of this Law.

Article 27

DP cards and decisions proving the status of displaced person and certificates on recognized status of persons referred to in Article 5 of the Federation Law issued on the territory of the Canton, shall be valid until otherwise is decided.

Status of a displaced person shall cease if displaced persons do not respond to a public call for re-registration and decisions on recognized status and DP cards shall cease to be valid.

Article 28

Persons referred to in Articles 4 and 5 of the Federation regulation shall exercise their rights according to this Law, if they had temporary residence on the territory of the Canton until the entry into force of this Law.

Article 29

This Law shall enter into force on the eighth day of its publication in the Official Gazette of the Sarajevo Canton.