

Based on Article 70 Paragraph 3 and Article 73 of the Law on State Administration (Official Gazette of the Republika Srpska, number 11/94 and 6/97) and Article 28 Paragraph 5 of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska (RS Official Gazette, number 33/90) the Minister of Refugees and Displaced Persons is passing the:

I N S T R U C T I O N
on the Method of Conducting Revision of the Status
of a Displaced Person

1. General Provisions

1. This Instruction shall regulate the procedure of filing an application for the revision of the status, completing the forms, the work of administrative bodies and the method of keeping records on the status of displaced persons.

2. Municipal, regional and republic authorities competent for conducting revision of the status of displaced persons

2.1. OMI for Refugees and Displaced Persons (hereinafter: **OMI**) operating on the territory of municipalities of the Republika Srpska, shall receive the applications for the revision of the status, enter the data from the applications into a database and ensure that it is updated regularly, deliver and exchange data as required, provide information on legislative and other regulations relating to the procedure for revision of the status of displaced persons, check the accuracy of data and collect certain evidence, keep the register of displaced persons and issue certificates on determined status.

2.2. Information-operation Centres of the Commissioner's Office for Refugees and Humanitarian Aid (hereinafter: **IOC COR**) organised on a regional principle, shall monitor the implementation of revision of the status of displaced persons throughout the municipalities of the region, shall organise training seminars on how to run the database, shall compile data on regional level, prepare reports (in conjunction with UNHCR), follow up on data about applications coming into the database, control double entries within the region, co-ordinate and urge for the co-operation in all the activities carried out in accordance with this Instruction.

2.3. The Central Team of the Commissioner's Office for Refugees (hereinafter: **CT COR**) shall provide an appropriate system of exchange of information and reports among regional **IOCs**, shall provide database from all **IOCs**, shall provide a proper operation of the established system for data processing, as well as a central database and database of all the reports on the level of the Republika Srpska.

3. Filing the application for the revision of the status

- 3.1 The application for the revision of the status of a displaced person shall be filed in person with the department of the Ministry of Refugees and Displaced Persons in the municipality of his/her temporary residence (hereinafter: the OMI) within 90 days from the date of entry into force of this Instruction. Exceptionally, persons who are unable for medical or other objectively justified reasons to register in person, are able to complete the application form and attach a copy of an identification document as well as an official document proving the existence of an objectively justified reason, and may submit by mail or by any other person.
- 3.2 The application shall be filed on the form for reviewing the status of a displaced person (hereinafter: the form 1) that is attached herewith and that makes the integral part of the Instruction.
The form should be completed by the head of the 1992 household for families still living together in displacement. For members of the 1992 household no longer living in the same household as the 1992 household members, a separate form should be completed by this family. Information should not be entered for family members no longer living together, for family members abroad or for deceased family members.
The form should be submitted in triplicate, one shall be kept by the OMI, one kept at the central level and the other stamped and returned to the applicant.
- 3.3 The applicant is responsible for the accuracy of data stated in the application.

If the applicant does not have documentation relevant for establishing a certain fact, that fact shall be established by the OMI *ex officio*.
- 3.4 The identity of the applicant shall be determined based on the refugee card but the OMI shall accept any other identification document which verifies his/her identity, including ID documents issued under any previous legislation. Persons over 18 years of age must appear in person together with the applicant and provide an identification document and sign the application form. For children under 18 years of age, they need not appear in person, but available documents must be shown for each household member under 18 years (e.g. health booklet, birth certificate, student booklet, DP Card).
- 3.5 The applicant is fully exempt from paying fees and other procedural costs.
- 3.6 For persons who have applied within the 90 day deadline for the revision of their status, they can use the stamped application form together with their refugee card on an interim basis, until their DP status is either confirmed (refugee cards of each household member shall be stamped according to Item 4.9), or cancelled. For persons who fail to apply within the 90 days, their refugee cards shall be automatically cancelled at the expiration of this deadline.

4 The work of an administrative body upon the application and issue of the certificate

- 4.1 The authorised person in the OMI shall, upon receiving the application for the revision of the status of a displaced person, check the data stated in the submitted application with the data filed in the folder of cases for recognising the status of a displaced person.

If there are any differences of data, an official person of the OMI shall check the accuracy of all data and record in the registry book those data that have been verified as accurate.

The registry books of displaced persons are presented on the form R-1 herewith attached.

In case that verifying the accuracy of data or obtaining certain evidence cannot be provided right away, an official person in the OMI shall issue a certificate to the applicant confirming that the application has been filed and shall set up a deadline for providing necessary evidence. This deadline shall not be longer than 30 days.

- 4.2 The OMI shall register displaced persons currently residing in their municipality. Where a displaced person has not registered his/her status at that OMI but continues to be registered in another municipality, the fact of their re-registration in the OMI of current residence shall be used as *ex lege* registration in the municipality of current residence. The OMI of re-registration shall inform the OMI of last registration that the displaced person has re-registered and the case-file shall be transferred to the OMI of current residence.

Where a displaced person attempts to re-register at the OMI of last registration although they are no longer living in that municipality, the OMI of last registration shall forward the application form and case-file to the OMI of current residence for processing, and the applicant shall be informed.

- 4.3 In order to determine if the holder of the refugee card is a refugee or a displaced person, an official person in the OMI shall check the last address of the applicant's permanent residence prior to acquiring the status of a refugee/displaced person.

- 4.4 An official shall, upon determining whether the holder of the refugee card is a displaced person in accordance with Item 4.3, record that fact into the registry. Those applicants determined to be refugees shall be recorded separately.

- 4.5 If in the course of the procedure for reviewing the status an official person in the OMI determines that the conditions for the cessation of the status of a displaced person referred to in Article 17 of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska have been met, they shall initiate *ex officio* the procedure for cancelling the status in accordance with the *Instruction on Application of Articles 12-18 of the Law on Displaced Persons, Refugees and Returnees in the Republika Srpska*.

- 4.6 Responses to questions in the form for the revision of status should be used as indicators in determining if the applicant is a refugee or a displaced person, as well as if conditions for the cessation of status have been met.
- 4.7 After the revision of status of a displaced person, a certificate on completed revision of status of a displaced person shall be issued to the applicant, if possible immediately upon establishing the facts.
The certificate on completed revision of the status of a displaced person contains: first and last name of the applicant, revision date, JMBG number (if available), the address of permanent residence that the person fled from, the address of temporary residence and specification whether s/he holds the status of a displaced person.
- 4.8 A displaced person shall, upon receiving the certificate on the completed revision of the status, deliver it together with his/her refugee card issued according to previously valid regulations, to the Ministry of Interior, Public Security Station (hereinafter SJB) in his/her current place of displacement. It is the *ex officio* duty of the SJBs to keep updated file-card records in the place of initial registration.
- 4.9 SJB which has issued a refugee card (or in new place of displacement) shall, upon checking data stated in the refugee file-card with data stated in the certificate on the completed revision, put the stamp with the inscription "P" for displaced persons in the right upper corner of a refugee card and certified by the seal and signature of the SJB.
The central part of the stamp is occupied by a capital Cyrillic letter "R" ("R")
The look and shape of the stamp are presented in the annex to this Instruction.

5. Information flow

- 5.1. Information contained in the database for the revision of the status of displaced persons shall be used for the needs of the Ministry of Refugees and Displaced Persons, UNHCR and other international organisations for humanitarian-related matters, and responsible BH state and Entity authorities.
OMIs, IOC CORs and CT CORs shall exchange all collected information via ZIP-drive-a (diskette), and via modem once such a connection is established, within the Entity and with the respective Federation Ministry and UNHCR.
- 5.2. The exchange of data between **OMI** and regional **IOC** shall be carried out on a weekly basis, while delivery of data of regional **IOCs** in **CT CORs** shall be carried out on a by-weekly basis.
- 5.3. Regional **IOCs** shall deliver monthly reports about the number of received, processed, solved and unsolved applications for the revision of the status to **CT CORs**, and to international organisations (including UNHCR) interested in such data. The RS Ministry shall also exchange such reports with the Federation Ministry of Social Affairs, Refugees and Displaced Persons.

5.4. UNHCR shall support the implementation of this Instruction, which shall be regulated by separate agreement.

5.5. UNHCR shall have full access to the database, and shall on a regular basis receive from **CT COR** copies of reports and personal data.

6. Transitional and final provisions

6.1. The forms prescribed by this Instruction can be found in the annex to this Instruction and they make its integral part.

Re-registration of Serb refugees from Croatia currently residing in the Republika Srpska upon the authorisation of the Minister of the competent State Ministry shall be done in the method and in the procedure of the re-registration of displaced persons prescribed by this Instruction on the Form 1A attached to this Instruction. The Form 1A shall be completed by the head of the 1990 household for families still living together in displacement and for members of the 1990 household no longer living in the same household as the 1990 household members, a separate form should be completed by this family. Revision of the status of re-registered Serb refugees from Croatia shall be done by the competent State Ministry in accordance with the *Law on Immigration and Asylum* (BH Official Gazette no.23/99).

6.2. **CT COR** shall provide the establishment of a database system for revision of the status of a displaced person and re-registration of Serb refugees from Croatia in the Republika Srpska within three months as of the day of publishing this Instruction in the RS Official Gazette.

The functionality of the database system and its consistent use on the whole territory of the Republika Srpska shall be ensured by passing the Manual and the Instruction for Use of Database.

6.3. **OMI** shall within 8 days from the day of publishing this Instruction take over all documentation of refugees and displaced persons from persons in charge of refugees and/or from the Centre for Social Work in the municipality of their seat.

6.4. This Instruction shall enter into force on the day of its publication in the RS Official Gazette.

Number:

Date:

Minister of Refugees
and Displaced Persons
Miladin Dragicevic

Form O-2



