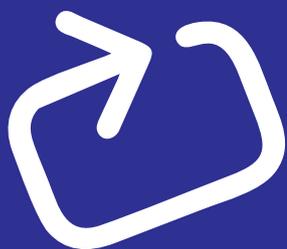




BOSNIA AND HERZEGOVINA
Ministry for Human Rights and Refugees



STRATEGY
FOR THE RECEPTION AND
INTEGRATION OF THE BIH
NATIONALS WHO RETURN
UNDER READMISSION
AGREEMENTS

and Action plan for the period
2015-2018

Sarajevo, October 2015



**Bosnia and Herzegovina
Ministry of Human Rights and Refugees**

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1. INTRODUCTION

The signature and implementation of readmission agreements, that is, admitting again persons residing without authorization, is one of the obligations of Bosnia and Herzegovina laid down in the Stabilization and Association Agreement between the European Communities and their member states and BiH as a basis for the control and prevention of illegal migrations. Readmission agreements are an important instrument of the policy of returning migrants and asylum seekers from the European countries, which define obligations of the signatories in the readmission of their nationals. One of the ways for BiH to fulfill the obligations assumed under the Stabilization and Association Agreement and readmission agreements is the sustainable integration of returnees as the most important link in the chain of migration control. Sustainable integration of returnees means an efficient country's policy with the aim of integrating returnees in the society effectively, sustainably and in the long-term with full respect of their rights.

At its 99th session held on September 25, 2009, the BiH Council of Ministers issued the Decision adopting the "Strategy for the reintegration of returnees under readmission agreements", thus, besides the above obligations, fulfilling one of the obligations laid down in the "Roadmap towards a visa free regime with BiH"¹. The strategy provided for a number of activities towards reintegration of returnees that should have resulted in the decline in secondary migrations as the essential goal of readmission agreements. Unfortunately, the strategy development process was not accompanied by a comprehensive consultative process that would imply a sufficient number of consultations, strategic workshops, intersectoral discussions and also consultations with lower levels of government. As a result, the strategy was adopted but its implementation has remained questionable. Despite a clear vision, the absence of a clear strategic plan, an analysis of then existing situation, relevant statistical data and a defined institutional framework that would include local self-government as the key actor in defining and implementing strategic goals in this field resulted in non-implementation of the strategy even five years after its adoption.

The BiH Ministry of Human Rights and Refugees (hereinafter: MHRR) initiated activities towards implementation of the project "Integrated program of support to the reintegration of returnees under readmission agreements," which provided for the development of a new strategy for the integration of returnees under readmission agreements, including an action plan 2015–2018. The main goal of the new strategy was to eliminate the existing deficiencies and develop a structure to enable its full feasibility, which in the first place meant defining the activities necessary to implement strategic goals and identifying principal bodies for the activities. Also, the strategy aimed to establish a basis for the sustainable integration of returnees with special focus on assessing their needs. The purpose was full social inclusion with identification of preconditions for an adequate approach to the process of return and integration of BiH nationals on all levels through the strengthening of institutional framework, effective process of assistance, education and establishment of a monitoring system for the action plan implementation.

This strategy resulted from the six-month work of the Working Group

¹ European Commission document "Roadmap towards a visa free regime with BiH," presented on June 5, 2008, *Block 2: Illegal migration including readmission*

² with expert and financial assistance from the State Secretariat for Migration of Switzerland and Catholic Relief Services (CRS). The work methodology implied identifying matters to be included in the strategy, collecting and analyzing information about the identified problems in cooperation with competent institutions and service providers on all government levels, identifying the actors that should be involved in the implementation, defining strategic goals and a plan of measures for their implementation. During its work, the Working Group had in mind that the problems facing returnees require full involvement of all relevant institutions, local self-government authorities and NGOs. To achieve this, there were a number of Working Group meetings, thematic round tables, intersectoral consultations and consultations with lower levels of government. The fact that the Working Group members came from competent ministries and service providers on all government levels enabled the exchange of experiences and opinions, which contributed to a more realistic overview of all identified problems and also a more quality definition of the strategic goals and measures.

The main principles underlying this strategy refer to legality, rule of law, respect of fundamental human rights and freedoms, interinstitutional cooperation, compliance with international standards, transparency, and visibility of work.

The structure of the strategy is designed so as to include an analysis of all matters important for the integration of readmitted returnees, an overview of all results achieved thus far in readmission and reception, a definition of strategic goals, a description of measures and activities necessary for their implementation including a clear allocation of responsibilities for all foreseen activities, a framework financial plan and the guidelines important to establish an efficient monitoring and evaluation system.

Implementation of the measures and activities defined here is expected to result in the establishment of an adequate approach to the process of return and integration of returnees under readmission agreements, and also in the decline of secondary migrations. These results should be achieved through:

- a) the building and strengthening of the institutional, legislative and administrative structure necessary to regulate the matters of returnees' integration;
- b) the provision of adequate assistance to returnees in their access to rights;
- c) considerable involvement of local communities in the implementation of measures and activities toward the returnees' integration;
- d) the establishment of an efficient monitoring and evaluation system.

2. A SITUATIONAL ANALYSIS OF THE FIELD OF RECEPTION AND INTEGRATION OF THE BiH NATIONALS WHO RETURN TO BiH UNDER READMISSION AGREEMENTS

2.1. International legal framework

² Working Group members: BiH Ministry of Foreign Affairs, BiH Ministry of Civil Affairs, BiH Ministry of Security, BiH Ministry of Human Rights and Refugees, BiH Border Police, RS Ministry of Refugees and Displaced Persons, Federation Ministry of Displaced Persons and Refugees, Division for Displaced Persons, Refugees and Housing Affairs of the Brcko District Government, Local Democracy Foundation, Association "Vaša prava BiH" (Your Rights BiH), Foundation "BiH Women's Initiative", Catholic Relief Services (CRS)

The **Stabilization and Association Agreement**, signed between the European communities and their member states and BiH³ on June 16, 2008, is a treaty whose provisions directly apply to local legislation. Article 81, *Prevention and control of illegal immigration; readmission* of Title VII of the agreement, "Justice, Freedom and Security", establishes the obligation of BiH to readmit any of the nationals illegally present on the territories of the EU member states, to provide them with appropriate identity documents, and extend to them the administrative facilities. BiH agreed to conclude readmission agreements establishing the procedures for readmission of its nationals.

The **Agreement between BiH and the European Community on the readmission** of persons residing without authorization⁴ was signed in Brussels on September 18, 2007, and entered into force on January 1, 2008. It is the main legal instrument governing readmission matters in the context of relations with the EU. This agreement obligates BiH to readmit its nationals who do not meet residence requirements in the territory of the state submitting a readmission application. It is important to emphasize that the agreement complies with the rights, obligations and responsibilities arising out of international law, which implies that every case of return has to be comply with international protection and respect of returnees' human rights. The agreement provides for the signature of implementing protocols with each EU member state to define certain technical matters, such as designation of the competent authorities, border crossing points for the transfer of individuals, modalities for readmission under the accelerated procedure, etc. So far BiH has signed the implementing protocols with Estonia, Malta, Austria, Bulgaria, Hungary, the Czech Republic, Denmark, Romania, Germany, the Benelux countries (Belgium, the Netherlands, Luxembourg) and Ireland.

In addition to the readmission agreements with the European Communities, BiH has signed bilateral readmission agreements and implementing protocols with the following non-EU countries: Moldova, Norway, Switzerland, Lichtenstein, Serbia, Montenegro, Macedonia, Turkey, and Albania.

The decision on lifting visas for BiH nationals (visa-free regime), adopted by the EU council of interior ministers on December 15, 2010, gave full importance to readmission agreements. Specifically, on the one hand, this decision means that BiH was fulfilling requirements for EU membership and, on the other hand, its abuse means a challenge for the BiH institutions involved in the process of returning illegally residing BiH nationals, which requires full implementation of readmission agreements and hence the combat against illegal migrations.

The **international instruments** for the protection of human rights whose provisions are binding for BiH and that were particularly considered in defining measures and activities for the sustainable integration are:

- a) The Universal Declaration of Human Rights (1948) is a document that provides the first catalogue of human rights and even today represents a source of international common law. Particularly important for migrants is the provision guaranteeing the right to seek asylum, i.e., promulgating that everyone has the right to seek and to enjoy in other countries asylum from persecution.
- b) The International Covenant on Civil and Political Rights (1966) contains a set of important rights for all individuals, hence the migrants, and those particularly important

³ Official Gazette of BiH – Treaties 10/08

⁴ Official Gazette of BiH – Treaties 13/07

- for readmitted returnees are contained in the provisions relating to the right of the child to be registered in registers, and the right to access public service.
- c) The International Covenant on Economic, Social and Cultural Rights (1966) lists the rights but their implementation depends on the country's economy and it is not easy to ensure them. It binds the states to take appropriate measures to the maximum of available resource to achieve their full realization. Before all, these are the rights to social insurance, an adequate standard of living, health, and education.
 - d) The International Convention on the Elimination of All Forms of Racial Discrimination (1965) prohibits discrimination among people and requires the states to take all necessary measures to prevent and eliminate all forms of racial discrimination. This convention guarantees the right to leave and to return to one's country, the rights to nationality, work, housing, social security, and education.
 - e) The Convention on the Rights of the Child (1989) contains the rights of persons under the age of 18 and it binds the states to take all legal, administrative, social and educational measures to protect the child from any form of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. Among other rights, the state has to ensure alternative care for a child temporarily or permanently deprived of his or her family environment, and to provide the child with adequate education.
 - f) The Convention on the Rights of Persons with Disabilities (2006) guarantees full and equal enjoyment of all human rights to persons with disabilities and promotes the respect of their dignity. In this sense, the state party has to take appropriate legislative, administrative and other measures to ensure equal rights and non-discrimination against persons with disabilities.
 - g) The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) establishes standards for the protection of human rights within the Council of Europe, lists the fundamental rights and freedoms for all individuals and, as for migrants, particularly important are the provisions relating to the prohibition of discrimination and provisions of the protocols to the convention relating to the rights to education, freedom of movement and general prohibition of discrimination.
 - h) The Revised European Social Charter (1966) binds the signatories to provide their citizens with the fundamental economic and social rights that, except those that BiH has not ratified, include the right of children and young persons to protection, the right to social security and health care, the right of the family to social, legal and economic protection and the right of elderly persons to social protection.

Besides the above documents, the EU legislative framework also includes a number of documents regarding the cooperation within the EU, which are directly or indirectly applicable to BiH nationals residing without authorization. As a potential candidate for EU membership, BiH takes these documents into account in defining its policies and strategic priorities.

The European Pact on Immigration and Asylum – This pact was adopted by the Council of Europe on October 15, 2008, with the aim of implementing common immigration and asylum policy. A part of this document relating to immigration also covers the control of illegal immigration through enabling illegal immigrants to return to their country of origin or transit and through creating partnerships with the countries of immigrants' origin.

The Stockholm Program 2011–2014 – The European Council program "An area of freedom, security and justice" was adopted in December 2009 as a multiple-year program divided into

six thematic topics among which topic 5, "A Europe of responsibility, solidarity and partnership in migration and asylum matters," is particularly important for the Western Balkans countries because it contains measures from the policy towards potential candidates for membership. One of the goals in this chapter refers to reducing the number of illegal migrants and the provision of adequate and standardized protection to asylum seekers.

The **Directive 2008/115/EZ** ("Directive on returning") of the European Parliament and the Council of December 16, 2008, lists common standards and procedures for returning illegally staying third-country nationals. Under the directive, after a return decision, an individual is allowed a period between 7 and 30 days to prepare for voluntary return, with a possible extension of that period in exceptional circumstances. If a person has not left the country, i.e., the EU after the period for voluntary return has expired, a decision on removal will be issued and it may include an entry ban for the given individual for up to five years.

The **Council Directive 2001/40/EC** of May 28, 2001, on the mutual recognition of decisions on the expulsion of third country nationals covers the member states' expulsion decisions against the third country nationals who illegally entered or resided in the member state in accordance with its legislation.

The **Council Directive 2003/110/EC** of November 25, 2003, on the assistance in cases of transit for the purposes of removal by air establishes the procedures for forced removal with the objective of ending the illegal residence of third-country nationals.

The **Council Directive 2004/191/EC** of February 23, 2004, setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC regulates the matters of financial burden-sharing for cooperation between member states on expulsion of third-country nationals in case that a third-country national cannot bear expulsion costs. With the aim of ensuring full respect of human dignity in the event of expulsion and removal, this directive provides for the compensation of transport, administrative, accommodation and medical costs.

The **European Parliament resolution on the situation of unaccompanied minors in the EU** of August 12, 2013, calls on the European Commission to establish strategic guidelines with requirements to be met before the return of the minor, taking into account his or her well-being. The resolution emphasizes that no decision to return a minor may be taken if it is not in the child's best interests or endangers the minor's life, physical and mental health, and well-being, security or fundamental rights or those of his or her family, and that the individual circumstances of each minor (and of his or her family members in the case of family reunification) must be taken into account and fully evaluated. The resolution also reminds that the return decision may only be taken once it has been ascertained that the minor will benefit in the country of return from safe, concrete and adapted provisions respecting his/her rights and associated with reintegration measures in the country of return. With regard to this, the resolution urges the member states, in order to guarantee the child's safe return, to establish cooperation and monitoring arrangements with countries of origin and transit and in cooperation with non-governmental, local and international organizations, and to ensure the protection and the integration of minors after their return.

The **Europe 2020 Strategy**⁵ from 2010 includes, among other goals, the combat against poverty, presented in the initiative called European Platform against Poverty, which aims to ensure economic, social and territorial cohesion and strengthen awareness of fundamental rights of the poor, enabling them to live in dignity and take an active part in society. Through this initiative the member states undertake to promote shared collective and individual responsibility in combating poverty and social exclusion, implement measures addressing the specific circumstances of groups at particular risk (such as single-parent families, elderly women, minorities, Roma, people with disabilities, the homeless), and build their social security systems to ensure adequate financial support and access to health care.

The **European platform against poverty and social exclusion**: The European framework for social and territorial cohesion⁶ sets a frame for achieving the EU goals relating to the reduction of poverty and social exclusion for at least 20 million people by 2020, and it is part of the "Europe 2020 Strategy" for smart, sustainable and inclusive growth. The key activities of this platform include, among others, an improved approach to marginalized and socially excluded groups, employment, social security, health care, housing and education and also a better use of EU funds to support social inclusion and combat against discrimination. According to this document, a particular task for the member states is to define and implement the measures designed for specific groups, among which Romas, single-parent families, the elderly, persons with disabilities, and the homeless stand out.

2.2. Migrations of BiH nationals

Bosnia and Herzegovina is an area with considerable population movement both in and out of the country. The underlying reasons for these movements are in political, religious, ethnic, economic and demographic circumstances. Since 1965, when the migration increase was recorded, until today, the reasons for migrations have varied, so between 1960s and late 1980s the population migrations had been mostly influenced by economic factors, whereas people were leaving the country after 1992 mostly because of armed conflicts, and after 1995 because of the postwar consequences. A result of the armed conflicts 1992–1995 is the largest emigration of BiH population that has ever happened, when about half the pre-war population was forced to leave their homes. Today BiH citizens migrate toward developed Western European countries seeking better living conditions because of unsatisfactory living standard and the lack of employment in their places of residence. The economy of BiH and its slow growth in the recent years have considerably influenced citizens' decisions to leave the country and look for better opportunities and employment in other countries. This fact is supported by the data on the country' poverty rate of approximately 18% while the unemployment rate, according to the measurement standards of the International Labor Organization (ILO), is 28%.⁷

There are no precise data in BiH about the number of its citizens who have left abroad and those who have returned. The readmission agreement between BiH and the EU, and bilateral agreements with the non-EU countries partially provide for establishing the relevant statistics but still there is no appropriate mechanism for collecting relevant data on readmitted returnees as a basis for a suitable database. As a result of the need to establish a mechanism for

⁵ European Strategy for Smart, Sustainable, and Inclusive Growth – Europe 2020, March 2010

⁶ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion, December 2010.

⁷ BiH Statistics Agency, Labor Force Survey 2013.

collecting statistical data on migrations, the migration profile of Bosnia and Herzegovina was created to give an insight into the key migration trends, and it contains, among other things, the data on the return of irregular migrants. According to the data from the BiH Ministry of Security and the BiH Border Police, the number of BiH citizens that was granted readmission based on readmission agreements has been gradually increasing, from 200 in 2009 to 397 in 2013⁸. These data and the European statistical data show that the migrations of BiH citizens toward the western countries have continued and repeated regardless of the implementation of readmission agreements and, consequently, an increase in the number of returnees based on readmission can be expected. The records of the BiH Ministry of Security, shown in the table below, indicate the numbers of the BiH nationals who were granted readmission based on readmission application or notice of return in case of returnees with valid travel documents, and they indicate a possible trend in the field of return under readmission.

	Country	2009	2010	2011	2012	2013	TOTAL
1.	Switzerland	131	138	89	104	114	576
2.	Germany	17	28	18	41	75	179
3.	Croatia	27	21	11	34	31	124
4.	Belgium			2	24	70	96
5.	Austria	9	10	15	15	24	73
7.	Finland				65		65
6.	Sweden				14	50	64
9.	Slovenia	6	6	5	1	9	27
8.	France		1		9	7	17
11.	Netherlands	10	2	1	2	1	16
10.	Spain				4	6	10
13.	Hungary			1	5		6
14.	Denmark		3	1		1	5
16.	Montenegro					5	5
15.	Serbia		2		1	1	4
12.	Italy					3	3
17.	Czech Republic		1				1
18.	Egypt		1				1
19.	Macedonia						
	TOTAL	200	213	143	319	397	1,272

2.3. Vulnerable groups of returnees under readmission agreements

Returnees under readmission agreements are not a homogenous group, which prevents a realistic assessment of their needs and, in connection with that, the type and extent of necessary interventions. The experience in the reception of readmitted returnees so far has revealed several groups that, if not adequately assisted, are particularly affected by social exclusion and poverty, such as persons with disabilities, chronically ill persons, persons with psychological disorders, minors and children unaccompanied by parents, and Romas. The fact that a large number of these individuals return forcibly poses an additional risk to the protection of their human rights.

⁸ Migration profile of BiH for 2013

Because of poor education, the absence of inclusion in formal employment, a specific way of life and other characteristics, **Romas** are more or less marginalized economically, territorially, culturally and politically. This results in a poorer quality of their life in education, health care, social protection, and employment in comparison with other citizens. Although the government makes efforts to improve the life of Roma population by adopting the strategy with solutions to Roma problems and action plans in the fields of education, employment, health care and housing, a large number of Romas migrate toward Western European countries seeking a better life.

Persons with disabilities who need a caregiver do not have the status of person with special needs, which excludes them from the social assistance system and exposes them to discrimination. If not employed, they do not exercise related right to health care and cannot receive assistance from specialized institutions, which also happens because of insufficient coordination between the systems of health care and social assistance.

Persons with infectious, contagious and chronic diseases and persons with psychological disorders are most often addicted to psychoactive substances. Their condition requires a specialized medical intervention that can be received only in some specific specialized institutions. The problem is that a treatment that began abroad often cannot adequately continue upon return because necessary medications are not available, then the transfer of medical records that track returnee's medical condition is a problem, and doctors and treatment conditions change. It is a problem to hospitalize persons with infectious and contagious diseases or to place them in accommodation centers and other institutions because of impossibility to treat them appropriately. Besides, there are difficulties in acceptance and integration of such individuals in the community for the same reasons as for the chronically ill.

Minors and children without parental care require particular attention, appropriate interventions and the involvement of specialized service providers. When a readmission application is submitted for an unescorted BiH minor or a person with a disability, the relevant state-level institutions take necessary measures through the Division for Immigration within the BiH Ministry of Security. The division requests the MHRR to ensure temporary provision of care with the aim of ensuring specific required conditions to adequately accommodate minors or persons with disabilities. The MHRR coordinates activities toward adequate reception of such individuals with competent centers for social work. Detailed actions of the two state-level ministries in such cases are regulated in the *Protocol on the cooperation and procedure of exchanging information about the reintegration of BiH nationals admitted under readmission agreements*. However, lower levels of government would have to ensure the full integration of such returnees' categories by adopting the necessary measures for their educational integration, psychosocial and health development, which particularly concerns the children who are permanently or temporary separated from parents or guardians during the process of return based on readmission.

2.4. Current situation in the field of reception and integration of returnees

Readmission agreements do not provide for the government responsibility for the integration of returnees or that during the implementation of agreements the social aspects of returnee's integration have to be taken into account for the purpose of their sustainable return. The absence of coordination and exchange of information between the Western European countries and BiH is an obstacle in the way of establishing an adequate registration of

returnees and understanding their needs. Western countries often do not provide information about the persons who are, for instance, chronically ill, unable to take care of themselves, children unaccompanied by parents or single-parent families. The lack of such information hinders adequate planning and organizing of reception in BiH. On the other hand, local institutions competent for education, employment, social security and health care are not, just like local communities, adequately informed about the readmission process, which is why appropriate assistance to returnees is often missing. The lack of institutional capacities that would enable the relevant institutions and service providers to provide efficient assistance to returnees under readmission agreements, especially to particularly vulnerable groups in need of a specific assistance, is one of the key problems for the successful integration of returnees. Although there is a relatively built institutional framework for the regulation of readmission matters and partly the matters of returnees' reception, that framework, including legislative, has not been further strengthened to foster the returnees' integration and prevent discrimination and marginalization of some groups. One of the preconditions for eliminating this deficiency is a stronger involvement of the **local self-government** in the design and implementation of measures towards integration. It has been found that local development strategies rarely address this issue, which largely hinders directing local development efforts towards solving the problems facing returnees. The bodies competent for migrations are on the state level but competencies for the matters such as health care, employment, social security, housing and education are on lower levels (entities, cantons, municipalities). Coordination between the authorities on different levels is insufficient, and some of the reasons for this are the absence of adequate procedures, poor information, insufficient financial, human, financial and technical resources. The fact that **centers for social work** are the first institution for exercising social protection rights speaks for the importance of their role in returnees' integration. Unfortunately, a large number of the centers do not have enough capacities for a more considerable involvement in the implementation of returnees' integration measures. This is why it is necessary to make additional efforts to strengthen their financial, personnel, technical capacities and equipment. Insufficient knowledge of competent institutions on all levels, which are not enough familiar with the readmission process, results in their unpreparedness to systematically involve in the returnees' integration process. On the other hand, returnees also do not know enough either about their rights or obligations of competent institutions to support them in their integration in the places of return. The absence of precise and systemized data on the number and social-economic status of returnees prevents a realistic analysis of their needs and, consequently, establishing the main context for this problem. Establishment of a single database about returnees under readmission agreements is a basis for planning and implementation of the activities oriented towards their full integration in the places of return. The fact that readmission is often accompanied by the violation of human rights imposes the need for a better cooperation with **civil society** within a clearly defined national policy of integration. Also, fragmented legal and institutional framework in BiH imposes the need for a more important role of the NGO sector as a mediator between the local community and higher levels of government. Within their activities towards protecting returnees' rights, NGOs may participate in informing returnees about the most important segments of reintegration, such as health care, education, employment conditions, social protection, etc. Further, NGOs may help in exploring the reasons for leaving the country so that the state-level institutions could act towards their elimination. NGO activities of advocating for adoption or amendments to the laws on citizens' social rights may result in more favorable legal solutions for vulnerable social groups and increased responsibility of relevant institutions. NGOs may have a particular role as mediators between local communities and potential donors through assistance to local communities in

the identification and preparation of the projects of returnees' integration and finding funding sources for their implementation.

Returnees under readmission agreements face the same or similar problems as those who return as displaced persons and refugees. However, experiences gained in the work with readmitted returnees so far have revealed some areas which require some interventions for the purpose of facilitating returnees' integration.

The lack of **identification documents** and the difficulties facing returnees in obtaining them are among the main causes of problems to access and exercise their rights. A certain number of returnees do not have an established place of residence because they do not have required documents to do so as a result of not being registered in the relevant registers. Some of them can register a place of residence but they do not do so without a housing solution and hence the residence address. This problem is particularly evident in case of some Romas who live in makeshift settlements. The BiH citizen found abroad without valid documents is issued the travel document by the BiH diplomatic or consular representation for the purpose of return. The travel document is often the only returnee's identification document as a basis to exercise the rights of social protection and health care before obtaining identification documents. The returnees accommodated in the Readmission Center need professional assistance in order to conduct procedures for obtaining identification documents, certificate of residence, doing the registration in registers, obtaining necessary documents from other towns or from abroad, etc. These procedures often last longer than 30 days, which is the legal period of stay in the Readmission Center. Further, obtaining valid documents, registering a residence and also the recognition of documents issued in the countries from which BiH nationals return incurs costs, which is a particular problem for returnees with large families. In order to solve such problems, it is necessary to inform returnees about their legal obligations and rights immediately upon return to the country. In this sense, an active role of competent institutions, in cooperation with NGOs, may give good results. The issue of identification documents is highly important because it directly affects the access to and exercise of all other rights important for the sustainable integration of returnees, i.e., access to basic health care, education, social assistance and legal employment.

Meeting the **housing needs** is one of the main preconditions for the sustainable integration of returnees. Some BiH nationals who return under readmission agreements do not have a housing solution, which mostly refers to Romas, pre-war subtenants and those who have lost tenant's rights because they had missed legal deadlines for the restitution of their housing units. Since returnees do not have a registered residence in BiH because of long absence from the country, they cannot meet the criteria from public calls for the provision of housing, announced by the relevant ministries. BiH has not any developed social housing system as part of the overall social policy, through which the government could undertake to provide housing to persons in need, including the BiH nationals who return under readmission agreements. Attempts to change this situation reflected in the adoption of the action plan for the provision of housing to Romas, which has been implemented since 2009, and also through the adoption of non-profit social housing laws in some cantons in the Federation of BiH. Also, non-profit social housing programs have been implemented in BiH for several years through the projects supported by non-governmental and international organizations with participation of the relevant local institutions and orientation towards housing for socially excluded individuals. These and similar projects have produced positive results, which is why they also need to cover returnees under readmission agreements through their inclusion in the criteria for allocation of housing units. New social housing projects for readmitted returnees

should be planned as well. The first step toward this goal will be taken within the project "Integrated program of support to reintegration of returnees under readmission agreements," which plans (re)construction and equipping of the housing units owned by local self-governments and suitable for the housing of readmitted returnees in 11 local communities in BiH, based on the model of social housing in protected conditions. Besides the provision of housing, the implementation of this project will enable appropriate assistance to returnees regarding the exercise of other rights.

Social protection and health care are entity competencies and also cantonal in the Federation of BiH. The legal framework regulating social protection and health care is comprehensive and relatively harmonized with international standards, but the lack of funds and limited capacities of centers for social work pose a problem in the implementation of the framework. Since the relevant rights are exercised on the basis of the residence, the absence of identification documents and non-registered residence directly result in the impossibility to exercise the rights. Unfortunately, entities and many cantons face budget deficit, which reflects negatively on social assistance programs. Centers for social work, through which the rights to social assistance are exercised, handle a large number of cases most of which are persons without enough money to live on and without a health insurance. The centers also have a problem with the absence of financial assistance programs. Aggravating factors in the provision of adequate assistance to returnees are the lack of precise data on the number and social status of readmitted returnees, non-existence of identification documents, uninformed returnees and complicated administrative procedures.

As for **employment**, its legal framework is also fragmented, with competencies on several levels of government. The legal framework regulating the field of labor and employment does not recognize returnees as a particularly vulnerable category and does not foresee measures and programs for their employment. BiH adopted the Employment Strategy of Bosnia and Herzegovina 2010–2014⁹, but lower levels of government, with the exception of the Republic of Srpska, still have not adopted operational plans for its implementation. The three employment agencies in BiH (RS, FBiH and BD) signed the "Agreement on exercising the right of unemployed persons to benefits," regulating the requirements and harmonizing the procedures for exercising the right to unemployment benefits. However, their branches, unemployment bureaus, mostly deal with the registration of the unemployed, verification of their right to benefits and health insurance during unemployment but the scope of work is inadequate in the mediation in employment, advising job seekers, implementation of unemployment programs and providing information. Retraining and employment co-funding programs are partly oriented to socially excluded population categories but returnees under readmission agreements often do not meet the criteria to be included in such programs.

Additionally, the absence of coordination between the agencies poses a big problem. The Law on Mediation in Employment and Social Security of Unemployed Individuals¹⁰, the Law on Employment and the Rights During Unemployment¹¹ and the Law on Mediation in Employment and the Rights During Unemployment¹² provide for, among other things, unemployment benefits, but they are very low and constitute more a form of a welfare.

⁹ BiH Council of Ministers, July 14, 2010

¹⁰ Official Gazette of the FBiH 55/00, 41/01, 22/05 and 9/08

¹¹ Official Gazette of the Brcko District of BiH 33/04, 19/07 and 25/08

¹² Official Gazette of the RS 30/10 and 102/12

The continuation of **education** is a problem for returnees' children. Some of them poorly speak or do not speak at all any of the official languages in BiH because they were born abroad, and so they need extra courses to be able to attend classes. Curriculums in the places of return are often different from those the children had in the countries they come back from, and so they are forced to enroll in lower grades. An additional problem is non-acceptance of the children in the communities of return, so the returnees' children are discriminated very often, which is particularly evident in case of Roma children. The absence of precise data on the structure of returnees, including age and educational structures, prevents an assessment of the children's educational needs, and also for the adults who need additional education. Similar to the case of exercising other rights, the absence of identification documents and the costs of recognizing diplomas received abroad are additional problems in the continuation of education in the places of return. Education at the state-level is within the competency of the Division for Education within the BiH Ministry of Civil Affairs, but its role comes down to monitoring the implementation of the Framework Law on the Primary and Secondary Education in BiH¹³ and the Framework Law on the Secondary Vocational Education and Training¹⁴, but the implementation itself is within the competency of the relevant educational authorities in the entities and the Brcko District of BiH, while their implementation is under the jurisdiction of the ministries and institutions which are defined by the Constitution.

As to **information to institutions and returnees**, both relevant institutions and local communities have not been informed enough about the readmission process, and so they are not organized in terms of active involvement in the process of integration of BiH nationals who return to the country. Although upon return to the country returnees receive information sheets with basic information, informing them should begin even before the return. In this sense, an important role may belong to the BiH diplomatic and consular representations that could inform returnees about their rights and obligations. Also, all institutions and service providers that are important for integration in the places of return should familiarize themselves with the readmission process in detail. To this end, it is necessary to develop a plan of information campaigns. Once this strategy is adopted, it is necessary to inform relevant institutions and service providers about all foreseen measures and activities relating to the provision of social, economic, legal, psychosocial and other types of support to returnees. The establishment of an efficient system of coordination among competent institutions should contribute to a better information of institutions and returnees.

Psychological treatment – One of more important segments in the field of reception and integration of returnees should be a psychological treatment, because most returnees suffered some psychological traumas more or less. Having in mind that a large number of readmitted persons had left BiH because of the war and a difficult financial situation, and the fact that for months and even years they had difficulties in solving their status issues (housing, stay, living, etc.), it is clear what kind of psychological difficulties they have been facing. To achieve the full acceptance of returnees in the society, an adequate psychological treatment would be one of the steps toward the most successful integration possible. Psychological treatment should be provided immediately upon the reception and accommodation of these individuals to the Readmission Center.

¹³ Official Gazette of BiH 18/03

¹⁴ Official Gazette of BiH 63/08

3. OVERVIEW OF THE RESULTS SO FAR IN THE FIELD OF READMISSION AND RECEPTION

3.1. Constitutional law framework

Generally accepted rules of international law and ratified treaties are an integral part of the BiH legal structure. Article II of the Constitution of Bosnia and Herzegovina guarantees human rights and fundamental freedoms, while Article III regulates competencies and relations between the BiH institutions of and the entities. Article III(1)f provides for the competency of the BiH institutions for the policies and regulation of matters relating to immigration, refugees and asylum, while paragraph 2 of this Article regulates the entity obligation to assist the state-level institutions in the fulfillment of international obligations of BiH and also the obligation to protect the citizens through their institutions that have to function in accordance with internationally recognized standards and in compliance with internationally recognized human rights and fundamental freedoms. While the direct application of the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols is regulated in Article II(2), Annex I to the BiH Constitution lists the additional agreements on human rights that are applied in BiH. Some of them, which are used as a basis for this strategy, are listed earlier in the section about international legal framework.

The legal framework that regulates competencies for the social and economic rights that are important for the full and sustainable integration of readmitted returnees is decentralized, divided between all levels of government in BiH and implies a broad institutional framework for implementation. Under the Law on Ministries and Other Bodies of the BiH Administration, the BiH Ministry of Civil Affairs is competent for the coordination between the entity governments in the implementation of the international agreements on social security that BiH has ratified, while the MHRR is competent for the implementation of human rights conventions. In accordance with general provisions of Chapter IIA, Article 2 of the Constitution of the Federation of BiH¹⁵, the Federation of BiH is obligated to ensure the implementation of the highest level of the internationally recognized rights and freedoms laid down in the legal instruments listed in Annex to the Constitution. In accordance with Chapter III, Article 2, of the Constitution, the Federation and the cantons share jurisdiction over health care and social policy, while the exclusive competency for establishing educational and schooling policy, housing policy and the implementation of social policy rests with the cantons. Chapter II of the Constitution of Republic of Srpska¹⁶ guarantees human rights and freedoms that, among other things, include the right to protection of family and children, the rights to education, health care, social protection and work. According to the provisions of Part II, Article 13, of the Statute of the Brcko District of BiH¹⁷, all persons residing in the territory of the District enjoy the rights and freedoms that are guaranteed under the European Convention on Human Rights and Fundamental Freedoms, and these rights have a higher legal force in relation to any law that is contrary to the Convention.

3.2. Institutional framework

¹⁵ Official Gazette of the FBiH 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03 and 63/03

¹⁶ Official Gazette of the RS 21/92-Consolidated text, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/02, 69/02, 31/03, 98/03, 115/05 and 117/05

¹⁷ Official Gazette of the Brcko District of BiH 2/10

The **Ministry of Foreign Affairs of BiH** – The ministry's competency for the readmission of BiH nationals is established in the Readmission Agreement between BiH and the European Community and in the provisions of individual bilateral readmission agreements between BiH and the European and other countries, including implementing protocols with the aim of implementing the agreements. Through its diplomatic and consular representations, the ministry issues the required travel document for the return of the individuals who will be readmitted. If there is no evidence that the readmission requirements are met, the relevant BiH diplomatic and consular representations facilitate an interview, upon request, with the possible returnee, in order to establish his or her nationality. Also, through its Division for International Law Relations and Consular Affairs, the ministry acts as a mediator among the institutions competent for the implementation of the agreements as to the details of the date of return, border crossing point, possible escort, etc.

The **Ministry of Security of BiH** is competent for the implementation of the readmission procedure, i.e., for the return of BiH nationals residing illegally in the EU countries under the Agreement between BiH and the European Community on the readmission of persons residing without authorization or who are in other countries with which BiH has signed bilateral readmission agreements. The **Division for Immigration** within the BiH Ministry of Security checks the nationality and identity of the individuals listed in readmission applications through the ministries of interior in BiH in accordance with the provisions of the "Protocol on cooperation in a more efficient implementation of readmission agreements on persons residing without authorization in other countries"¹⁸. The Protocol regulates in detail the procedure of actions among the signatories. Its implementation considerably improved compliance with the strict deadlines laid down in readmission agreements. If there is no readmission application but only a notice of return, which concerns individuals with valid documents, the ministry informs the BiH Border Police for the purpose of transfer. The ministry also acts upon requests for nationality and identity checks sent from the BiH Ministry of Foreign Affairs for the purpose of issuing the travel document and return of the individual concerned to BiH.

The **BiH Border Police** is a government organization with operational independence and within the BiH Ministry of Security. Under the Law on Border Police,¹⁹ the Law on Border Control²⁰ and other laws authorizing its actions, the Border Police conducts border checks of all persons who cross the BiH state border in order to grant or reject entry to the BiH territory, i.e., cross the BiH state border. Upon receiving an announcement from the BiH Ministry of Security regarding the transfer of a BiH national under a readmission agreement, the Border Police conducts border check of the individual and, in accordance with Article 2 of the "Protocol on cooperation in a more efficient implementation of readmission agreements on persons residing without authorization in other countries," informs the ministry about the implemented transfer. Also, the Border Police supports the MHRR during the interview at the border crossing, provides an interview room and border officers during the interview and transfer. Also, upon the MHRR request, it provides other necessary support for the successful reception of readmitted individuals in accordance with the "Instruction on the procedure of temporary provision of care to BiH nationals under readmission agreements" and within its competencies.

¹⁸ Protocol no. 01-50-90/10 od 17.05.2010, signed among the BiH Ministry of Security, the RS Ministry of Interior, the Federation Police Directorate, cantonal ministries of interior, the Police of the Brecko District of BiH, the Service for Foreigners' Affairs and the BiH Border Police

¹⁹ Official Gazette of BiH 50/04, 27/07, 59/09 and 47/14

²⁰ Official Gazette of BiH 53/09, 54/10 and 47/14

The **Ministry of Civil Affairs BiH** – Before the Law on Changes and Supplements to the Law on the Ministries and Other Bodies of the BiH Administration²¹, this ministry, through its Division for Labor, Employment, Social Protection and Pensions, used to receive requests from the BiH Ministry of Security for reception and accommodation of persons who return under readmission agreements. When such requests involved minors, persons with psychological disorders or persons with disabilities, the ministry coordinated reception and accommodation activities with the entity and the Brcko District authorities competent for social protection and with centers for social work. The reception and provision of care to readmitted returnees is within the competency of the MHRR. The BiH Ministry of Civil Affairs is competent for the nationality, citizen registration and records, registration of permanent and temporary residence, identification and travel documents. This ministry is also competent for establishing basic principles for the coordination of activities, harmonization of entity government plans, and defining the strategy on international level in the fields of health care, social protection, science, education and also labor and employment.

The **Ministry of Human Rights and Refugees of BiH** – In accordance with Article 12 of the Law on the Ministries and Other Bodies of the BiH Government²², the MHRR is in charge for the reception and provision of care, for a period of up to 30 days, to the BiH nationals under readmission agreements. When this competency was introduced, the MHRR adopted a number of regulations on the procedures to enable its full implementation. The "Regulation on internal organization and job classification" was amended by introducing readmission as a separate task, which enabled internal reassignment of tasks and employment of additional personnel. The MHRR issued the "Decision on the establishment of the Readmission Center in Mostar"²³, the "Regulation on the manner of work, functioning and rules of conduct in the Readmission Center in Mostar"²⁴ and the "Instruction on the procedure of temporary provision of care to BiH nationals under readmission agreements"²⁵. Additionally, the MHRR and the BiH Ministry of Security signed the protocol on cooperation²⁶ regulating the procedure for exchanging information about the reception and provision of care to returnees, and harmonizing the procedures and safety aspects of the reception and treatment of returnees.

3.3 Achieved results in the reception of returnees under readmission agreement

The construction of the Readmission Center in Mostar created basic institutional, personnel, technical and financial preconditions for the reception and integration of BiH returnees under readmission agreements. During the border crossing transfer, the returnee fills out the family questionnaire. If the returnee requests government assistance in further accommodation, he or she will be transported and accommodated in the Readmission Center. The center's function is temporary reception and provision of care to returnees for up to 30 days with the aim of registration, classification, preparation and referral of returnees in cooperation with the entity and the Brcko District authorities to the last place of residence in BiH or the returnee may

²¹ Official Gazette of BiH 87/12

²² Official Gazette of BiH 5/03, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09, 103/09, 87/12 and 6/13

²³ Official Gazette of BiH 39/13

²⁴ Official Gazette of BiH 39/13

²⁵ Official Gazette of BiH 39/13

²⁶ Protocol no. 06-02-2-4124-7/13 of 30.12.2013

choose a new place of residence. While in the center, returnees are provided information about their options and ways of further integration in the local community. They are also given the "Information Sheet" and the "Information Brochure for Returnees under Readmission Agreements," which contain all necessary information and contacts for further exercise of rights. In accordance with the "Regulation on the manner of work, functioning and the rules of conduct in the Readmission Center in Mostar," the reception of returnees also includes a detailed check-up conducted by a relevant medical institution contracted by the MHRR for medical service provision. International standards for the treatment of returnees are provided by the center personnel and civil servants in the MHRR, who went through specialized trainings in the implementation of the procedures of reception and ensuring the rights arising out of the reception. Particular attention was paid to the training of personnel in the treatment of returnees who exhibit violent tendencies, a psychological disorder or any other form of socially unacceptable behavior.

4. EXPECTED RESULTS

An analysis of the current situation in the field of readmission and reception of returnees under readmission agreements, and also the results achieved in this field so far, gave the strategic questions that need answers through the definition of clear specific goals. Their implementation should result in the establishment of an adequate approach to the process of return and integration of returnees, and a decreased number of secondary migrations. This strategy should result in the establishment of a functional integration system for returnees under readmission agreements through a defined institutional framework for solving returnee's problems and an efficient system of monitoring the implementation and evaluation of the defined measures and activities.

With the aim of establishing a functional, efficient and harmonized system of reception and integration of returnees under readmission agreements, competent entity institutions will clearly define their roles in the readmission system.

Under the Law on the Federation Ministries and Other Bodies of the Federation Administration²⁷, the **Federation Ministry for Displaced Persons and Refugees** is competent for "legal, professional and other affairs from the Federation competency relating to the collection and processing of data on refugees and displaced persons; coordination of reconstruction activities together with the registration and supervision by non-government organizations; creating conditions for the return of displaced persons to their places of residence, including re(construction) and repair of houses and other residential buildings for the purpose of accommodating refugees and displaced persons; maintenance of regional centers for assistance in the implementation of the said activities, and other affairs as defined under the law." Through the Federation Government, the ministry will initiate amendments to the Law on the Federation Ministries and Other Bodies of the Federation Administration, with the aim of establishing coordination with the ministries competent for health care, employment, and education, which implies providing information about the matters of readmission, return and returnees' access to rights. With the aim of establishing an efficient coordination system, the ministry will sign memorandums of understanding and cooperation with all competent ministries.

²⁷ Official Gazette of FBiH 58/02,19/03, 38/05, 2/06, 8/06, 61/06, 52/09 and 48/11

Under the Law on the Republic Administration²⁸, the **Ministry of Refugees and Displaced Persons in the Republic of Srpska** is competent for the administrative and other matters that, among other things, pertain to the system of protecting displaced persons, refugees and returnees; exercise of their status and property rights; provision of an alternative accommodation; (re)construction and maintenance of the accommodation facilities for displaced socially vulnerable population groups; resocialization programs for socially vulnerable categories of displaced persons and returnees; coordination of work with the MHRR, Federation Ministry for DPs and Refugees and international organizations that implement resocialization programs for refugees and displaced persons. Through the RS Ministry of Administration and Local Self-Government, the ministry will initiate amendments to the Law on the Republic Administration with the aim of expanding competencies in the integration of BiH returnees under readmission agreements. This will be followed by amendments to the "Regulation on internal job organization and classification" and assignment of these tasks to the Division for Property Law Affairs. Under the law, the ministry will coordinate the work with the ministries competent for health care, employment, and education. This implies information about the readmission, return and returnees' access to rights, while the coordination with local communities will be regulated in accordance with requirements from specific projects relating to the returnees' integration.

After amendments to the Law on Public Administration, the **Division for Displaced Persons, Refugees and Housing Affairs** within the Government of the **Brcko District of BiH** will take over the responsibility for coordination with competent state-level authorities and competent authorities and institutions of the District in the matters of readmission and provision of care to the individuals residing without authorization in other countries and who return to the District under readmission agreements.

Coordination among the involved institutions and organizations will be a dominant way of cooperation and sharing responsibility. This form of cooperation is absolutely necessary because of constitutional and legal limitations and the lack of subordination principle in the system of government administration, that is, when the entity authorities are very cautious about the establishment of a new and functional system of reception and integration of readmitted returnees. In order not to infringe the entity original competencies for the rights of readmitted returnees, the coordination principle is established as an expression of will and agreement of all involved institutions and organizations. The MHRR is the coordinating body among the institutions both horizontally and vertically, in which the horizontal coordination involves the state-level institutions (BiH Ministry of Security, BiH Border Police, BiH Ministry of Foreign Affairs, BiH Ministry of Civil Affairs, etc.), while the vertical coordination will be established with the relevant division of the Brcko District and the entity ministries in charge of refugees and displaced persons.

The coordinating body for the reception and integration of readmitted returnees in the **Republic of Srpska** is the RS Ministry of Refugees and DPs. The horizontal coordination involves institutions on the RS level (Ministry of Health and Social Protection, Ministry of Education and Culture, Ministry of Labor and Protection of War Veterans and War-Disabled Individuals, etc.). From the standpoint of the ministry, the vertical coordination goes in two directions, one of which is a feedback connection with the MHRR, while the other one concerns the selected municipalities in the RS where a functional reception and integration system for readmitted returnees will be developed. The RS Ministry of Refugees and DPs will

²⁸ Official Gazette of Republike Srpske. 118/08, 11/09, 74/10 i 86/10, 24/12 and 121/12

decide on their own about the legal definition of coordination relations among the involved institutions both horizontally and vertically.

Coordination relations among the involved institutions in the **Federation of Bosnia and Herzegovina** necessarily have to reflect specific constitutional structure of the Federation. The coordinating body for the reception and integration of readmitted returnees in the Federation is the Federation Ministry of DPs and Refugees. As for horizontal coordination, it is necessary to point out that the ministry will establish horizontal coordination on two levels. One of them will involve institutions on the Federation level (Federation Ministry of Health, Federation Ministry of Labor and Social Policy, Federation Ministry of Education and Science, etc.), while the other one concerns the cantonal ministries that cover the selected municipalities where a functional system of reception and integration of readmitted returnees will be built. From the standpoint of the ministry, the vertical coordination goes in two directions, one of which is feedback communication with the MHRR, while the other one concerns the selected municipalities in the Federation where a functional reception and integration system for readmitted returnees will be developed.

The **Brcko District of BiH** will establish one vertical coordination relation with the MHRR, and one horizontal with other relevant bodies within the District Government. There were some proposals to include the District in the coordination system with the entities but the District preferred to have a direct coordinating relation with a state-level ministry, which corresponds with the District's current position in relation to the BiH Council of Ministers.

As for **local communities**, which solve the problems facing returnees, this strategy should enable their full involvement in the system of reception and integration. The first step in that direction is absolute familiarization of the local relevant service providers with the readmission process including adequate personnel training. Also, local readmission teams will be established to work on housing provision for returnees after their leaving the Readmission Center and on determining their social and economic status in order to plan required interventions and ensure associated rights. Local readmission teams will be trained in the development of local action plans on the readmission, the development of social housing projects and in other areas important for integration of returnees under readmission. In cooperation with competent entity ministries the MHRR will ensure full support to the local communities in which the housing programs for readmitted returnees are implemented. This support implies guidelines for the development of a legal framework governing social housing in protected conditions, assistance in the development of decisions and other legal documents regulating the long-term purpose of housing units, management, maintenance, allocation criteria, way and period of using the housing units. The established legal and institutional framework for the housing of readmitted returnees based on social housing principles will ensure the use of housing units in accordance with their intended purpose.

For the purpose of monitoring the implementation of the measures and activities defined in the strategy, the BiH Council of Ministers should appoint a coordination council whose structure, composition, competencies and other matters relating to its work will be regulated in a separate decision. Systematic monitoring of the implementation of the measures and activities described in the Action Plan requires a concept and the creation of a simple and feasible methodology with a standardized format of reports. Periodic evaluations will be conducted in order to evaluate results and effects of the measures defined in the Action Plan – a mid-term evaluation and an external independent evaluation at the end of the operational/action plan. The responsible body for the implementation of evaluations and

principal body in the evaluation activities is the Division for Refugees, Displaced Persons, Readmission and Housing Policy within the MHRR. If the reports indicate that the intended measures and activities have not produced results or cannot be implemented, the Action Plan will be revised to add new activities, change the deadlines or bodies responsible for activities, etc. The revision process will be initiated by the competent MHRR division and approved by the coordination council for monitoring the implementation of the Strategy and the Action plan.

The role of the **non-government organizations** involved in the coordination system is clearly positioned on the state level because the relevant relations are regulated in the protocols with the MHRR on mutual cooperation in reception and integration of readmitted returnees. Further improvement of coordination relations should be made on the local level in terms of municipal full involvement in the system of assistance in the segments of psychosocial assistance, free legal aid and representation. Civil society experiences in the work with returnees, particularly with vulnerable groups, its mobility, flexibility and timely response to the needs of beneficiary groups may serve as an extended arm of centers for social work. A broad variety of civil society services could enrich and facilitate the process of integrating returnees in the communities. Since some returnees do not have information either about the procedures in the countries where they sought asylum or the rights and obligations standing before them upon return to BiH, NGOs may contribute to the adequate provision of information to returnees, thus reducing the risk of additional discrimination and violation of human rights. Also, the NGO engagement should be expanded to include increasing the knowledge and capacities of local level institutions and service providers, which implies the exchange of best practices from the towns and municipalities that have already ensured some conditions and capacities for the integration of returnees.

5. STRATEGIC AND SPECIFIC GOALS

5.1. Strategic goal

Based on the earlier mentioned analysis, the consultations with competent institutions on all levels of government and having in mind the fact that the strategy for the reception and integration of the BiH nationals who return under readmission agreements is an important document in the development of the BiH migration policy, a strategic goal is defined and it implies:

Establishment of a functional, efficient and harmonized system of receiving the BiH nationals who return under readmission agreements and ensuring their social and economic integration in the places of return.

This strategic goal will be achieved through the implementation of specific goals, as follows:

5.2. Specific goal 1

Establish a coordination system among the institutions for the purpose of a harmonized approach in the field of reception and integration of returnees

Fragmented legal and institutional framework in BiH often impedes the implementation of policies, measures and activities in all fields, including the integration of returnees under readmission agreements. Important matters for readmitted returnees are within the

competency of various institutions on all levels of government, so it is not possible to implement the strategy goals without establishing an efficient system of coordination among competent institutions and other key actors. The activities towards implementation of this goal include the establishment of a national coordination council for monitoring the implementation of the strategy, and also coordination boards on all levels of government. The establishment of these bodies will ensure systematic collection of relevant information, their exchange among competent institutions on all levels of government and adequate coordination of all activities specified in the Action Plan.

5.3. Specific goal 2

Establish and strengthen institutional capacities in BiH with the aim of providing adequate assistance to returnees

Integration of returnees under readmission agreements cannot be successfully implemented without built institutional capacities of all government levels that are in charge of the readmission and reception of returnees. The activities defined in the framework of this goal are oriented towards strengthening the capacities of the state-level institutions that first deal with readmitted returnees, before all the Division for Refugees, DPs, Readmission and Housing policy within the MHRR. Also, this goal foresees the activities the implementation of which should ensure the establishment of an appropriate institutional framework on the entity level and in the Brcko District of BiH. Strengthening capacities of competent institutions includes, among other things, amendments to the existing legislative framework with the aim of ensuring sustainable integration of returnees, establishing appropriate mechanisms for the protection of human rights, regular trainings and providing information to the personnel in competent institutions.

5.4. Specific goal 3

Establish a functional system of returnees' integration with ensuring equal access to associated rights

After the returnees' social and economic status is determined during their stay in the Readmission Center, they should be referred to local communities where access to the rights and fulfillment of basic needs will be ensured. Returnees should be supported according to their needs established during their stay in the Readmission Center in order to make them capable for a self-sufficient life and a life on equal footing in their communities. To this end, it is necessary to strengthen legal and institutional framework to ensure a systemized approach to the process of returnees' integration, which before all implies support to local communities in the implementation of programs for integrating readmitted returnees.

5.5. Specific goal 4

Ensure resources for technical equipment and proficiency of the personnel involved in the process of reception and provision of care to returnees under readmission agreements

Adequate provision of information, equipment, technical capacities of competent institutions and service providers, and proficiency of the personnel that should assist the BiH nationals who return under readmission agreements are crucial for the sustainable integration of

returnees in the communities of return. The absence of it all can negatively reflect on the type and quality of assistance and influence a returnee's decision to leave the country again and seek better living conditions. With the aim of providing adequate assistance to returnees and, in relation to this, the decrease of secondary migrations, it is necessary to ensure best possible equipment and technical conditions for relevant service providers and organize regular professional trainings of the personnel through seminars, trainings and information meetings of all actors involved in the process of reception and provision of care to returnees. This particularly refers to the service providers operating in the fields identified in this strategy as the areas of particular importance for the sustainable integration of returnees.

5.6. Specific goal 5

Ensure efficient exchange of information, monitoring and regular reporting

The exchange of information about the number and status of the BiH nationals who return under readmission agreements is a precondition for timely involvement of competent service providers and adequate assistance to returnees. Precise and systemized data on the social and economic status of returnees enable analyses of their needs and, consequently, establishment of the basic framework for action and solving this problem. The establishment of a single database of returnees under readmission agreements is a basis for efficient exchange of information among competent institutions and service providers, monitoring the implementation of the activities defined within all specific goals defined in this strategy, and also for the planning of realistic activities regarding the reception and integration of returnees.

ACTION PLAN 2015–2018

STRATEGIC GOAL:

ESTABLISHMENT OF A FUNCTIONAL, EFFICIENT AND HARMONIZED SYSTEM OF RECEIVING THE BiH NATIONALS WHO RETURN UNDER READMISSION AGREEMENTS AND ENSURING THEIR SOCIAL AND ECONOMIC INTEGRATION IN THE PLACES OF RETURN

SPECIFIC GOAL 1		Establish a coordination system among the institutions for the purpose of harmonized approach in the field of reception and integration of returnees																	
No.	Activity	Principal body	Cooperation	Implementation deadline												Indicator	Funding source		
				2015			2016			2017			2018						
1.	Establish a coordination council for monitoring the strategy implementation	MHRR; Council of Ministers	MS ²⁹ ; MFA ³⁰ ; MCA ³¹ ; BP ³²			x												- Adopted decision of the BiH Council of Ministers on the establishment of the council - Council members appointed	Budget of the BiH institutions
2.	Adopt the coordination council's rules of procedure	MHRR; coordination council	MS; MFA; MCA; BP			x												- Adopted council's rules of procedure	Budget of the BiH institutions
3.	Establish a coordination board on the BiH level	MHRR	MS; MCA; BP; FMDPR ³³ ; RS			x												- Established coordination	Budget of the BiH

²⁹ BiH Ministry of Security

³⁰ BiH Ministry of Foreign Affairs

³¹ BiH Ministry of Civil Affairs

³² BiH Border Police

³³ Federation Ministry of DPs and Refugees

			MRDP ³⁴ ; BD ³⁵ ; NGOs																	board	institutions
4.	Establish a coordination board on the Federation level	FMDPR	MLSP ³⁶ ; MH ³⁷ ; MSC ³⁸ ; competent cantonal ministries; municipalities						x											- Established coordination board on the Federation level; - Created reports on migration movements in the FBiH	Budget of the FBiH institutions
5.	Establish a coordination board on the level of municipalities in the Republic of Srpska	RS MRDP	RS MRDP						x											- Established coordination board on the level of municipalities in the RS	Budget of the RS institutions
6.	Establish a coordination board on the level of the Brcko District of BiH	Division for Displaced Persons, Refugees and Housing Affairs of the BD	Division for Health Care and Other Services; Division for Education; Division for Public Registry						x											- Established coordination board; - Created reports on migration movements in the District	Budget of the Brcko District institutions

³⁴ RS Ministry of Refugees and DPs

³⁵ Brcko District

³⁶ Federation Ministry of Labor and Social Policy

³⁷ Federation Ministry of Health

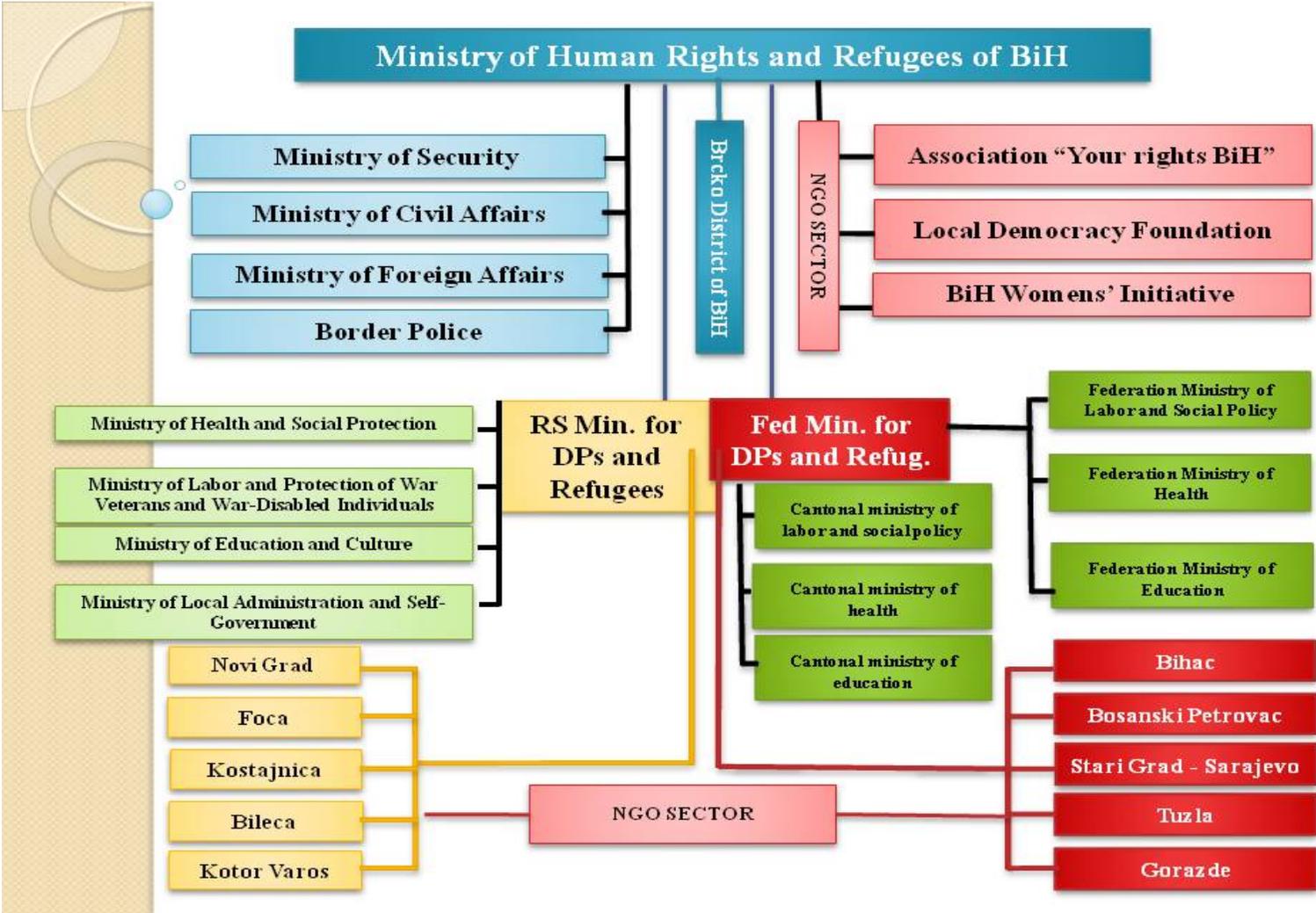
³⁸ Federation Ministry of Science and Culture

SPECIFIC GOAL 2		Establish and strengthen institutional capacities in BiH with the aim of providing adequate assistance to returnees																	
No.	Activity	Principal body	Cooperation	Implementation deadline												Indicator	Source of funding		
				2015			2016			2017			2018						
1.	Amend the Law on the Federation Ministries and Other Bodies of the Federation Administration	FMDPR	Federation Government			x												- Adopted law amending the Law on the Federation Ministries and Other Bodies of the Federation Administration	Budget of the Federation institutions
2.	Sign a protocol on cooperation in the field of reception and integration of returnees under readmission in the Federation of BiH	FMDPR	Ministries of labor and social policy; health; education and science; competent cantonal ministries; municipalities				x											- Signed protocol on cooperation in the field of reception and integration of returnees under readmission in the FBiH	Budget of the Federation institutions
3.	Amend the RS Law on the Republic Administration	RS MRDP	Ministry of Administration and Local Self-government; RS Government			x												- Adopted law amending the RS Law on the Republic Administration	Budget of the RS institutions
4.	Amend the Regulation on Internal Organization and Job Classification of the RS Ministry of Refugees and Displaced Persons	RS MRDP	Division for Property Law Affairs				x											- Classified job positions regarding the reception of readmitted returnees	Budget of the RS institutions
5.	Amend the Law on Public Administration of the Brcko	Mayor	Division for Displaced	x														- Adopted law amending the	Budget of the

	District of BiH		Persons, Refugees and Housing Affairs																Law on Public Administration of the Brcko District of BiH	Brcko District institutions
6.	Amend the Regulation on Internal Job Classification of the Brcko District of BiH	Division for DPs, Refugees and Housing Affairs of the Brcko District	Division for Health and Other Services; Division for Education; Division for Public Registry		x														- Classified job positions regarding the reception of readmitted returnees	Budget of the Brcko District institutions
7.	Strengthen capacities of the Division for Refugees, Displaced Persons, Readmission and Housing Policy within the MHRR	MHRR	Council of Ministers		x														- Amended Regulation on the Internal Job Classification	Budget of the BiH institutions
8.	Strengthen capacities of the Division for Immigration within the Ministry of Security	MS	Council of Ministers		x														- Amended Regulation on the Internal Job Classification	Budget of the BiH institutions
9.	Strengthen capacities of the Division for Labor, Employment, Social Protection and Pensions within the Ministry of Civil Affairs	MCA	Council of Ministers		x														- Amended Regulation on the Internal Job Classification	Budget of the BiH institutions
10.	Secure funds to support programs of integrating returnees under readmission	MHRR; MCA; FMDPR; RS MRDP; BD;	Council of Ministers; governments of FBiH, RS and BD			x													- Introduced budget items for the readmission	Budgets on all levels; donor funds

SPECIFIC GOAL 3		Establish a functional system of returnees' integration with ensuring equal access to associated rights																		
No.	Activity	Principal body	Cooperation	Implementation deadline												Indicator	Source of funding			
				2015			2016			2017			2018							
1.	Establish readmission teams for the support to integration of readmitted returnees in local communities	MHRR	Municipal mayors; NGOs	x															- Established readmission teams in the selected municipalities; - Established readmission team in the Brcko District	Budgets on all levels; donor funds
2.	Implement training programs in the development of local action plans (LAP)	MHRR	Municipal mayors; NGOs			x													- Organized workshops for the development of LAPs	Budgets on all levels; donor funds
3.	Issue decisions on the development and adoption of LAPs	Municipal mayors; Division for DPs, Refugees and Housing Affairs of the Brcko District	Municipal councils/assembl.; Brcko District mayor				x												- The number of the municipalities that adopted LAPs	Budgets on all levels
4.	Implement training programs in the project development regarding the integration of readmitted returnees	MHRR	Municipal mayors; NGOs				x												- Organized educational workshops; - The number of trainees	Budgets on all levels; donor funds
5.	Organize trainings for the relevant municipal departments during the process of readmission and reception of readmitted returnees	MHRR	MS; MFA; MCA; BP; NGOs				x			x				x				x	- Regular annual trainings and seminars held	Budgets on all levels; donor funds

ANNEX 1. Flow of coordination among the institutions and organizations in the system of reception and integration of readmitted returnees



Financial support:



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra



GOVERNMENT
PRINCIPALITY OF LIECHTENSTEIN

Technical support:

