

**UNIVERSITY OF TIMISOARA
FACULTY OF LAW**

**UNIVERSITY OF PÉCS
FACULTY OF LAW**

**JOURNAL OF EASTERN-EUROPEAN CRIMINAL LAW
No. 1/2016**

**Edited biannually by courtesy of the Criminal Law
Departments within the Law Faculties of the West University
of Timisoara and the University of Pécs**



Policy and regulation of immigration, refugee and asylum within the world refugee crisis - challenges and prospects -

Prof. dr. OSMAN JAŠAREVIĆ,
Pravni fakultet Univerziteta u Travniku

MERISA SAMOUK – JAŠAREVIĆ MA

Abstract:

In accordance with the Constitution of BiH policy and the regulation of immigration, refugee and asylum is prescribed as one of the functions that are vital for the functioning of Bosnia and Herzegovina as a modern state, and which therefore falls within the exclusive jurisdiction of its state institutions. Of state institutions we will first mention the Ministry for Human Rights and Refugees, which is responsible for the provision of organized collective accommodation of these persons in BiH. For this purpose, qualified refugee center for refugees and other persons who have been in the asylum granted the right to international protection in Bosnia and Herzegovina.

Asylum is international law established legal and security institute and recognized the right of refuge to foreigners, which regulates every state positive applicable legislation. The right to asylum to a refugee, where such status is recognized by international law (Art. 1st Geneva Convention relating to the Status of Refugees of 1951), and all who are outside their own country and it can not return due to well-founded fear that there could be subjected to violence or persecution.

Immigration is defined as the process of the migration of the population to a space due to its specific, for people appealing factors. An immigrant is a person who exceeds the limits of their former country of nationality or residence, for various reasons, either because of a desire for economic prosperity, whether they were expelled or fleeing conflict or natural disasters, or simply the weight of a better life.

Keywords: *asylum, immigration, politics, security, human rights.*

Introduction

This article was prepared on the occasion of status issues of immigration and asylum, the resulting "World refugee crisis," which will be published in information Journal "Journal", the Republic of Romania. The content of work does not necessarily reflect the views of the World refugee crisis and no refugee crisis affecting the European Union, but they are generally viewed in terms of the general or common problems with regard to the political, legal and security status of asylum in BiH and beyond.

Scientific reading on legal and security issues of immigrants and asylum in BiH is defined by the author, bearing in mind that the representatives of the UNHCR in Bosnia and Herzegovina, the competent Ministry of Security and the Department for Refugees, Displaced Persons and Housing Policy of the Ministry of Human Rights and Refugees, with the financial support of the European Commission Delegation in BiH, prepared

Handbook on asylum in Bosnia and Herzegovina, which sought to present what has been done in the field of asylum and international protection in BiH so far.

Therefore the aim of the present study to be an easily understandable way so far constructed a legal political system of asylum and international protection in BiH, and finishing with the legal safety requirements, and that any future activities directed towards upgrading of the already value through:

- ✓ security, legal and administrative authorities who are professionally trained for the conduct of procedures determining refugee status or temporary residence on humanitarian grounds in the asylum procedure and the status of subsidiary protection,
- ✓ institutions that were established, professionally educated and trained their staff to take care of the rights and the integration of which is already recognized as a refugee in terms of subsidiary protection and temporary admission status,
- ✓ the role of non-governmental sector in terms of Protection of political rights and security in the field of asylum and
- ✓ valid legislative legal framework has so far set up in the field of asylum, through the Constitution, laws, conventions, declarations, protocols on the status of refugees and other acts.

The authors intend to briefly in one place what is displayed, "all" been done so far in the area of legal and security protection of asylum and its international protection in BiH and beyond, in order to "all" future theoretical and practical activities directed towards upgrading of the already normative value of the subject matter.

Also, the authors of the texts will attempt to gather this work as many important texts relating to the boredom made applicable regulations that are directly related to the legal certainty of aliens who are able to seek and obtain asylum and international protection through valid BiH legislation, which normatively regulate the legal security institution of asylum.

1. Asylum

Asylum is a real political issue of refugees, which refers to its refuge in a foreign country. In general, asylum represents each refuge from trouble, persecution, disease, old age, often in the form of institution (shelter for abandoned children, the elderly, the poor and the homeless). The right to asylum is one of the fundamental human rights, in particular of the Universal Declaration of Human Rights in the 14th article, according to which this law can and enjoy it people who fled to another country because of different types of persecution in their country of origin. This right can not look for people who are in their countries required in order to non-political offenses or for acts contrary to the purposes and principles of the United Nations.

An alien who is under the applicable legal terms granted asylum, the state provides the asylum seeker accommodation, means of subsistence and health care.

If it is determined that a stranger - an asylum seeker during the stay in Bosnia and Herzegovina, or another state acts against the constitutional of succession of or against the international interests of BiH or other states in the international community, he may be deprived of the right of asylum. The decision on the recognition or withdrawal of the right of asylum brings official in charge of the competent institution for the respective tasks and duties. On the decision to take away the right of asylum, an alien may file an appeal directly to the higher authority certain state which is responsible for resolving the issue in question.

The decision shall contain a deadline for an alien as undesirable person (*persona non grata*) must leave the territory of a particular country that has recognized the status of asylum. Deadlines are an individual matter of each country after a given district.

The right to asylum is a constitutional right in Bosnia and Herzegovina. It is for the reasons for the decision of the Court of Bosnia and Herzegovina is clear that the right to asylum is a constitutional right.

Although the issue of asylum falls within the jurisdiction of Bosnia and Herzegovina, BiH Constitution does not explicitly "right of asylum" in the catalog of the rights and freedoms set forth in Article II, paragraph 3 of the Constitution. Unlike the Constitution, and the Constitution of the Republic of Serbian Constitution of the Federation of Bosnia and Herzegovina in Article 2 points. i) states that the Federation of Bosnia and Herzegovina in particular to ensure that all persons in the territory of the Federation shall enjoy the right to asylum. Regardless of what the right to asylum is not specifically mentioned as a constitutional right in the Constitution of Bosnia and Herzegovina, the right to seek and enjoy asylum is a constitutional right as it was recently the Court stated in the reasons for its decision: "the right to seek and to enjoy in other countries asylum from persecution is a right guaranteed by Art. 2nd tač.3. and items. 4 of the Constitution of Bosnia and Herzegovina, in conjunction with Article 2, item. 14 of the Universal declaration of Human Rights. This provision provides that all persons in the territory of Bosnia and Herzegovina enjoy human rights and freedoms, and that the rights and freedoms defined in the European Convention for the protection of human rights and fundamental freedoms directly in Bosnia and Herzegovina and have priority over all other law. Article 2, paragraphs. 7. Universal Convention on human rights provides that all persons are equal before the law and are entitled without any discrimination to equal protection of the law. Furthermore, all are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

In addition, everyone has the right to seek and to enjoy in other countries asylum from persecution (Article 14 of the Universal Declaration of Human Rights)".

2. Legal security question of asylum in Bosnia and Herzegovina

As acknowledged in the OAU Convention, the Cartagena Declaration and the United Nations Declaration on Territorial Asylum of 1967, granting asylum is a humanitarian and apolitical act. The word "asylum" is not defined by international law, but has become an umbrella term for the overall protection provided by a country to refugees on its territory. Thus, asylum means, at the very least, basic protection – *i.e.*, no forcible return to the frontiers of territories where his life or freedom would be threatened refugees – with the possibility of staying in the host country until a solution outside that country. Asylum is international law established legal and security institute and recognized the right of refuge to foreigners, which regulates every state positive applicable laws.

As in Bosnia and Herzegovina and other countries in the world – (the international community) legal – Security Institute, asylum, a foreigner can acquire who was exiled because of his advocacy of democratic views and movements for social and national liberation, for freedom and human rights or of the freedom of scientific and artistic creation.

In the Ministry of Security Sector There seekers who performs administrative and other professional tasks relating to the execution and implementation of policy and asylum procedure in Bosnia and Herzegovina, coordination of organizational units, perform tasks related to compiling drafts of laws and subordinate legislation in this field, securing reception, accommodation and support to asylum seekers, following progress in the achievement of European standards in this area, perform analysis and reporting, as well as other activities that by their nature fall within the competence of the sector.

2.1. The development of political, legal, security of the asylum system in Bosnia and Herzegovina

While the situation on the ground dictated by the urgency in providing international protection to refugees arriving in large numbers in Bosnia and Herzegovina, much slower this process went adoption of the legislative framework by the BiH Parliament, the establishment of competent authorities and personnel training for the implementation of these regulations.

Law on Immigration and Asylum is the first law in this field adopted by the Parliament in December 1999. This Act asylum in BiH guarantee: (a) refugees who meet the requirements of Article 1A (2) of the Convention relating to the Status of Refugees of 1951 and its 1967 Protocol; (B) persons who do not meet the requirements of the Convention but who can not return to their country of origin or habitual residence where their freedom or life would be threatened or where they would be subjected to torture, inhuman or degrading treatment. The Act stipulated that the request for asylum considered and decided by the same organizational unit within the Ministry of Civil Affairs and Communications, which is fully qualified in the field of asylum and refugee law. This law is also guaranteed to all persons who have already obtained refugee status or who have been recognized temporary shelter in Bosnia and Herzegovina recognition of that status and by this Act. At the same time authorized the Council of Ministers to make regulations to further edited the questions related to the large influx of refugees.

In this turbulent security situation in which they are usually changed and refracted jurisdiction of state authorities responsible for asylum issues, it was extremely difficult to build "organizational unit that is fully qualified in the field of asylum and refugee law" as it stipulated the Law on Immigration and Asylum. Nevertheless, UNHCR Mission in Bosnia and Herzegovina in 2002 provided full financial, security and tehničkopravnu support the Department of Immigration and asylum in the then Ministry of Human Rights and Refugees in order to recruit qualified lawyers and translators who have been extensively trained in the country and abroad in the field of refugee law, including the so-called "job training" with which it began in 2003. In the period from 2003 to 2007, the European Commission through the CARDS projects that provide financial support to the Mission of UNHCR in Bosnia and Herzegovina in implementing the above objectives.

At the same time, UNHCR Mission in BiH has worked intensively on building a network security and law centers in which they were trained lawyers to provide free legal assistance to asylum seekers and persons with recognized status in the asylum procedure. At the state level is a registered association "Your rights BiH" with a network of legal centers covering the whole territory of Bosnia and Herzegovina. This is based NGO sector which is supposed to assist the state authorities to meet a statutory obligation to provide asylum seekers with free legal assistance. Training of personnel and the non-governmental sector was supported through the above projects CARDS.

Ministry of Security and Ministry of Human Rights and Refugees concluded with the Association "Your rights BiH" protocols for the lawyers of this Association gives access to asylum seekers and people with recognized status in the asylum procedure, in order to provide free legal assistance during the asylum procedure and in the proceedings integration.

UNHCR Mission in BiH has established partnerships with non-governmental organizations that provide psycho-social support to persons placed in the APC has a time when they set up first-and APC. This cooperation is still ongoing and indispensable mechanism in the present situation when the social welfare system to function poorly and to the citizens of Bosnia and Herzegovina.

This is completed legislation and built are essential facilities which were required to take over the Ministry of Security of UNHCR procedure for determining refugee status and subsidiary protection status, as provided by the Act and the Regulations. It was also made official the signing of the Protocol on the transfer of the status of refugees and other responsibilities related to asylum with the UNHCR to the Ministry of Security, under which from 1 July 2004 the Ministry of Security claimed to act upon the requests received for asylum.

These conditions have been created to intensify the adoption of by-laws that would regulate in detail the conditions under which persons with recognized status in the asylum procedure can achieve security and other rights guaranteed by the Act.

The Ministry for Human Rights and Refugees defined as the ministry which is responsible to take care of these issues in a very short time the ministry has taken a series of actions in order to make by-laws that will be applicable on the ground by the municipal, cantonal and entity authorities.

The Ministry of Human Rights and Refugees with the help of the UNHCR mission in Bosnia and Herzegovina, within less than a year passed two ordinances to ensure: (a) access to health care and health insurance, and (b) the civil registration of birth of refugee children and people under subsidiary or security protection, weddings and other status issues.

In the course of 2004-2007, The Ministry of Security, Ministry for Human Rights and Refugees and UNHCR have jointly built a comprehensive legal and security legislation in the field of asylum and perform interventions in a number of legal acts aimed at the full protection of asylum seekers and other persons under international protection in BiH. All adopted legal acts have been incorporated into the text of the Manual on asylum, so that in one place you find all existing regulations in this area.

3. Policy and Asylum

3.1. *The right to asylum*

Clause 18th Charter of Fundamental Rights of the European Union guarantee the right to asylum. This right of a refugee, where such status is recognized by international law (Art. 1st Geneva Convention relating to the Status of Refugees of 1951), and all who are outside their own country and it can not be recovered because of well-founded fear that there could be subjected to violence or persecution. The recognition of such a status achieved in countries that have signed specific agreements with the United Nations, or by the UNHCR. In this sense, political asylum is a special case of the right to asylum. This is a shelter for those who are persecuted because of their political ideas.

Bosnia and Herzegovina has managed to establish and develop a sustainable state structures that provide the administrative framework for the implementation of policies in the area of visas, asylum, migration and borders. Some of the EU conventions relating to human rights and fundamental freedoms are already incorporated in the existing Constitution of Bosnia and Herzegovina or are transferred through succession together with other countries of the former Yugoslavia. Research has shown that the adoption of legislation and the establishment of proper structures only a starting point in the desired direction. Creating conditions for a functional and efficient system requires additional effort involving all government structures. So far, the institutions are not adequately monitored the implementation of the adopted legislation. The lack of adequate financial and human resources has created a lot of problems regarding the application of the necessary legislation in the field of asylum and migration. Despite the progress that Bosnia and Herzegovina has made it still faces problems, some of which are common to the region and some that are unique to Bosnia and Herzegovina. The adoption and implementation of legislation in the field of Justice and Home Affairs of Bosnia and Herzegovina should be a priority for the state to progress in the EU accession process and ensure freedom of movement for its citizens.

The hypothesis of this research scientific and professional work is defined in the following question: "Is there a possibility of abolishing the visa regime for all citizens of Bosnia and Herzegovina within the next two years?" Mr. Renzo Daviddi, Deputy Head of the European Commission Delegation in Bosnia and Herzegovina responded to this question, it can also be concluded and after the research:

"There is still no political will and readiness for such a step in the EU, mainly due to the slow implementation of the reforms and the development of democratic society in all segments in Bosnia and Herzegovina".

3.2. Asylum policy

European asylum policy is a matter of common interest since the Maastricht Treaty. Since the entry into force of the Amsterdam Treaty in 1999, asylum policy is in the competence of the Community and the Member States. At the European Council meeting in Tampere in October 1999, the European Union leaders decided on a strategy in two phases. The first phase is to establish minimum rules, and the second phase is aimed at establishing a common European system based on a common asylum procedure and equal asylum status valid throughout the European Union. Much has been achieved, including:

- establishing a European Refugee Fund;
- adoption of a specific temporary protection system in the event of a mass influx of displaced face;
- determination of the State responsible for the selection of a valid application for asylum;
- introduction of a system for comparing the fingerprints of asylum seekers within the European Union. Still the negotiations on certain aspects such as the proposed directive for determining refugee status and the procedures for granting and revocation of refugee status.

The right to asylum can be granted to an alien who is outside their country of origin, and based on well-founded fear of being persecuted for reasons of race, religion or nationality, for belonging to a particular social group or political opinion, if you can not or due to fear do not want to put under protection of that country.

The same applies also to stateless persons who are outside the country of previous residence and can not or well-founded fear unwilling to return to that country.

Significant progress was made on the legal framework which regulates the movement and residence of foreigners in Bosnia and Herzegovina with the adoption of the Law on Movement and Stay of Aliens in 2003. The text of the said Act, at the time of its adoption, was to a large extent aligned with the *acquis* of the European Union (*acquis communautaire*) in the field of immigration, and international refugee law. For the first time the law has defined the responsibility of the Ministry of Security for providing special protection and assistance to victims of trafficking for their recovery and return to the country of habitual residence, as well as the possibility of establishing specialized institutions for reception of aliens. The law gave the legal basis for the establishment of adequate services for the implementation of the policy of immigration and asylum, stay and movement of foreigners in Bosnia and Herzegovina, which has resulted in the adoption of the Law on Service for Foreigners' Affairs and the establishment of the Service for Foreigners' Affairs. However, this law has not resolved two instances in certain administrative procedures of which in the first instance to the Ministry headquarters. The development of the *acquis* of the European Union in this area, the need for amendments to the significant number of provisions of the applicable law, to bring it into line with EU regulations. The aim of the legislation of Bosnia and Herzegovina in the field of immigration into line with the European Union and the Schengen Agreement, as well as to address shortcomings that have arisen in the application of the Act in 2003, the new Law on Movement and Stay of Aliens and Asylum entered into force on 14.5.2008. year

Immigration and Asylum is a very dynamic and permanent objective of the legal framework for the harmonization of legislation in force in the field of immigration and asylum to the *acquis* of the European Union (*acquis communautaire*). The aim of the legislation of Bosnia and Herzegovina in the field of immigration and asylum policy into line with the conventions which Bosnia and Herzegovina is a signatory, the Schengen Agreement and the legislation of the European Union as well as to address the shortcomings that have arisen in the implementation of the provisions of the applicable law, in the course of the work on the Law on amendments to the Law on movement and stay of aliens.

4. National legislation

Accession to the Refugee Convention and Protocol is only the first step in establishing a sound legal foundation for refugee protection. National legislation must be adopted or amended to allow for the effective implementation of the provisions of the Refugee Convention and Protocol. UNHCR works closely with States to help ensure that the legal tradition and resources of each State comply with its international obligations. At a time when many governments are proposing legislation or undertaking administrative measures aimed at placing tighter controls on immigration, special care needs to work to ensure that refugee protection principles are fully incorporated in the legal structure. Adoption of national legislation on refugees, which are based on international standards, the key is to strengthen the institution of asylum, improving the effectiveness of protection and creating a basis for finding solutions to the problems of refugees.

5. International legal framework

At the moment there are a number of international treaties which a Contracting Party is Bosnia and Herzegovina, which have a direct or indirect impact on the content and composition of the Strategy in the area of migration and asylum (2012-2015). The provisions of these agreements are important both in terms of the execution of previous commitments of Bosnia and Herzegovina and in view of the continuing integration process towards EU membership. In this way, it is possible to say that in the context of earlier indications of regulation of migration and asylum purely a question of state sovereignty of Bosnia and Herzegovina, especially from the point of prescribing the conditions of entry and residence of foreigners on the national territory and the allocation of some of the forms of international protection. However, current developments in the area of globalization, distinct migration flows, integration and the universalization of human relations has significantly reduced the sovereign right of a state to regulate these issues. It should take into account the fact that Bosnia and Herzegovina has a clearly defined foreign policy, which identified priorities, including accession to Euro-Atlantic integration processes is of great importance. This is, among other things, important for establishing the international obligations of Bosnia and Herzegovina as well as factors that affect the projection of measures and activities in the field of control of migration and asylum in Bosnia and Herzegovina. In this regard, it is important to identify the most important sources of international character whose contents must be taken into account when drafting the respective Strategy. They are, of course, numerous and hard to come by their precise division. Taking into account the time of accession to these treaties can be said that some of them were completed in the past, before the international recognition of Bosnia and Herzegovina as a sovereign state, and as such are the basis of the Agreement on Succession Issues between the Member States of the former Yugoslavia to take legal order Bosnia and Herzegovina. A typical example of such agreements are the Convention Relating to the Status of Refugees and the 1951 Protocol Relating to the Status of Refugees and 1967. In addition, Annex I of the Constitution of Bosnia and Herzegovina comprises international instruments that are an integral part of the Constitution of Bosnia and Herzegovina. On the other hand, Bosnia and Herzegovina is the most important international agreements for the creation of the Strategy in the area of migration and asylum (2012-2015) concluded in recent years. Taking into account their character can be said that this is a multilateral and bilateral agreements governing the larger or smaller number of questions in the field of cooperation on migration and other related phenomena. Seen from the point of application areas they are universal, regional or local character. From regional sources special place and importance for Bosnia and Herzegovina are those relating to the accession of our country to the EU. A typical example of such a contract is the Stabilisation and Association Agreement (SAA), concluded between Bosnia and Herzegovina and the European Union. In the background of the contract is worth noting that the negotiations on this issue open in November 2005, while the technical negotiations ended a year later, precisely in December 2006. The agreement was initialled on 5 December 2007 and signed on 16 June 2008. Full implementation of the provisions of the Stabilization and Association Agreement for Bosnia and Herzegovina is a key step towards further integration and full membership in the European Union. Regarding the issue of immigration and asylum, it should be noted that it regulated in Chapter VII of the Stabilisation and Association Agreement (Justice, Freedom and

Security). In particular, issues related to visas, border management, asylum and migration are covered by the provision in Article 80 of this Agreement, while Article 81 regulates the issue of prevention and control of illegal migration and readmission (readmission). Under the terms of the Stabilisation and Association Agreement, Bosnia and Herzegovina has an obligation to cooperate when it comes to visas, border control, asylum and migration, both from the European Union and the countries of the region.

The second most important source of the readmission agreement between the European Community and Bosnia and Herzegovina, which has the advantage of application over the provisions of any other bilateral agreement or arrangement on the readmission of persons without permission to stay, and they have been concluded between individual EU Member States and Bosnia and Herzegovina. The second category of sources are important for EU integration make unilateral acts adopted by the EU. Among the most important are the decisions of the EU Council Regulation of the European Parliament and the EU Council, and EU directives that regulate certain issues of importance to the development of the respective strategy. In this regard, some of these regional origin adopted under the auspices of the EU are: (1) Council Decision on the principles, priorities and conditions contained in the European Partnership with Bosnia and Herzegovina and repealing Decision 2006/55/EC (2008/21/EC), (2) Regulation of the European Parliament and the EU Council No. 1091/2010 of 24 November 2010 amending Council Regulation (EC) No 539/01 on the list of third countries whose citizens are required to possess a visa when crossing the external borders and those countries whose nationals are exempt from this rule, (3) directives governing a series of questions in relation to entry, residence and movement of foreigners in the territory of the EU, and (4) EU documents on migration and development. Given that Bosnia and Herzegovina now has the status of a potential candidate for EU membership, the anticipated acceptance of the contents of these legal sources in the EU legal order of Bosnia and Herzegovina certainly contributes to faster EU integration. On the other hand, some of these sources, such as the Regulation of the European Parliament and the EU Council on the so-called. "Visa liberalization" for the citizens of Bosnia and Herzegovina are an important source from the standpoint of the results achieved in the field of regulation of migration and asylum in Bosnia and Herzegovina, but also represents a reminder of the need to have a comprehensive and better development of instruments of migration policy of Bosnia and Herzegovina to maintain this status.

5.1. The responsibilities of the States Parties to the Refugee Convention

Countries that have ratified the Refugee Convention are obliged to protect refugees on its territory in accordance with the terms of the Convention, but every refugee has duties to the country in which there is a particularly has an obligation to comply with laws and regulations as well as measures to maintain public order. States Parties shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Nothing in this Convention shall not affect the other rights and each Contracting State shall accord to refugees the regime that applies to foreigners in general.

Among the provisions that States Parties to the Refugee Convention and Protocol must apply are the following:

- ✓ Cooperation with UNHCR - Article 35 of the Refugee Convention of 1951 and Article II of the 1967 Protocol contain an agreement for States Parties to

cooperate with UNHCR in carrying out its functions, in particular, to assist in monitoring the implementation of the provisions from those agreements.

- ✓ Information on National Legislation - The States Parties to the Refugee Convention agree to inform the Secretary-General of the United Nations the laws and regulations adopted to ensure the implementation of the Convention
- ✓ Exemption from Reciprocity - Where, under the laws of a country, the right of foreigners secured only when a similar treatment provided and the country of citizenship of these foreigners (reciprocity), refugees are exempt from this rule.

The notion of reciprocity does not apply to refugees as they do not enjoy protection in their home country. After a stay of three years, all the refugees in the territory of a Contracting State shall enjoy exemption from legislative reciprocity. Each Contracting State shall continue to give refugees the rights and benefits to which they might aspire, in the absence of reciprocity, at the date of entry into force of this Convention for that State.

Final considerations

Scientific work on political, legal and security issues of asylum in BiH is defined by the author, bearing in mind that the representatives of the UNHCR in Bosnia and Herzegovina, the competent Ministry of Security and the Department for Refugees, Displaced Persons and Housing Policy of the Ministry of Human Rights and Refugees, with the financial support of the European Commission Delegation in BiH, prepared Handbook on asylum in Bosnia and Herzegovina, which sought to present what has been done in the field of asylum and international protection in BiH so far.

Member asylum seekers in many parts of the world are concerned about the failure to resolve certain long-standing refugee problems, issues related to urban refugees and irregular migration, a perceived imbalance in the distribution of burdens and responsibilities, as well as increased costs of hosting refugees and asylum seekers.

Despite the challenges faced in several important areas, the Convention has proven its durability. This is because the 1951 Convention has a legal, political and ethical significance that goes beyond its specific terms:

a) the legal, in that it provides the basic standards on which to base its principled action;

b) the political, in that it provides a truly universal framework within which States can cooperate and share the responsibility resulting from forced displacement; and

c) ethical, in that it is a unique declaration by those 141 States which currently are Parties, and of their commitment to preserving and protecting the rights of one of the most vulnerable and disadvantaged groups of people in the world. This publication can be dedicatedly used as policy makers in the field of asylum in BiH, as well as persons in institutions that directly or indirectly deal with the protection of legal and security issues of asylum seekers, persons granted refugee status or persons who have been recognized subsidiary or international protection.

This work essentially has at least a twofold purpose and significance:

a) through conferences and published in the "Journal" to inform the present scientific, professional and academic public and parliamentarians about the founding principles, challenges and prospects of international security and refugee law, then,

b) to mobilize them, as policy makers, in the implementation of laws that refugees or immigrants ensures adequate security and legal protection through various forms of

donor conferences, such as, donor conference to help Syria: US pledged \$ 900 million, Germany 2.3 billion (2016) and others.

Harmonizing immigration and asylum with EU standards in the past 10 years, Bosnia and Herzegovina has made significant progress in establishing the capacity to manage migration and asylum. Most established institutions and agencies working on migration and asylum have been founded, had minimal experience in this field.

In this period were adopted three laws which prescribe the field of immigration and asylum, and is currently at the stage of adopting the Law on Amendments to the Law on Movement and Stay of Aliens, which clearly shows that Bosnia and Herzegovina is trying to follow up the development of the *acquis* of the European Union in this area and sufficiently incorporated it into domestic legislation.

Currently, Bosnia and Herzegovina has all the basic institutional structure for the management of migration, which are trained to deal with the control of movement and residence of foreigners and to fight against illegal migration, in accordance with the current challenges in this field.

The system of international protection in Bosnia and Herzegovina was established and successfully carried out by the competent authorities in accordance with national legislation in this area.

There is no doubt it can be concluded that Bosnia and Herzegovina has built an institutional, legislative and administrative structure of migration management and asylum. Achievements in the field of development of the legal framework, increasing institutional capacity, improving interagency coordination and international cooperation, as well as analysis of past and predict future trends of migration flows in the territory of Bosnia and Herzegovina and at the regional level, indicating that Bosnia and Herzegovina essentially drives the migration policy, which is determined geostrategic position of our country on the already identified routes of migration in this part of the continent. The primary goal of controlling migration flows in Bosnia and Herzegovina is to establish effective control over the entry, residence and movement of foreigners in the national territory while ensuring all guaranteed human rights and freedoms of persons who are under the legal jurisdiction of Bosnia and Herzegovina, and by providing adequate mechanisms for the integration of foreigners in social, economic and any other environment in Bosnia and Herzegovina. Such political and strategic commitment is necessary from the standpoint of the European integration process which Bosnia and Herzegovina is an active participant, and respect relevant international standards for refugee rights and asylum.

Used and consulted sources

- Action Plan in the field of immigration and asylum, the Ministry of Security, Sarajevo, 2004th;
- Regional Project on the establishment of a harmonized legal, regulatory and institutional frameworks in the field of asylum, migration and visa – CARDS Regional Programme 2001/2003, Grant Contract 77352;
- Protecting Refugees: A Guide to International Refugee Law "Everyone has the right to seek and to enjoy in other countries asylum from persecution." Universal Declaration of Human Rights, Article 14 (1);
- Ordinance on the entry and stay of foreigners – was adopted by the Ministry of Security number 01-02-258 / 08 dated 09.23.2008. ("Official Gazette" No. 81/08);

- Ordinance on amendments to the regulations on entry and stay of aliens – was adopted by the Ministry of Security number 06-50-734-68 / 08 dated 03.15.2010. ("Official Gazette" No. 28/10);

- Rules on International Protection (Asylum) in Bosnia and Herzegovina – adopted by the Ministry of Security number 08-02-2-804 / 09 of 23.04.2009. ("Official Gazette" no. 37/09 and 85/10);

- Resolution of the UN General Assembly – the Declaration on Territorial Asylum of 1967;

- The position of the Executive Committee of the UNHCR and the number 81 (k), from 1997;

- Attitude, Ruud Lubbers United Nations High Commissioner for Refugees Anders B. Johnsson Secretary General Inter-Parliamentary Union;

- Manual on asylum in Bosnia and Herzegovina, adopted 7 November 2007 by the Representative of UNHCR in BiH.

Conventions

1. The Convention for the Protection of Human Rights and Fundamental Freedoms;

2. Convention on the Status of Refugees 1951 and Protocol relating to the Status of Refugees of 1967;

3. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

4. of the Convention relating to the Status of Stateless Persons.

The acquis of the European Union

1. Council Directive 2001/51/EC of 28 June amending the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985;

2. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;

3. Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or persons who for other reasons are in need of international protection and the content of the protection granted;

4. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures for recognizing and withdrawing refugee status in Member States.