

**LAW
ON IDENTITY CARDS
OF BOSNIA AND HERZEGOVINA
NATIONALS**

220

Pursuant to Article IV 4 a. of the Constitution of Bosnia and Herzegovina, at the session of the House of Representatives held on 13 December 2001 and at the session of the House of People held on 20 November of 2001; the Parliamentary Assembly of Bosnia and Herzegovina, has adopted

**LAW
ON IDENTITY CARDS OF
BOSNIA AND HERZEGOVINA
NATIONALS**

Chapter I - GENERAL PROVISIONS

Article 1

This law shall govern national identity cards (ID cards) of the nationals of Bosnia and Herzegovina (Hereinafter: BiH).

The purpose of this law is the establishment of the identification of nationals of BiH and issuance of personal documents to each national.

All provisions of this Law shall apply equally to any national of BiH (Hereinafter: national), unless otherwise provided for by special provisions in Chapter VII of this Law. There shall be a uniform ID card for all the nationals and equally valid throughout BiH.

Article 2

ID card is a public document serving as a proof of identity, the fact of place and date of birth, of permanent residence, or temporary residence of a displaced person and BiH nationality.

BiH nationals may use their ID cards to cross the State border in certain circumstances and subject to conditions established by bilateral agreements between BiH and other states.

Article 3

A national over 18 years of age, with the permanent residence in BiH is obliged to have ID card issued in his/her permanent place of residence.

A displaced person with the temporary residence in BiH (hereinafter: displaced person) is obliged to have ID card issued in his/her permanent place of residence.

A person who has lost his/her BiH nationality or who no longer has permanent residence in BiH, must return his/her ID card to the competent authority without delay.

A national may have one ID card only and shall not be obliged to show it upon request, unless otherwise provided for by the Law.

A national must not lend his/her ID card to another person, or use other person's ID card as his/her own.

A national may not use ID card of another person for the purpose of obtaining any benefits or privileges.

Article 4

Compiling of information pursuant to this Law shall proceed in accordance with the BiH Law on Protection of Personal Data and BiH Law on Central Register and Data Exchange.

Article 5

In terms of this Law:

1. A **BiH national** is an individual who has received BiH nationality in accordance with relevant legislation;
2. A **BiH refugee** means a person whose refugee status has been recognized in accordance with relevant legislation;
3. A **displaced person in BiH** means a person who has been granted a status of a displaced person or similar status has been recognized in accordance with relevant legal acts, or a person who has submitted a request to obtain such status;
4. **Evidence of identity** shall be provided by any document including the individual's name, date of birth and which, unless otherwise provided for by the relevant law, was issued:
 - a) In the period between 6 April 1991 and the entry into force of this Law, in the required form and pursuant to regulations applicable at the time, by the competent authorities, organizations or other legal entities empowered to carry out public authorizations in Bosnia and Herzegovina; or
 - b) Prior to 6 April 1991 by the competent authorities of the former Socialist Federal Republic of Yugoslavia, or by the competent authorities of the former socialist republics and autonomous provinces.
5. **Evidence of BiH nationality** shall be provided by a document or other instrument recognized as an evidence of nationality of BiH in relevant legislation;
6. **Permanent residence** means a municipality or a district within which a person establishes his/her habitual place of living with the intention of residing there permanently;
7. **Pre-conflict permanent residence** means a place of permanent residence of the national, as defined by previously applicable laws, which a displaced person or refugee left after 30 April 1991, irrespective of whether he/she de-registered or was de-registered from that residence;
8. A **Returnee** means a BiH refugee from abroad or a displaced person who either has returned, or who is in the process of returning to his/her pre-conflict permanent residence. Such a person shall be considered a returnee, until he/she has obtained an ID card from the authorities in his/her pre-conflict permanent

- residence. A person need not return to his/her pre-conflict home address in order to be considered a returnee;
9. **Temporary residence** means a municipality or a district within which a national establishes his/her habitual place of living with the intention of residing there permanently;
 10. **Temporary residence of a displaced person** means a municipality or a district within which a national establishes his/her habitual place of living with the intention of residing there temporarily;

Chapter II – ID CARD FORMAT

Article 6

The following data shall be collected from the national applying for issuance of an ID card:

1. First name (names);
2. Family name;
3. Date of birth;
4. Place of birth;
5. Municipality of permanent residence or temporary residence for a displaced person;
6. Sex;
7. Personal identification number (JMB)
8. Photo
9. Signature
10. BiH nationality.

The document number, date of issue, date of expiry, and computer-readable data, as well as the issuing authority can also be found at an ID card.

A national must provide data concerning the municipality of birth, country of birth, entity nationality, post code, street address, entity and canton of residence, if applicable. However, these data shall not appear on the national ID card.

The title on the ID card shall be written in Serbian, Bosnian, Croatian, French and English. The text in Serbian, Bosnian, Croatian, shall be written in Latin and Cyrillic alphabet, while individual data on the ID card, entered by the competent authority shall be written in Latin alphabet only.

The name of Entity may also be entered in the ID card form at the request of a person applying for issuance of the ID card.

Chapter III – ISSUANCE OF ID CARD

Article 7

Issuance, annulment and replacement of the ID cards within the framework of its competences shall be carried out by the police stations of the Cantonal Ministries of

Interior throughout Federation BiH, and by the public security stations within the Ministry of Interior of RS in the Republic of Srpska, by the competent authority in the Brcko District of Bosnia and Herzegovina that functionally acts as a state institution.

ID card shall be issued by the competent authority in the line with a national's permanent place of residence of the national, with the exception of ID cards issued to a displaced person in the place of temporary residence of the displaced person.

The competent Entity authority shall serve as a second instance body in the Appellate procedure for decisions of the competent authorities concerning issuance, annulment and replacement of ID cards.

A party dissatisfied with the decision of a second instance body may lodge an appeal to the Ministry of Civil Affairs and Communications of BiH (Hereinafter: MCAC).

Article 8

ID card shall be issued to a national who has applied for the issuance of an ID card or on whose behalf the legal representative applied for issuance of an ID card upon personal application or upon the application of a properly authorized legal representative.

ID card may be issued to a national over 15 but less than 18 years of age who resides permanently in BiH, upon his personal application or upon the application of his/her parent or other duly authorized legal representative.

The national concerned must collect his/her ID card in person.

Article 9

In the event that a national has not previously been issued an ID card, he/she is obliged to apply for the issuance of an ID card within 60 days as of the date he/she has reached 18 years of age or 60 days after taking up permanent residence in BiH.

When applying for issuance of an ID card for the first time, a national shall submit an application for the issuance of the ID card, providing evidence of BiH nationality and if requested, two photographs of appropriate size, which authentically showing the face of the applicant.

In all other cases and unless otherwise provided for by this Law, a national shall, when applying for the issuance of an ID card, submit an application along with evidence of identity and BiH nationality, and if requested, two photographs of appropriate size, which authentically showing the face of the applicant.

Article 10

Whenever a national applies for issuance of an ID card in accordance with this law, he/she is obliged to provide accurate and authentic data.

Article 11

The competent authority is obliged to issue an ID card to the applicant within 15 days as of the date the application is submitted, if the applicant is found to be entitled to the ID card.

The competent authority shall immediately issue acknowledgement of receipt of the application for issuance of the ID card to a national.

The acknowledgement of receipt shall serve as proof that a national has filed the application for issuance of an ID card.

Article 12

No administrative fees shall be charged for the issuance of an ID card.

Chapter IV – ID CARD REPLACEMENT

Article 13

An ID card must be replaced:

1. if it has expired;
2. in event of change of permanent residence (or change of temporary residence of a displaced person);
3. if the data relating to the ID card holder, and shown on the ID card have changed;
4. if any data on the ID card is inaccurate or misspelled;
5. if the ID card has been damaged or otherwise illegible to the extent that the ID card can no longer serve its purpose;
6. if the appearance of the ID holder has changed to the extent that it does not correspond with the photograph on the ID card.

Article 14

A national who is obliged to replace the ID card pursuant to the previous Article shall submit an application for replacement of ID card to the competent authorities and, if requested, provide two photographs of appropriate size, authentically showing the face of the applicant.

A national shall prove his/her identity and accuracy of the data which are to be entered into his ID card by means of previously issued ID card, or, if there is no such ID card, by submitting evidence of identity and evidence of BiH nationality, unless otherwise provided for by this Law.

Article 15

In the circumstances referred to in Article 13, Item (1) of this Law, an ID card holder shall be obliged to file an application for the replacement of his/her ID card at the latest 15 days prior to expiration date of the ID card currently held.

In the circumstances referred to in Article 13 Items (2) and (3) of this Law, an ID card holder is obliged to file an application for replacement of ID card within 60 days after the reason for replacement has occurred. The replacement of an ID card of the displaced person or returnee referred to in Item 2 is governed by Chapter VIII of this Law.

In the circumstances referred to in Article 13, Item (4) of this Law, an ID card holder is obliged to file an application for replacement of the ID card within 60 days as of the date he/she becomes aware that the data on his/her ID card are incorrect or entered incorrectly. If a competent authority determines that an ID card needs to be replaced due to the reasons referred to in Article 13, Items (5) and (6), the competent authority shall determine the deadline by which an ID card holder shall be obliged to file an application for replacement of an ID card. The deadline may not be less than 15 days as of the date on which the competent authority decided that the ID card needed to be replaced.

If an ID card holder has not filed an application for replacement of the ID card within the time specified in this Article, current ID card expires, excluding Article 15, paragraph 1. If an ID card holder does not file an application for replacement of his/her ID card in accordance with the Article 15, paragraph (1), the ID card shall become invalid as of the date of expiration.

Article 16

The competent authority shall immediately issue an acknowledgement of receipt of application for the replacement of ID card to the applicant.

The acknowledgement of receipt shall serve as proof that the person has filed the application for replacement of an ID card.

The competent authority is obliged to replace an ID card immediately or within 15 days as of the date the application for replacement of the ID card has been filed, if the applicant is found to be entitled to the replacement of the ID card. The replaced ID card shall be annulled and, if requested by the applicant, returned to him/her.

Chapter V – ID CARD VALIDITY

Article 17

An ID card shall be issued to a national over 18 years of age with a validity of ten years.

An ID card shall be issued to a national over 15 and under 18 years of age with a validity of two years.

A permanent ID card shall be issued to a national over 60 years of age.

Article 18

If, for any reasons determined by the Law on Travel Documents of BiH nationals, a court or the body competent under the Law to govern travel documents prohibits the issuance of travel documents to a national, a court/body shall instruct the relevant competent authority to prohibit an individual from using his/her ID card for crossing the State border.

The competent authority shall issue a Decision enforcing such ban, and it shall accordingly inform the court or body which has requested such a decision the ban shall be recorded on the ID card in the manner stipulated by the MCAC.

Article 19

The competent court or a body referred to in paragraph (1) of the previous Article, shall immediately inform the competent authority on cessation of the reasons for the prohibition against the use of an ID card to cross over the State border.

When the requirements set out in the previous paragraph are met, the competent authority shall delete the prohibition against the use of the ID card to cross over the State border.

Chapter VI – LOSS OF ID CARD

Article 20

A national who has lost his/her ID card, whose ID has been stolen, destroyed or who has been left without it in any other way, shall be obliged to report the fact in person to the nearest police station or relevant body. The police shall be obliged to inform a competent authority immediately.

A national who is required to possess an ID card pursuant to this Law, and who has lost his/her ID card during the stay abroad, is obliged to notify the nearest Diplomatic and Consular Office of BiH abroad (Hereinafter: DCO) and to submit an application for issuance of a new ID card. The DCO shall notify the MCAC of the loss, and accordingly, MCAC notifies a competent authority which issued national ID cards. Competent authority issues a new ID card to that person through MCAC and DCO.

Under the circumstances referred to in paragraph 1 of this Article, competent authority issues a decision on annulment of ID card.

Article 21

In case that a national, in the circumstances referred to in Article 20, paragraph (1) of this Law, no longer possesses his/her ID card he/she is obliged to file an application for issuance of new ID card within 30 days as of the date of reporting the matter to the police. The report from the police shall be enclosed with the application along with evidence of his/her identity, evidence of BiH nationality, and if requested, two photographs of appropriate size, which authentically showing the face of the applicant.

If a national who has been issued a new ID under this Article subsequently recovers possession of his/her previous ID card, he/she is obliged to submit such ID card to the nearest competent authority without delay.

The competent authority shall issue an ID card to the applicant not later than 15 days as of the date application for issuance of the ID card is filed, if the applicant is found to be entitled to the ID card.

The competent authority shall immediately issue acknowledgment of receipt of the application for issuance of the ID card to the applicant.

The acknowledgement of request receipt shall serve as proof that the person has filed the application for issuance of ID card.

Chapter VII – ID CARD REGISTER

Article 22

Pursuant to the Law on Central Registers and Data Exchange, MCAC shall keep and maintain central registers through electronic data processing (Hereinafter: central registers) containing issued, replaced and annulled ID cards.

The Entity Ministries of Interior may maintain computer-processed registers of ID cards issued, replaced and annulled in the territory of the entity.

Competent authorities shall, through computer data processing, keep and maintain local registers (hereinafter: local register) of ID cards issued, replaced and annulled within its jurisdiction.

Article 23

Central, entity and local registers shall include the following personal data:

- a) the data contained in Article 6, paragraphs (1)-(3);
- b) any details concerning loss of an ID card, as provided for in Chapter VI of this Law;
- c) remarks related to the ban on use of ID card for crossing the State border as provided for in Article 18 of this Law.

Article 24

The competent authority is obliged to provide MCAC with the data from its local register on a regular basis.

The MCAC may provide the competent authority with the data from central register in order to enable the competent authority to carry out its duties provided for by the Law.

Article 25

The authorities authorized to keep and maintain central, entity and local registers in Article 22 may only collect, process, store or use personal data contained in the registers for the purpose of implementation of this Law only, unless otherwise provided for by the Law.

Data recorded in Article 23 of this Law shall be erased when a new ID card is issued or five years after ID card has expired.

Exceptionally to paragraph 2 of this Article, the note on ban on the use of an ID card for crossing the State border, as provided for by Article 18, shall be erased one year after the reason for recording the note has ceased to exist.

Article 26

A BiH national shall have the right to be notified as to whether his/her personal data are stored in central, entity or local register and shall have the right to have such data communicated to him/her in an intelligible form.

If it is determined that such data have been processed in illegally or incorrectly, the national concerned shall have the right to have such data corrected or erased as appropriate. Such correction or erasure of data is free of charges for the national concerned.

The national concerned is entitled to initiate an administrative dispute in case that relevant authority does not comply with the provisions of this Article.

Article 27

The MCAC and competent authorities are obliged to undertake sufficient security measures in order to ensure the protection of all data contained in the central and local registers and all data transferred to other authorized bodies, in accordance with the Law on Central Registers and Data Exchange.

Chapter VIII – SPECIAL PROVISIONS

Article 28

The provisions of this Chapter refer to displaced persons or returnees.

Article 29

An ID card shall be issued to a displaced person according to his/her place of temporary residence.

A displaced person shall file an application for issuance of an ID card within 60 days as of the date he/she has taken up temporary residence.

An ID card issued to a displaced person in the temporary place of residence shall be valid for two years.

Article 30

Whenever applying for an ID card pursuant to provisions of this Chapter, a displaced person shall file an application for issuance of an ID card and, if requested, shall provide evidence of identity and two photographs of appropriate size authentically showing the face of the applicant.

Article 31

A returnee to his/her pre-conflict permanent place of residence shall have the right to replace an ID card previously issued pursuant to this Law in the returnee's place of

temporary residence, as provided for in this Chapter, with an ID card issued by competent authority in the place of pre-conflict place of permanent residence.

Article 32

A returnee who has a right to replace an ID card as provided for by this Chapter, shall submit a request for replacement of the ID card within 60 days as of the date of returning to his/her pre-conflict place of permanent residence.

Whenever applying for an ID card pursuant to provisions of this Chapter, a returnee shall file an application for issuance of an ID card and, if requested, shall provide evidence of identity and two photographs of appropriate size authentically showing the face of the applicant.

If he/she does not have an ID card issued in the pre-conflict place of permanent residence, a returnee shall file an application for issuance of an ID card pursuant to Chapter III of this Law.

Article 33

If there are no available documents or other evidences, or data relevant to an application for issuance of an ID card or replacement of an ID card pursuant to this Chapter, or if they cannot be obtained within a reasonable period of time, the competent authority shall allow the applicant to obtain the required evidence or information by other means, including statements of the applicants or statements given by other persons for the benefit of the applicant.

Article 34

A displaced person who voluntarily decides to take up permanent residence in the place other than his/her pre-conflict permanent residence has the right to replace an ID card previously issued pursuant to this Law, as determined in this Chapter, with an ID card issued by the competent authority in the place of his/her new permanent place of residence.

Chapter IX – PENALTY PROVISIONS

Article 35

The proceedings referred to in this Chapter shall be carried out pursuant to relevant **Penalty law**.

Article 36

A responsible official in the competent authority shall be fined in amount between 200 and 500 BAM if:

1. immediately or within 15 days as of the date the application is filed, he/she does not issue an ID card to an applicant who is found to be entitled to the ID card,

- including displaced persons applying for their temporary residence and returnees to their pre-conflict place of permanent residence;
2. He/she does not issue an acknowledgement of application receipt in case he/she has not immediately issued an ID card to an applicant;
 3. immediately or not later than 15 days as of the date the application for replacement of an ID card is filed, he/she does not replace the ID card, provided the applicant is found to be entitled for replacement;
 4. He/she acquires, processes, stores, uses or forwards data from his/her registers contrary to Articles 25 and 26 of the Law;
 5. immediately or not later than 15 days as of the date the application is filed, he/she does not provide an ID card issued in the place of temporary residence of a displaced person;
 6. immediately or not later than 15 days as of the date the application is filed, he/she does not issue an ID card to a returnee in the place of his temporary residence;
 7. he/she does not allow supply of information for the purpose of issuing of ID card by other means, including statements given by the applicant or other person for the benefit of applicant, pursuant to provisions of Chapter VIII of this Law.

Article 37

A BiH national shall be fined for a penalty in amount from 10 to 100 BAM if:

1. He/she holds more than one ID card issued pursuant to this Law;
2. He/she does not file an application for issuance of an ID card if obliged to do so pursuant to Chapter III;
3. He/she provides intentionally incorrect or false data while filing an application for issuance of an ID cards;
4. He/she does not report the loss of his/her ID card immediately;
5. He/she lends his/her ID card to another person or uses another person's ID card as his/her own;
6. He/she uses ID card of another person for the purpose of obtaining any benefits or rights.

Chapter X – TRANSITIONAL AND FINAL PROVISIONS

Article 38

When all required conditions for initiation of procedure for issuance of ID cards have been met, the Minister of the Ministry of Civil Affairs and Communications shall lay down relevant act for that purpose.

Article 39

If an ID card is obtained by fraudulent means, false information or by concealment of any important fact concerning the applicant, such an ID card shall be withdrawn and annulled.

Article 40

The supervision over implementation of this Law is carried out by the MCAC by:

- a) Controlling the legality of administrative acts and the activities of the competent authorities;
- b) Proposing, i.e. initiating the procedure for evaluation of legality of administrative acts of the competent authorities pursuant to the Law;
- c) Instructing the competent authorities to carry out obligations provided for by this law to
- d) Laying down instructions and guidelines for the purpose of harmonized practice of the competent authorities.

Within 90 days as of the date on which this Law is publicized in the “Official Gazette of BiH”, MCAC shall issue regulations on:

- a) Universal application form for issuance and replacement of an ID card;
- b) The details regarding the ID card format and the data contained in the ID card;
- c) Rulebook concerning the cost of ID cards;
- d) Rulebook concerning supervision over implementation of this law;
- e) A bylaw on remarks to be written into ID cards indicating that the Card has been banned for the purpose of crossing the State border;
- f) All other issues necessary for implementation of this Law.

Article 41

As of the date of issuance of the Decision of MCAC referred to in Article 38, paragraph (1) supersedes current applicable BiH laws and regulations governing issues related to ID card.

Article 42

This Law shall enter into force as of the date on which is publicized in the Official Gazette of BiH, and shall be publicized in the Official Gazettes of the Entities and the Official Gazettes of Brcko District of Bosnia and Herzegovina.

PA BiH No. 70/01 20 December, 2001 Sarajevo

Chairman of the
House of Peoples of the
Parliamentary Assembly of BiH Sejfudin
Tokić, signature

Chairman of the
House of Representatives of the
Parliamentary Assembly of BiH,
Željko Marjanović, Ph.D., signature