FOSTER
INCLUSION OF FOREIGNERS IN THE WESTERN BALKANS ACCESS TO SOCIAL AND ECONOMIC RIGHTS

This project is funded by the European Union

NATIONAL REPORT ON ACCESS TO SOCIAL AND ECONOMIC RIGHTS OF FOREIGNERS IN BOSNIA AND HERZEGOVINA

BALKAN REFUGEE AND MIGRATION COUNCIL

Sarajevo, 2026

DRC DANISH REFUGEE COUNCIL

PUBLISHER
Udruženje Vaša prava BiH
Safeta Hadžića 66A
71000 Sarajevo, Bosna i Hercegovina
Tel: +387 (0)33 789 105
E-mail: sarajevo@vasaprava.org
Web: www.vasaprava.org

FOR THE PUBLISHER
Emir Prcanović, izvršni direktor

AUTHORS AND EDITORS
Emir Prcanović
Dragan Vujanović

RESEARCH TEAM
Prof. dr Ajna Jodanović
Abela Pobrić Poturović
Adela Surić
Adisa Čubro
Aida Behrem
Danijela Milešević Plavšić
Emina Halilović
Mario Nenadić
Mirza Čubro
Mustafa Pašalić

PROOFREADING AND COPY EDITING
Samir Avdibegović

DESIGN
Haris Murić

PLACE AND YEAR OF PUBLICATION
Sarajevo, 2026

This publication was produced with the financial support of the European Union under the project: Inclusion of FOreigners in WB – access To social and Economic Rights (FOSTER). The content of this publication is the sole responsibility of the authors and may in no way be taken to reflect the views of the European Union.

Contents

I. INTRODUCTION 1

II. METHODOLOGY 2

III. INSTITUTIONAL CAPACITIES 5

IV. AVAILABILITY AND STRUCTURE OF DATA ON FOREIGNERS 10

V. IMMIGRATION TRENDS AND PATTERNS IN BOSNIA AND HERZEGOVINA 15

VI. ACCESS TO RIGHTS, PRACTICE AND CHALLENGES 18

VII. ACCESS TO SOCIAL PROTECTION 23

VIII. ACCESS TO WORK AND EMPLOYMENT 27

IX. ACCESS TO EDUCATION 30

X. ACCESS TO HEALTH CARE 32

XI. ROLE AND CAPACITIES OF CIVIL SOCIETY ORGANISATIONS 33

XII. ROLE AND CAPACITIES OF HUMAN RIGHTS PROTECTION BODIES 36

XIII. POSITIVE PRACTICES AND INNOVATIONS 42

XIV. RECOMMENDATIONS 45

XV. ANNEX NO. 1 – STATISTICAL OVERVIEW OF THE CONDUCTED RESEARCH 46

I. INTRODUCTION

The national report on access to social and economic rights of foreigners in Bosnia and Herzegovina is prepared within the regional project "Inclusion of Foreigners in the Western Balkans — Access to Social and Economic Rights (FOSTER)". The project was launched through cooperation among seven civil society organisations gathered around the Balkan Refugee and Migration Council, in partnership with the Danish Refugee Council, with the aim of strengthening inclusive and non-discriminatory policies and more effective practices for the inclusion of vulnerable categories of foreigners in the social and economic life of the Western Balkan countries. Vulnerable categories of foreigners, including regular and irregular migrants, refugees and victims of various criminal offences, have been identified as the ultimate beneficiaries, while local civil society organisations and independent human rights institutions are among the target groups.

The FOSTER project is based on the fact that migration movements in the Western Balkans are becoming increasingly complex and can no longer be viewed solely through the prism of transit. Although Bosnia and Herzegovina continues to represent an important part of the Western Balkan migration route towards the European Union, issues of lawful residence, employment, education, access to health care and social protection, family reunification, protection of unaccompanied children, stateless persons and other vulnerable categories of foreigners are becoming increasingly important. According to the BiH Migration Profile for 2024, 25,284 irregular migrants were registered with the Service for Foreigners' Affairs, representing a decrease of 26.52% compared with 2023, while 21,489 persons expressed an intention to apply for asylum and only 234 persons actually lodged an asylum application. This disparity between expressed intention and actual access to the international protection procedure points to the need to view the position of foreigners in BiH within a broader framework of availability of rights, access to information, institutional coordination and genuine opportunities to access procedures.[1]

Bosnia and Herzegovina has a particularly complex institutional framework for the exercise of social and economic rights by foreigners. Competences relevant to status, residence, asylum, employment, education, health care and social protection are distributed among the state level, the entities, Brčko District of BiH, the cantons in the Federation of BiH, local self-government units and public institutions. Such a structure requires a high degree of coordination and data exchange among institutions, but in practice it often results in differences in treatment, fragmented records, territorially uneven availability of services and users' dependence on support from civil society organisations and international organisations. Under the FOSTER methodology, national reports should focus precisely on the practical implementation of legal guarantees and actual access to rights, rather than only on a formal presentation of legislative solutions.

The purpose of this report is to provide an overview of the current situation, practices, challenges and available institutional mechanisms related to foreigners' access to social and economic rights in Bosnia and Herzegovina. The report covers different categories of foreigners, including asylum seekers, persons granted refugee status or subsidiary protection, foreigners granted temporary or permanent residence, foreign workers, foreign students, foreign children,

1 https://dijaspora.mhrr.gov.ba/media/dokumenti//QPWk6pPWT0vt1FKi0D0I8o6v4yFsiW9J5vadipCK.pdf

unaccompanied minors, stateless persons or persons at risk of statelessness, migrants in transit, victims of trafficking in human beings and other vulnerable groups. Particular emphasis is placed on access to social protection, work and employment, education, health care, data and rights-protection mechanisms.

The report analyses available data from competent institutions, findings from field monitoring, the experience of civil society organisations and international organisations, as well as publicly available reports of relevant domestic and international actors. In this regard, the report does not merely seek to show what rights exist in law, but above all to answer whether foreigners in BiH can exercise those rights in practice, under what conditions, before which institutions, with what obstacles and with what support. This approach is also consistent with the model of the national report methodology developed for the FOSTER project, which considers foreigners' access to social and economic rights through a combination of institutional data, practice, availability of services, coordination and identification of structural challenges.

In the context of European integration, the issue of foreigners' access to social and economic rights has additional significance. BiH is a candidate country for membership of the European Union, and management of migration, asylum and borders, protection of fundamental rights and non-discrimination remain part of the broader process of alignment with European standards. At the same time, 2024 data indicate a gradual increase in certain forms of lawful residence and employment of foreigners: according to available regional overviews, in 2024 BiH issued 14,909 temporary residence permits, 430 permanent residence permits and 6,085 work permits, indicating that, alongside transit migration, the development of labour, family, educational and longer-term migration must be monitored more closely.[2]

The report therefore proceeds from the position that access to rights for foreigners is not only a matter of migration policy, but also one of equal treatment, public services, institutional accountability, social cohesion and sustainable development. In this sense, the findings and recommendations of this report are intended for competent institutions, civil society organisations, independent human rights institutions, international organisations, the academic community and other actors that can contribute to improving the position of foreigners in Bosnia and Herzegovina.

II. METHODOLOGY

The report was prepared using a mixed methodological approach comprising desk research, analysis of available legal and strategic documents, review of publicly available statistical and administrative data, collection of information from competent institutions, field visits, semi-structured interviews and consultations with civil society organisations and international organisations active in the fields of migration, asylum, protection of foreigners and access to social and economic rights. This approach is consistent with the FOSTER methodology, according to which national reports are prepared on the basis of findings collected through field visits, interviews with relevant stakeholders and information obtained from institutions, civil society organisations, international organisations and, where possible, direct beneficiaries.

2 https://www.pragueprocess.eu/en/countries/838-bosnia-and-herzegovina

The methodology focuses on monitoring the actual availability of rights to foreigners in Bosnia and Herzegovina, rather than merely describing the legal and institutional framework. In this regard, the research seeks to determine the extent to which rights guaranteed by regulations can be exercised in practice, which institutions are competent for specific areas, what records are maintained, whether there are barriers to accessing rights and services, and whether practice differs depending on a person's legal status, place of residence, level of government or availability of support from civil society organisations. The FOSTER methodology specifically emphasises that the report should focus on the implementation of legal guarantees and the rights that foreigners exercise in practice, rather than remaining limited to a formal presentation of legal documents.

Desk research included a review of relevant laws, by-laws, strategies, action plans, institutional reports, statistical overviews, migration profiles, available analyses by international organisations, reports by civil society organisations and other publicly available sources. Particular attention was paid to regulations and practices governing the entry and residence of foreigners, international protection, work and employment, social protection, health care, education, child protection, protection of victims of trafficking in human beings, protection of stateless persons and access to human rights protection mechanisms. The desk research also analysed available data on movements of foreigners, issued residence and work permits, asylum applications, persons under international protection, unaccompanied minors, access to public services and other indicators relevant to assessing the position of foreigners in BiH.

The field component of the research is based on consultations with key stakeholders that have competences or direct experience in working with foreigners. In accordance with the project methodology, the research envisages at least 20 field visits and interviews with relevant institutions, civil society organisations, international organisations and, where feasible and ethically justified, direct beneficiaries. Given the complex administrative structure of Bosnia and Herzegovina, consultations are planned at the state, entity, cantonal, district and local levels in order to capture differences in competences, practices and availability of rights across different parts of the country.

Pre-prepared questionnaires and interview guides tailored to different groups of respondents were used for the purposes of the research. The questionnaires covered issues concerning the availability and structure of data on foreigners, institutional capacities, inter-institutional cooperation, access to social protection, work and employment, education, health care, complaints and appeals, the role of civil society organisations, good practices and recommendations for improving the system. This approach also draws on the model applied among FOSTER project national report, where data were collected through field visits, pre-prepared questionnaires, direct interviews and electronic communication with representatives of institutions, organisations and international actors.

In data collection, particular emphasis was placed on disaggregating information by foreigners' legal status, type of right or service, citizenship, sex, age, location and type of institution providing the service or maintaining the record. Wherever possible, quantitative data were requested

on the number of users, number of applications, number of permits issued, number of children included in the education system, number of foreigners registered with employment services, number of persons using health and social services, as well as data on complaints, appeals and outcomes of proceedings. At the same time, qualitative data were collected on the experiences of institutions and organisations, practical obstacles, examples of inconsistent treatment, good practices and possible solutions.

Given the constitutional and administrative structure of BiH, the methodology was specifically adapted to the fact that individual rights of foreigners are exercised before different levels of government and through different public-service systems. Status-related issues, asylum, international protection, entry, residence and removal of foreigners are primarily linked to state-level institutions, whereas social protection, health care, education and employment are largely accessed through entity, cantonal, district and local institutions. The analysis therefore considers not only whether a right exists, but also whether there is a functional pathway for exercising it, whether institutions exchange data with one another, whether foreigners possess the necessary documents and identification numbers, and whether practice depends on the place where the person is located.

Data obtained through interviews, questionnaires and written responses were analysed qualitatively with the aim of identifying common patterns, systemic obstacles, good practices and differences between formally recognised rights and their actual availability. Qualitative analysis was used in particular to assess administrative barriers, language barriers, lack of information, fear of or mistrust towards institutions, inconsistent practice, lack of interpreters, limited institutional capacities and reliance on support from civil society organisations. Quantitative data were used to present trends, the scope of service use and the availability of institutional records.

Only aggregated and anonymised data were used in the report. Individual cases, where used to illustrate practice, are presented without names, case numbers, addresses, photographs, medical information or other information that could lead to identification of the person. Particular attention was paid to the protection of vulnerable categories, including children, unaccompanied minors, victims of trafficking in human beings, victims of violence, persons in international protection procedures, stateless persons and persons who, because of their status, may be exposed to additional risk. The research was guided by the principles of confidentiality, voluntariness, personal data protection and the principle that the collection of information must not cause harm to beneficiaries.

The report findings will be further verified through consultations with members of the informal national platform and other relevant stakeholders. The purpose of validation is not only to verify the accuracy of data, but also to identify possible gaps, supplement findings from practice and formulate recommendations that are realistic, feasible and aimed at improving foreigners' access to social and economic rights in Bosnia and Herzegovina. This approach enables the report to be based on a combination of legal analysis, institutional data and the practical experience of actors who work with foreigners and vulnerable categories of migrants on a daily basis.

III. INSTITUTIONAL CAPACITIES

The institutional framework of Bosnia and Herzegovina concerning foreigners' access to social and economic rights is extremely complex, because status-related issues concerning foreigners, international protection, entry, residence, supervision and removal are regulated mainly at the state level, while most social and economic rights are exercised through entity, cantonal, Brčko District BiH and local institutions. Institutional capacities therefore cannot be viewed only through the competence of a single institution, but through the functionality of the system as a whole: from registration and determination of a foreigner's status, through data exchange, to actual access to social protection, health care, education, work and rights-protection mechanisms. This approach corresponds to the FOSTER methodology, which for this chapter envisages a presentation of key national actors, their competences, the types of data they maintain, gaps in data exchange and the impact of improved coordination on service planning and inter-institutional cooperation.

The basic legal framework for status-related issues concerning foreigners consists of the Law on Foreigners and the Law on Asylum of BiH. The Law on Foreigners regulates the conditions and procedure for foreigners' entry into Bosnia and Herzegovina, the visa and visa-free regime, travel documents for foreigners, residence of foreigners, removal, reception, placement under supervision and other matters related to the movement and residence of foreigners. The Law on Asylum prescribes the competent authorities, principles, conditions and procedure for granting refugee status and subsidiary protection, temporary protection, identification documents, and the rights and obligations of asylum seekers, refugees and foreigners under subsidiary protection. These two laws form the basis for determining a foreigner's legal status and, consequently, the possibility of accessing individual rights.

The Ministry of Security of Bosnia and Herzegovina is the central institution for developing, maintaining and implementing immigration and asylum policy. Within the Ministry, sectors and administrative organisations cover immigration, asylum, border control and operational handling of foreigners. According to the BiH Migration Profile for 2024, the Ministry of Security is responsible for protecting international borders, regulating traffic at border crossings, international cooperation in the field of security, collecting and using data relevant to the security of BiH, and developing and implementing immigration and asylum policy. The Ministry of Security also issues first-instance decisions on applications for international protection and decides on appeals by foreigners against first-instance decisions of the Service for Foreigners' Affairs and the Border Police of BiH concerning entry, movement and residence.

The Asylum Sector of the Ministry of Security of BiH has a key role in the international protection procedure. It receives and registers asylum applications, conducts interviews, carries out the procedure for determining whether the conditions for refugee status or subsidiary protection are met, and issues first-instance decisions. The role of the Asylum Sector is particularly important for this report because the legal status of an asylum seeker, refugee or person under subsidiary protection directly affects the scope of rights that the person may exercise, includ-

ing the right to accommodation, health care, education, work and social protection. According to documents of the European Union Agency for Asylum, the Asylum Sector is responsible for conducting asylum procedures, registration, interviewing asylum seekers and deciding on applications.

The Service for Foreigners' Affairs is one of the most important operational institutions in the migration-management system in BiH. It is an administrative organisation within the Ministry of Security of BiH, with operational autonomy in performing tasks within its competence. Its remit includes administrative and inspection tasks related to the movement and residence of foreigners, deciding on foreigners' applications, supervising the legality of residence, acting in relation to the removal of foreigners, as well as other tasks prescribed by the Law on Foreigners, the Law on Asylum and accompanying regulations. According to the BiH Migration Profile, the Service was established by the Law on the Service for Foreigners' Affairs in 2005 and began operating on 1 October 2006.[3]

The Border Police of BiH plays a key role as the first point of contact for many foreigners entering or attempting to enter Bosnia and Herzegovina. Its competences include supervision and control of crossings of the state border, prevention of irregular migration, refusal of entry to foreigners who do not meet entry requirements, issuance of visas at the border in exceptional cases, annulment or shortening of visas, as well as recording and exchange of data. The Border Police is also one of the institutions before which a foreigner may express an intention to apply for asylum in BiH. This role is particularly important because the manner of first contact, information on the right to asylum, referral to the competent authorities and registration of the person can significantly affect subsequent access to rights.

The Ministry of Foreign Affairs of BiH participates in the migration system through the visa regime and the work of diplomatic and consular missions. The Ministry proposes decisions related to visa regimes and visa exemptions, and also implements migration policy through the issuance of visas at BiH diplomatic and consular missions. In the context of foreigners' access to rights, this competence is important for lawful entry into the country, regulation of residence on the basis of work, education, family reunification or other grounds, as well as for preventing abuse and uncertainty when moving from one status to another.

The Ministry for Human Rights and Refugees of BiH has a special role after a person has been granted refugee status or another form of international protection. According to the BiH Migration Profile, the Ministry is responsible for monitoring and implementing international conventions and human rights instruments, monitoring human rights standards, as well as matters relating to refugees in BiH after their status has been determined. In practice, this institution is particularly important for the exercise of rights by persons granted international protection, including access to health insurance, health care, education, work, social protection, documents and information on rights. Earlier Ministry reports refer to specific rulebooks regulating the exercise of rights to work, education, social protection, health care and personal status of persons granted international protection in BiH.[4]

3 https://dijaspora.mhrr.gov.ba/media/dokumenti//QPWk6pPWT0vt1FKi0D0I8o6v4yFsiW9J5vadipCK.pdf

4 https://mhrr.gov.ba/PDF/LjudskaPrava/BiH%200DGOVORI%20na%20ZAKLJUCKE%20-2011-finalna%20verzija.pdf?utm_source=

The Ministry of Civil Affairs of BiH has a coordinating role in areas of direct importance to foreigners' access to social and economic rights. The Ministry of Civil Affairs is competent for matters of citizenship, civil records, personal data protection, registration of permanent and temporary residence, identification documents, travel documents and defining travel documents for foreigners. It is also responsible for coordinating and harmonising the plans of entity bodies and international strategies in the fields of health, social protection, science, education, labour and employment. The Ministry of Civil Affairs itself states that competences in the fields of labour, employment, social protection and pensions are divided among the state, entity, cantonal and local levels, while the Ministry at state level has a coordinating role and cooperates with entity ministries and other relevant institutions.[5]

In the area of work and employment of foreigners, competences are divided among the state level, the entities and Brčko District of BiH. The annual quota of work permits is determined by the Council of Ministers of BiH on the proposal of the Ministry of Civil Affairs of BiH, while work permits are issued through the competent authorities for employment of foreigners in the Federation of BiH, Republika Srpska and Brčko District of BiH, depending on the employer's registered office or place of work. The Ministry of Civil Affairs of BiH states that a work permit is issued at the request of a legal or natural person intending to employ a foreigner and that the validity of a work permit may not exceed one year. According to the BiH Migration Profile for 2024, the competent authorities in the Federation of BiH, Republika Srpska and Brčko District of BiH submit information on work-permit needs to the Ministry of Civil Affairs through the Labour and Employment Agency of BiH, on the basis of which the Ministry prepares the proposal for the annual quota of work permits for foreigners.

[6]The Labour and Employment Agency of BiH, together with entity employment institutes and services and the Employment Institute of Brčko District of BiH, constitutes an important source of data on the employment of foreigners. According to data for 2024, a total of 5,798 work permits were issued to foreigners, compared with 4,586 in 2023, representing an increase of 26.43%. This figure indicates that BiH faces a growing need to monitor foreign workers not only from the labour-market perspective, but also from the perspective of access to labour rights, social insurance, health care, accommodation, information and protection against possible abuse.

Institutions responsible for social protection, health care and education are located mainly at the entity, cantonal, district and local levels. In the Federation of BiH, competences are divided between the federal level and the cantons, while Republika Srpska and Brčko District of BiH have their own institutional systems. The Ministry of Civil Affairs of BiH states that in the Federation of BiH responsibilities for labour and social policy are divided between the Federal Ministry of Labour and Social Policy and cantonal ministries, while in Republika Srpska a central role is played by entity ministries responsible for labour, veterans' and disability protection, health and social protection, and in Brčko District by the competent departments of the Government of Brčko District. In practice, this means that a foreigner with the same legal status may encounter different administrative pathways and different levels of service availability depending on whether they are in Sarajevo Canton, Una-Sana Canton, Republika Srpska, Brčko District or another local community.

5 https://mcp.gov.ba/en/about-the-sector-for-work-employment-social-protection-and-pensions
6 https://dijaspora.mhrr.gov.ba/media/dokumenti//QPWk6pPWT0vt1FKi0D0I8o6v4yFsiW9J5vadipCK.pdf

Social welfare centres, primary health-care centres, health institutions, employment services, schools, pedagogical institutions, and municipal and city services are direct service providers. Their role is decisive for practical access to rights, because concrete rights and services are exercised before these institutions: one-off assistance, guardianship for unaccompanied children, accommodation, medical examinations, inclusion in education, registration of unemployed persons, employment mediation and other forms of support. However, because of the decentralised system, their capacities, knowledge of regulations concerning foreigners, availability of interpreters and experience in working with vulnerable foreigners differ significantly. This is particularly important in areas not regulated by a single state-level regulation, but dependent on a combination of status law, entity and cantonal regulations and local practice.

A particular institutional capacity is represented by the system for collecting and exchanging migration data. Data for the Migration Profile are collected through 34 tables from institutions and organisations competent to act under the Law on Foreigners and the Law on Asylum, including data on citizenship, country of birth, sex and age structure and other parameters relevant to movement, residence and asylum. The Migration Profile states that data provided by the Border Police of BiH, the Service for Foreigners' Affairs, the Asylum Sector and the Ministry of Foreign Affairs of BiH are in accordance with the Decision on the Obligation to Submit Statistical Data on Migration and International Protection to the Ministry of Security of BiH. This system provides an important basis for monitoring migration movements, but it does not necessarily include all data needed to assess foreigners' actual access to social and economic rights, particularly in the areas of social protection, health, education and local services.

The Central Database on Foreigners is an important component of the migration information system. According to the Rulebook on the Central Database on Foreigners, it forms part of the Migration Information System, is maintained electronically and contains data from official records on foreigners. The potential of this database is considerable, particularly for monitoring status, residence and treatment of foreigners. However, for the purposes of access to social and economic rights, the key question is not merely whether the database exists, but whether the data are functionally linked to social-protection, health-insurance, education, employment and local-service systems, while respecting personal data protection rules.[7]

The Agency for Statistics of BiH and the entity statistical institutes play an important role in official statistics, including demographic, educational, social and economic data. The Agency for Statistics of BiH states that, in accordance with internationally accepted methodology, it produces and publishes statistical data for BiH on the basis of data from the entity statistical institutes, Brčko District of BiH and other BiH-level institutions. For the purposes of this report, however, it is particularly important to examine whether statistical systems allow foreigners to be identified as users of public services, that is, whether data on education, employment, health and social protection can be disaggregated by citizenship, legal status, sex, age and territory.

7 https://msb.gov.ba/Zakoni/akti/default.aspx?id=15596&langTag=en-US&utm_source=

[8]The Institution of Human Rights Ombudsman of BiH is the central independent human rights body and a potential mechanism for protecting foreigners against discrimination, unequal treatment, administrative barriers and violations of rights. The Institution's Annual Report for 2024 confirms an institutional structure with headquarters in Banja Luka and offices in Sarajevo, Mostar, Brčko District and Livno. In the context of this report, the Ombudsman is relevant because of its ability to act on complaints by foreigners, monitor the conduct of institutions, issue recommendations and point to systemic problems in access to rights. It is particularly important to examine whether complaints by foreigners are recorded as a separate category, whether foreigners are informed about this mechanism and whether the procedure is accessible to persons who do not speak the local languages.

In addition to domestic institutions, international organisations play a significant role in the system of support for foreigners. UNHCR in BiH supports persons seeking international protection, refugees, persons under subsidiary protection and stateless persons, including by providing information on rights, integration support and cooperation with institutions. UNHCR's BiH website specifically directs refugees, asylum seekers and stateless persons to available forms of assistance and support. UNHCR also provides information to employers on employing refugees and persons in need of international protection in BiH, which is particularly relevant to access to employment.

IOM has an important operational role in the migration response, particularly in temporary reception centres and in providing direct assistance to people on the move. IOM's 2024 annual report for BiH states that the organisation continued to provide key services to people on the move within the established temporary reception centres. IOM's activities are important for understanding the actual needs of migrants in transit, access to accommodation and basic services, referral to institutions and coordination between international and domestic actors.

The Danish Refugee Council (DRC) has a specific role in protection and health support for people on the move. Available sources state that since 2019 DRC has worked closely with local health institutions in BiH to enable persons of concern, including migrants, asylum seekers and refugees, to access health services, including primary and specialist health care, diagnostics and hospital treatment. This role is particularly important because it shows that part of foreigners' practical access to health care continues to rely on international support and project-funded models of cooperation with public health institutions.

Civil society organisations, including Vaša prava BiH, have a significant complementary and often decisive role in foreigners' access to rights. They provide legal aid, information, representation, support in accessing the asylum procedure, assistance in exercising the rights of persons under international protection, support to vulnerable categories and mediation between beneficiaries and institutions. Information materials of the Ministry for Human Rights and Refugees and UNHCR direct beneficiaries to Vaša prava BiH as a provider of free legal aid. This shows that civil society in BiH is not merely an additional actor, but an important part of the practical protection system, particularly where institutions lack sufficient capacity, interpreters, information materials or specialised experience.[9]

8 https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2025042115250331bos.pdf
9 https://www.mhrr.gov.ba/PDF/Izbjeglice/informator%20-%20engleski%20-%2020-12-2023%20-%20high.pdf?utm_source=

On the basis of available data, it can be concluded that Bosnia and Herzegovina has a developed basic institutional framework for managing migration, asylum and the residence of foreigners, but that foreigners' exercise of social and economic rights is conditioned by the degree of co-ordination among a large number of institutions. Status-related matters are handled through a relatively clearly defined state-level system, but actual access to rights depends on entity, cantonal, district and local systems. The main challenges therefore concern not only formal competences, but also the functional interconnectedness of institutions, data exchange, consistency of practice, availability of interpreters and information, specialised capacities for working with vulnerable foreigners and the sustainability of services that are currently supported to a significant extent by international organisations and civil society.

IV. AVAILABILITY AND STRUCTURE OF DATA ON FOREIGNERS

The availability and structure of data on foreigners in Bosnia and Herzegovina is one of the key issues for assessing actual access to social and economic rights. For this chapter, the FOSTER methodology envisages an analysis of data available at national level, comparison with the standards of Regulation (EC) No 862/2007, particularly in relation to statistics on international migration, international protection, residence permits and the presence of third-country nationals, as well as an assessment of whether the national system collects additional data important for policymaking.

In Bosnia and Herzegovina, basic data on foreigners are collected through several separate administrative and statistical systems. Status-related data on entry, residence, visas, refused entries, irregular migration, international protection and measures concerning foreigners are mainly maintained at state level, primarily by the Ministry of Security of BiH, the Service for Foreigners' Affairs, the Asylum Sector, the Border Police of BiH and the Ministry of Foreign Affairs of BiH. Data on work permits are collected through the labour and employment system, including the Labour and Employment Agency of BiH and the competent entity and district institutions. Data on acquisition of citizenship involve the Ministry of Civil Affairs of BiH and the competent entity authorities, while data on social protection, education and health generally remain within the competence of entity, cantonal, district and local systems.

The Law on Foreigners of BiH prescribes the conditions and procedure for foreigners' entry into BiH, the visa and visa-free regime, travel documents for foreigners, residence of foreigners, removal, reception, placement under supervision and the competences of public authorities in applying the law. Among the competent authorities, the same law recognises the Council of Ministers of BiH, the Ministry of Security of BiH, the Ministry of Foreign Affairs of BiH, the Ministry of Civil Affairs of BiH, the Service for Foreigners' Affairs and the Border Police of BiH. This framework enables basic status records on foreigners to be maintained, but does not in itself ensure that information on a foreigner's status is automatically linked with data on access to social protection, health care, education or employment.

The central element of the system is the Central Database on Foreigners, which forms part of the Migration Information System. According to available information from the Ministry of Security of BiH, the Central Database on Foreigners is maintained electronically and contains data from official records on foreigners. The Rulebook on the Central Database on Foreigners further regulates competences, content, and rules for maintaining, using, protecting, retaining and deleting data. The existence of this database provides an important basis for migration management, but for the purposes of access to social and economic rights the key question is whether data from this database are operationally available and usable by other systems, particularly social-protection, health-insurance, education, labour and local-service systems, while respecting personal data protection legislation.[10]

The Rulebook on the Entry and Stay of Foreigners regulates in detail procedures concerning foreigners' entry into BiH, refusal of entry, invitation letters, visas, approval of stay, issuance of residence permits, identity certificates, certificates of work registration, registration and deregistration of permanent and temporary residence, identity cards for foreigners and other matters relevant to foreigners' entry, movement and stay. The Rulebook shows that the system collects a large amount of status and administrative data, including information important for identifying the person, the purpose of stay, documentation, address and changes of status. At the same time, the requirement that documentation in a foreign language be submitted with a translation by a certified court interpreter, as well as the fact that forms are prescribed in the languages in official use in BiH and, where provided, in English or French, shows that language and documentation aspects are an integral part of the procedure for registering foreigners.[11]

[12]The most important publicly available consolidated source of data on foreigners and migration movements in BiH is the Migration Profile of Bosnia and Herzegovina, prepared annually by the Ministry of Security of BiH. The 2024 Migration Profile includes data on visas, refused entries and irregular border crossings, temporary and permanent residence of foreigners, irregular migration and measures concerning foreigners, readmission, international protection, work permits, acquisition of BiH citizenship, emigration from BiH, the migration and refugee situation, and the legal and institutional framework. Earlier Migration Profiles show that the data-collection methodology is based on tables intended for institutions and organisations dealing with migration and asylum and includes citizenship, country of birth, sex and age structure and other relevant parameters concerning procedures and decisions related to foreigners' movement and residence and asylum. This methodology has been developed in line with European and international standards, particularly Regulation 862/2007 and UN and IOM migration-profile models.

In relation to Regulation 862/2007, Bosnia and Herzegovina has a relatively developed basis for collecting data in areas corresponding to Articles 3, 4 and 6 of the Regulation. Article 3 concerns international migration, usually resident population and acquisition of citizenship; Article 4 concerns international protection; and Article 6 concerns residence permits and the presence of third-country nationals. The FOSTER methodology specifically requires an assess-

10 Official Gazette of BiH 46/25
11 https://www.paragraf.ba/propisi/bih/pravilnik-o-ulasku-i-boravku-stranaca.html
12 https://msb.gov.ba/PDF/020720251.pdf?utm_source=

ment of the alignment of national data with these areas. Eurostat metadata further explain that residence-permit statistics are based on administrative sources, most commonly ministries of the interior or immigration agencies, and cover first permits, changes in immigration status or reason for stay, all valid permits at the end of the year and long-term residence permits.[13]

In BiH, data on international protection are collected through the system of the Ministry of Security of BiH, namely the Asylum Sector, and include data on expressed intentions to apply for asylum, formally lodged applications, decisions issued, refugee status granted and subsidiary protection. An available regional overview based on Ministry of Security data states that in 2024, 25,284 irregular migrants were registered, 21,489 persons expressed an intention to seek asylum, while only 234 persons formally lodged an asylum application and 99 persons were granted refugee status or subsidiary protection. These data show that the system can produce relevant indicators on international protection, but at the same time point to a significant gap between expressed intention and actual access to the procedure, which is important for the subsequent analysis of rights and practice.[14]

Data on foreigners' residence in BiH are collected through temporary and permanent residence procedures. In 2024, according to an available Prague Process overview based on data from the Ministry of Security of BiH, BiH authorities issued 12,955 visas, 14,909 temporary residence permits and 430 permanent residence permits to foreign nationals. Compared with 2023, this represents a decrease in the number of visas, an increase in temporary residence permits and a decline in permanent residence permits. Such data make it possible to monitor general trends in lawful residence, but for the purposes of this report it remains important to establish more precisely the grounds on which temporary residence is most frequently granted, that is, the extent to which it relates to work, family reunification, education, humanitarian reasons, ownership, business or other grounds.

Data on the employment of foreigners are collected through the work-permit system. In 2024, the number of work permits for foreigners increased from 5,293 in 2023 to 6,085 in 2024, with permits most frequently issued to citizens of Serbia, Türkiye, China, India and Croatia. This figure is important because it points to a gradual increase in labour immigration to BiH, but assessing access to social and economic rights requires more than merely knowing the number of work permits issued. It is also necessary to know the employment sector, duration of the contract, place of work, whether the worker is registered in the social-contribution system, whether they use health insurance, whether they change employer, whether they leave their job before the contract expires, and whether data-exchange mechanisms exist between the employer, employment service, labour inspectorate, Service for Foreigners' Affairs and tax authorities.

Data on acquisition of BiH citizenship are available through the system of the Ministry of Civil Affairs of BiH and the competent entity authorities. Earlier Migration Profiles show that these data can be disaggregated by previous citizenship, sex and age of persons who acquired BiH citizenship, including acquisition through naturalisation and international agreements on dual

13 https://ec.europa.eu/eurostat/cache/metadata/en/migr_resval_esms.htm
14 https://www.pragueprocess.eu/en/countries/838-bosnia-and-herzegovina

citizenship. In the context of Regulation 862/2007, this is important because it enables monitoring of the process of foreigners' longer-term integration into the receiving state. For the purpose of assessing social and economic integration, however, it would be useful to link these data further with the person's previous legal status, length of stay in BiH, basis of residence before naturalisation, education, employment and family status.

A particular challenge is the availability of data on foreigners' access to public services. Unlike data on entry, residence, asylum, visas and work permits, which are relatively clearly linked to state-level institutions, data on social protection, health care, education and local services are located in several different systems. In the Federation of BiH, data may be held at the level of cantonal ministries, social welfare centres, health insurance institutes, schools and local authorities; in Republika Srpska through entity and local institutions; and in Brčko District through district institutions. It is therefore difficult to obtain a single national overview of how many foreigners actually use social assistance, health care, preschool, primary, secondary or higher education, employment services or other forms of support.

In the area of social protection, it is particularly important to determine whether social welfare centres and competent ministries record foreigners as a separate category of beneficiaries and whether data are disaggregated by legal status, type of service, citizenship, sex, age and location. The FOSTER methodology specifically envisages examining whether institutions collect data on the use of social services by foreigners, including cash assistance, housing assistance, child protection, emergency accommodation, long-term services and employment-related social rights. In BiH, data on this issue need to be collected directly from social welfare centres, cantonal ministries, entity ministries and Brčko District, because publicly available state migration statistics generally do not cover the use of these services.

In the area of education, it is necessary to determine whether educational institutions and competent ministries maintain data on foreign-national children and students, children of asylum seekers, children of persons under international protection, stateless children and children at risk of statelessness. The FOSTER methodology envisages examining whether data on foreign pupils are disaggregated by citizenship, legal status, level of education and type of institution, and whether educational institutions are linked with municipalities or other public authorities for data exchange. For BiH, this is particularly important because of divided competences in education, especially in the Federation of BiH where cantons play a key role in organising the education system, which may lead to differences in data availability and quality.

In the area of health care, it is necessary to determine whether health systems record foreigners according to legal status and basis of insurance, that is, whether they distinguish foreigners with temporary or permanent residence, asylum seekers, persons granted refugee status, persons under subsidiary protection, persons with residence on humanitarian grounds, foreign workers, students and persons without regulated status. The FOSTER methodology envisages questions on whether disaggregated data are maintained on foreigners using public health services, whether such data are disaggregated by citizenship, legal status and type of health service, and whether health or insurance data are linked with other national systems. In BiH, the

fragmentation of health systems and the existence of different health-insurance funds are expected to make it difficult to create a unified picture of foreigners' actual access to health care.

Compared with European statistical standards, BiH has a relatively good basis for collecting data on status-related migration matters, particularly visas, entry, residence, asylum, international protection, work permits and acquisition of citizenship. However, the data needed to assess foreigners' social and economic inclusion remain fragmented. Regulation 862/2007 and accompanying Eurostat methodologies are based on administrative sources and require harmonised definitions, comparability and the possibility of tracking status and reasons for residence. An additional challenge in BiH is that some administrative sources exist at state level, while most data on actual use of services are held at lower levels of government.

An additional problem is insufficiently systematic monitoring of transitions from one legal status to another. For policymaking purposes, it would be important to know how many persons move from asylum-seeker status to refugee status or subsidiary protection, how many persons under international protection remain in BiH, how many move to another basis of residence, how many foreigners with temporary residence later obtain permanent residence, how many foreign workers extend their stay, change employer or leave the country, and how many family members arrive on the basis of family reunification. Eurostat's methodology for residence permits specifically recognises a change in immigration status or reason for stay as a relevant statistical concept.

In BiH, it would be particularly useful to introduce or improve additional categories of data that are not always visible in existing public reports. These include data on families of foreign workers, children of foreigners included in the education system, persons who leave an employer before a permit expires, workers employed through agencies or intermediaries, employment sectors of foreigners, use of health insurance, access to social rights, languages spoken by foreigners, the need for interpreters, local distribution of beneficiaries and complaints about denial of rights. Such data would allow better service planning, more realistic needs assessments and more effective coordination among migration, social, health, education and labour institutions.

In conclusion, the availability of data on foreigners in BiH presents a dual picture. On the one hand, developed status records exist and the annual Migration Profile serves as an important instrument for consolidating migration data. On the other hand, the data most important for assessing actual access to social and economic rights are not sufficiently centralised, harmonised or publicly visible. Future monitoring therefore requires stronger exchange of aggregated data among the state level, entities, cantons, Brčko District and local institutions, with clear protection of personal data, standardised definitions and the possibility of disaggregating data by legal status, citizenship, sex, age, location and type of service received.

V. IMMIGRATION TRENDS AND PATTERNS IN BOSNIA AND HERZEGOVINA[15]

According to the FOSTER methodology, analysis of immigration trends and patterns should cover changes in the total number of foreigners, the most common reasons for entry and stay, transitions between different legal statuses, the structure of the foreign population by citizenship, age, sex and place of residence, as well as specific patterns related to labour migration, family reunification, education and international protection. In the case of Bosnia and Herzegovina, the data indicate a dual migration pattern: BiH remains an important transit country on the Western Balkan route, while at the same time it is increasingly developing features of a country of temporary or longer-term residence for foreign workers, students, family members of BiH citizens and foreigners with regulated residence.

In the area of mixed migration flows, 2024 saw a decrease in the number of registered irregular migrants compared with the previous year. In 2024, the Service for Foreigners' Affairs registered 25,284 irregular migrants, a decrease of 26.52% compared with 2023. From 2018 to the end of 2024, a total of 172,328 migrants were registered in BiH as having entered irregularly or remained after the expiry of a visa or residence permit. Following growth up to 2019, a decline during the period of pandemic restrictions and renewed increases from 2022, the highest number in the last seven years was recorded in 2023, while 2024 brought a more substantial decrease.

The composition of irregular migration in 2024 indicates a change from earlier patterns. The largest groups of registered irregular migrants in 2024 were citizens of Syria, Afghanistan, Morocco, Türkiye and Egypt. The increase in the number of citizens of Syria, Egypt and Türkiye compared with 2023 is particularly notable, while the number of citizens of Afghanistan and Morocco decreased significantly. The data also show that 120 different citizenships were recorded among irregular migrants in 2024, almost twice as many as in 2020, when there were 68. This points to an increasingly heterogeneous composition of migrants passing through BiH.

Although the number of irregular migrants has decreased, BiH continues to have a pronounced transit character. Most persons who enter BiH irregularly do not remain in the country long term, but seek to continue towards European Union Member States, particularly Croatia as the nearest EU member. This pattern is also confirmed by the fact that in 2024, 21,489 persons expressed an intention to apply for asylum, while only 234 actually lodged an asylum application, amounting to 1.09% of the total number of persons who had previously expressed an intention. This disparity shows that the expression-of-intention mechanism often functions as a short-term means of regularising presence in the country rather than necessarily indicating a genuine intention to enter the international protection procedure.

The asylum trend shows a certain increase in formally lodged applications in 2024, but the overall number remains low compared with the number of persons expressing an intention to seek asylum. Between 2015 and 2024, the competent BiH authorities received asylum applications for a total of 3,799 persons, with refugee status granted to 15 persons and subsidiary protection

15 https://dijaspora.mhrr.gov.ba/media/dokumenti//QPWk6pPWT0vt1FKi0D0I8o6v4yFsiW9J5vadipCK.pdf

to 335 persons. In 2024, 234 persons applied for asylum, an increase of 59.18% compared with 2023; in the same year, refugee status was granted to 2 persons and subsidiary protection to 97 persons. These data show that BiH has a functioning system for deciding on international protection, but also that the number of persons who actually remain in the procedure is very limited compared with the overall scale of movement.

Accommodation for migrants and persons seeking protection in BiH continues to rely on a combination of specialised institutions and temporary reception centres. Temporary reception centres are located in Sarajevo Canton and Una-Sana Canton and are managed by the Service for Foreigners' Affairs in cooperation with international organisations. In 2024, an average of 1,648 persons stayed in temporary reception centres, whose total capacity was 4,598 places. On 31 December 2024, 583 persons were staying in all centres, of whom 417 were in Sarajevo Canton and 166 in Una-Sana Canton. According to IOM data, at the end of 2024 the population of temporary reception centres consisted of 78% single men, 14% families with or without children, 7% unaccompanied minors and 1% single women.

Unlike transit movements, data on lawful residence indicate a gradual strengthening of BiH as a country of temporary residence. In 2024, 14,909 temporary residence permits were granted or extended to foreigners, an increase of 10.59% compared with 2023, when 13,481 permits were granted. Following a continuous decline in 2015–2020, the number of temporary residence permits has risen since 2021, and this trend continued in 2024. At the same time, permanent residence was granted to 430 foreigners in 2024, representing a slight decrease compared with 2023.

The most common grounds for temporary residence in BiH in 2024 were family reunification, work on the basis of an issued work permit, education and work without a work permit in cases provided for by law. Family reunification accounted for 4,492 permits, or 30.13% of all temporary residence permits; work on the basis of a work permit for 4,016 permits, or 26.94%; education for 3,152 permits, or 21.14%; and work without a work permit for 2,069 permits, or 13.88%. Together, these four grounds accounted for around 92% of all temporary residence permits in 2024. This structure shows that lawful immigration to BiH can increasingly no longer be viewed solely in terms of short-term stay, because family reunification, work and education create a need for access to longer-term services, including health care, social security, children's education and integration into local communities.

By citizenship, the largest numbers of temporary residence permits in 2024 were granted to citizens of Türkiye, Serbia, Croatia, India, China, Montenegro and Germany. These countries together account for a significant share of all temporary residence permits, and differences in grounds for residence by citizenship are particularly visible: citizens of Serbia and Croatia most often obtain temporary residence on the basis of family reunification; citizens of Türkiye and India often on the basis of education and work; while citizens of China make significant use of the ground of work without a work permit in cases prescribed by law. These patterns indicate different immigration profiles, ranging from regional family and labour migration and student migration to business and employment arrangements involving third-country nationals.

The sex and age structure of foreigners with temporary residence shows that men predominate among temporary-residence permit holders. In 2024, 9,145 temporary residence permits, or 61%, were issued to men, while 5,764, or 39%, were issued to women. Men are more numerous particularly in the 18–34 and 35–64 age groups, while differences between boys and girls are less pronounced among children. This structure corresponds to patterns of labour and student migration, while at the same time indicating that policies on access to rights must pay particular attention to foreign women, children, families and dependent household members, who often do not arrive as the primary holders of the basis for residence.

Labour migration is one of the most dynamic trends in BiH. According to data from the Labour and Employment Agency of BiH, the entity institutes and the Employment Institute of Brčko District of BiH, 5,798 work permits were issued to foreigners in 2024, an increase of 26.43% compared with 2023. The largest numbers of work permits were issued to citizens of Türkiye, Nepal, Serbia, India and Bangladesh. The increase in work permits for citizens of India and Nepal is particularly significant, indicating an increasingly pronounced need in the domestic labour market for workers from more distant countries, not only from the region.

The sectoral structure of issued work permits shows that foreign workers most often fill needs in activities with pronounced labour shortages. The largest number of work permits in 2024 was issued in construction, 1,305 permits, followed by manufacturing, 844 permits, other service activities, 709 permits, accommodation and food service activities, 570 permits, trade, 568 permits, and arts, entertainment and recreation, 532 permits. Together, these activities account for around 78% of all issued work permits. The data also show a pronounced gender imbalance: of the total number of work permits in 2024, 804 were issued to women and 4,994 to men, with the largest number of permits issued to men under the age of 35.

These trends show that BiH is gradually entering a phase in which foreign workers are becoming a relevant factor for certain economic sectors. This raises new issues that have not traditionally been at the centre of migration policy: foreign workers' awareness of labour and social rights, access to health insurance, accommodation conditions, dependence of residence on the employer, the possibility of changing employer, risk of labour exploitation, the role of intermediary agencies, and the need for coordination among employment services, labour inspectorates, the Service for Foreigners' Affairs and health and tax systems.

Education as a basis for temporary residence also has a significant place in the structure of lawful migration. In 2024, 3,152 temporary residence permits were granted on the basis of education, accounting for more than one fifth of all temporary residence permits. For citizens of Türkiye and India, education is one of the most important grounds for residence in BiH, pointing to the development of student migration and the need to view foreign students' access to rights more broadly than enrolment in higher-education institutions alone. This includes regulation of residence, health care, recognition of documents, accommodation, language and administrative support and the possibility of working in accordance with regulations.

Family reunification, as the most common ground for temporary residence, shows that some foreigners in BiH are not staying only temporarily and individually, but are developing family and social ties in the country. In 2024, 4,492 temporary residence permits were granted on the basis of family reunification, accounting for around 30% of all temporary residence permits. This figure is particularly important for service planning because family migration can increase the need to include children in education, provide health care to family members, make information available in foreigners' languages, offer counselling and support local integration.

In the broader regional and European context, trends in BiH are linked to changes along the Western Balkan route and the European integration process. In June 2025, BiH signed an agreement with the European Union enabling technical assistance and deployment of Frontex officers at the borders to control irregular migration and cross-border crime. Reuters reported that the EU considered enhanced cooperation on border management with Western Balkan countries to have already contributed to a reduction in irregular crossings, with the downward trend continuing in 2025. This development may further affect the reduction of transit movements, but it does not diminish the need to monitor lawful migration, work-related residence, education and family migration.[16]

On the basis of available data, it can be concluded that the migration landscape of Bosnia and Herzegovina is changing. Its transit character remains strongly present, but data on temporary residence, work permits, family reunification and education show that BiH is gradually also acquiring characteristics of a country of residence for certain categories of foreigners. This requires a shift of focus from a short-term humanitarian and security response towards a broader approach encompassing access to work, health care, social protection, education, child protection, integration and equal treatment. For precisely this reason, immigration trends and patterns must be linked with the analysis of access to social and economic rights, because the number of foreigners, the basis of their residence and the length of stay directly affect the needs that institutions in BiH will have to recognise and plan for.

VI. ACCESS TO RIGHTS, PRACTICE AND CHALLENGES

[17]The existing legal framework of Bosnia and Herzegovina formally recognises different categories of foreigners and links a certain scope of rights to them depending on legal status, basis of residence and the area in which the right is exercised. The Law on Foreigners regulates entry, the visa and visa-free regime, residence, removal, reception, supervision and the competences of authorities in relation to foreigners in BiH, while the Law on Asylum regulates the international protection procedure, refugee status, subsidiary protection, temporary protection, identification documents, and the rights and obligations of asylum seekers, refugees and foreigners under subsidiary protection. However, the actual exercise of social and economic rights by foreigners in BiH depends on a much broader institutional framework, since access to social protection, health care, education, work, employment and local services is realised through entity, cantonal, district and local systems.

16 https://www.reuters.com/world/asia-pacific/bosnia-partners-with-eu-strengthen-border-security-2025-06-11/
17 https://www.paragraf.ba/propisi/bih/zakon-o-strancima.html

In this regard, the fundamental challenge is not only whether rights are prescribed, but whether practical, clear and accessible mechanisms exist for foreigners to exercise them. The FOSTER methodology for this chapter specifically requires identification of practical barriers, differences between law and practice, examples of denied access despite formal eligibility, institutional obstacles, procedural and capacity problems, geographical disparities, lack of language support and reasons why foreigners rarely complain or do not use available protection mechanisms.

The first group of challenges concerns the relationship between legal status, documentation and access to services. In practice, a foreigner's legal status is the entry point for almost all other rights. An asylum seeker, a person granted refugee status, a foreigner under subsidiary protection, a foreigner with temporary or permanent residence, a foreign worker, a foreign student, a foreign child, a stateless person or a migrant without regulated status do not have the same scope of rights or the same administrative pathway for exercising them. Changes of status, delays in registration, lack of identification documents, uncertainty concerning the address of residence or the absence of appropriate records can therefore have direct consequences for access to health care, social assistance, education, work or accommodation.

A particularly pronounced problem is the difference between persons who are within the formal international protection system and persons who stay only briefly in BiH as part of mixed migration flows. According to 2024 data, 21,489 persons in BiH expressed an intention to apply for asylum, while only 234 formally lodged an asylum application, indicating a significant gap between initial contact with the system and actual entry into the procedure. This gap is important for access to rights, because the scope of rights is most clearly defined only once a person enters the formal asylum procedure or acquires another regulated status. For persons who remain in transit, outside the procedure or outside registration systems, access to rights is often limited to emergency, humanitarian and project-supported services.

[18]The Law on Asylum and accompanying framework provide certain rights for asylum seekers, including reception conditions, accommodation, food, basic health care, primary and secondary education, free legal aid and psychosocial support. UNICEF's handbook on the inclusion of refugee, asylum-seeking and migrant children in education in BiH specifically states that Article 76 of the Law on Asylum prescribes the rights and obligations of asylum seekers, including the right to access primary and secondary education no later than three months after lodging an asylum application. Nevertheless, the exercise of these rights in practice depends on timely registration, availability of accommodation, communication among institutions, the location where the person is staying and the capacity of local institutions to receive users who do not speak local languages and often lack complete documentation.[19]

For persons granted refugee status or subsidiary protection, the legal framework provides a broader range of rights. According to documents of the European Union Agency for Asylum concerning cooperation with BiH, the Ministry for Human Rights and Refugees of BiH is responsible for access to employment, health and social protection, education, housing and other

18 https://migrants-refugees.va/country-profile/bosnia-and-herzegovina/?utm_source=

19 https://www.unicef.org/bih/media/6216/file/Manual%20for%20the%20Inclusion%20of%20Refugee%2C%20Asylum%20Seeker%20and%20Migrant%20Children%20in%20the%20Education%20process%20in%20Bosnia%20and%20Herzegovina.pdf?utm_source=

rights of persons granted refugee or subsidiary protection status, in accordance with the Law on Asylum and by-laws. In practice, however, this category faces issues of sustainable integration: access to health insurance, registration of permanent or temporary residence, access to work, recognition of qualifications, language learning, inclusion of children in school, housing and long-term social support. These challenges require coordination among state, entity, cantonal and local institutions, which is often the most sensitive point in the system.[20]

The second group of challenges concerns the decentralised structure of BiH. The same legal status does not automatically mean the same level of actual service availability in different parts of the country. A foreigner residing in Sarajevo Canton, Una-Sana Canton, Republika Srpska, Brčko District of BiH or another local community may encounter different administrative procedures, different levels of institutional experience, different availability of interpreters and different levels of support from civil society organisations and international organisations. This is particularly pronounced in social protection, health care and education, which are not centralised at state level.

In the area of social protection, key challenges concern whether institutions recognise foreigners at all as a distinct category of beneficiaries, whether they maintain disaggregated data on them, whether officials are familiar with rules applicable to asylum seekers, persons under international protection or foreigners with residence, and whether clear procedures exist for emergency and vulnerable cases. In practice, access to one-off assistance, guardianship protection, accommodation, support to families, unaccompanied children or persons with disabilities can be expected to depend on local capacities, available budgets and the willingness of institutions to interpret regulations in favour of the beneficiary. A particular challenge concerns persons who formally need protection but lack complete documentation or are between two statuses.

In the area of health care, formal rights often encounter practical barriers. Asylum seekers and persons under international protection may have the right to a certain scope of health care, but exercising that right in practice is linked to issues of identification, records, referral, the competent insurance fund, place of residence, interpretation and health workers' understanding of the scope of the right. Experience from the region shows that restrictions often do not appear as an open denial of rights, but as administrative redirection, uncertainty about insurance, lack of interpretation and differing understandings of health institutions' obligations. In BiH, an additional problem arises from the fact that a significant share of health support for migrants in reception centres is delivered with support from international organisations. IOM states that during 2024 it continued providing key services to people on the move in temporary reception centres in BiH, while DRC highlights support for access to primary and secondary health care, including mental health services, for refugees, migrants and asylum seekers.[21]

In education, the formal right of children to inclusion in primary and secondary education must be considered in light of schools' actual capacities. The most important challenges concern language barriers, lack of preparatory classes, inconsistent recognition of prior education, lack

20 https://www.euaa.europa.eu/sites/default/files/2022-02/BiH_RM_Cover.pdf?utm_source=
21 https://bih.iom.int/sites/g/files/tmzbdl1076/files/inline-files/iom-bih-annual-report-2024_final_1.pdf?utm_source=

of interpreters and cultural mediators, limited capacity of pedagogues and psychologists, and administrative uncertainties regarding documentation. Particularly vulnerable are unaccompanied children, children who frequently change place of residence, children staying in temporary reception centres and children without complete documents. Although the right to education may exist, actual integration into the education process requires continuous support from the school, parents or guardians, social welfare centres, international organisations and local communities.

In work and employment, challenges differ according to the category of foreigner. Foreigners granted residence on the basis of work enter the system through work permits or other grounds prescribed by the Law on Foreigners, while persons granted refugee status and subsidiary protection have a special regime for access to work. The Law on Foreigners recognises work, highly qualified employment, studies and other grounds of residence, and the law has been partly aligned with relevant EU legislation, including rules on students, researchers and highly qualified workers. In practice, however, foreign workers may face insufficient information about labour rights, dependence on the employer, uncertainty regarding changing employer, risk of informal recruitment costs, language barriers, lack of legal counselling and limited access to inspection and judicial protection.

A particular issue concerns foreign workers from third countries who arrive through employers or intermediaries. The increase in the number of work permits in BiH shows that this issue can no longer be treated as marginal. The previous chapter noted a significant increase in 2024 in work permits for citizens of Türkiye, Nepal, Serbia, India and Bangladesh, particularly in construction, manufacturing, services, hospitality and trade. For these workers, it is necessary to monitor not only formal entry into the labour market but also working conditions, accommodation, access to health insurance, possible abandonment of the employer, labour exploitation and mechanisms for reporting rights violations. The FOSTER methodology specifically envisages examination of workers who leave the employer or country before the expiry of the contract, the employer's responsibility to report this and the existence of institutional monitoring of such cases.

The third group of challenges concerns information and language accessibility. Foreigners often do not know the BiH legal system, do not understand the difference between expressing an intention to seek asylum and formally lodging an asylum application, do not understand which authority is competent for which right, do not know how to lodge an appeal or complaint, or what consequences improper action may have. Language barriers further complicate communication with police, foreigner services, social welfare centres, health institutions, schools and employment services. In practice, this gap is often compensated through support from civil society organisations, UNHCR, IOM, DRC and other actors, but this means that access to rights partly depends on project-funded and geographically limited assistance.

The fourth group of challenges concerns rights-protection mechanisms. Foreigners may formally use administrative, judicial, ombudsman and other protection mechanisms, but in practice they rarely lodge complaints or appeals because of lack of information, fear of consequences for their status, mistrust of institutions, language barriers, short stays in the country or the

fact that continuing their journey is their priority. The FOSTER methodology therefore requires particular examination of why complaints were not lodged: whether there was no need, whether foreigners were unaware of their rights, did not know whom to contact, or institutions merely assumed that no problem existed. This is particularly important because a low number of complaints does not necessarily mean that barriers do not exist, but may indicate that protection mechanisms are inaccessible or not sufficiently visible.

The fifth group of challenges concerns the system's dependence on international organisations and civil society. In temporary reception centres and in work with people on the move, a large share of practical services, including information, referral, health support, psychosocial support, legal aid and identification of vulnerabilities, is provided through cooperation between domestic institutions and international organisations. This model has enabled the maintenance of a basic response to mixed migration flows, but at the same time raises the issue of long-term sustainability. If access to health services, legal aid, interpretation or psychosocial support depends on project resources, there is a risk that rights are not exercised as stable public services but as temporary forms of support.

Particularly vulnerable categories of foreigners face additional barriers. Unaccompanied children depend on timely identification, appointment of a guardian, accommodation, protection from violence and inclusion in education. Women, including pregnant women, single mothers and victims of gender-based violence, may require specialised accommodation and health, psychosocial and legal support. Foreign victims of trafficking in human beings require safe identification, protection from return to risk, residence on humanitarian grounds and access to support. Stateless persons or persons at risk of statelessness often face particularly complex problems of identification, documentation and access to services.

Despite these challenges, BiH also has positive elements of practice. The existence of specialised state institutions for foreigners and asylum, the annual Migration Profile, temporary reception centres, cooperation with international organisations, legal aid provided by civil society organisations, the experience of centres in Sarajevo Canton and Una-Sana Canton, and the inclusion of children in the education system where operational conditions exist, provide a basis for further improvement. UNHCR in BiH directs refugees, asylum seekers and stateless persons to available forms of assistance and support, confirming the importance of information and referral as practical elements of access to rights.[22]

In conclusion, access to social and economic rights of foreigners in Bosnia and Herzegovina is characterised by a gap between the formal legal framework and the actual availability of rights in practice. Rights are prescribed and institutionally recognised to a certain extent, particularly for asylum seekers and persons under international protection, but their exercise depends on status, documentation, place of residence, availability of information, institutional coordination, local capacities and support from international organisations and civil society. The main structural challenges are fragmented competences, inconsistent practice, insufficient data exchange, language and administrative barriers, limited availability of specialised services and

22 https://help.unhcr.org/?_gl=1%2A9arplh%2A_gcl_au%2AMTYwMjAwNjM2OS4xNzgwNjYwMjcx%2A_rup_ga%2AMTQyMTIzNTEwNi4xNzgwNjYwMjcx%2A_rup_ga_EVDQTJ4LMY%2AczE3ODA2NjAyNzEkbzEkZzAkdDE3ODA2NjAyNzEkajYwJGwwJGgw%2A_

weak use of formal rights-protection mechanisms. For this reason, further analysis by area — social protection, work and employment, education and health care — should show where the differences between prescribed rights and actual access are most pronounced.

VII. ACCESS TO SOCIAL PROTECTION

Foreigners' access to social protection in Bosnia and Herzegovina is conditioned primarily by the person's legal status, place of residence and the competence of the institutions before which the right is exercised. Unlike status-related matters concerning foreigners, which are predominantly regulated at state level through the Law on Foreigners and the Law on Asylum, social protection is in practice provided through the decentralised systems of the Federation of BiH, Republika Srpska, Brčko District of BiH, the cantons and local self-government units. Access to social protection therefore cannot be considered only in terms of whether a right exists in law, but also whether competent social welfare centres, ministries, local services and social-protection institutions have clear procedures, financial means, data, interpreters and experience in working with foreigners. The FOSTER methodology for this area specifically envisages examining whether institutions collect data on foreigners' use of social services, whether such data are disaggregated by type of service, legal status, citizenship, sex and age, and what the main reasons are why foreigners do not access services for which they are formally eligible.

The Law on Asylum of BiH clearly distinguishes the rights of asylum seekers from the rights of persons granted refugee status or subsidiary protection. An asylum seeker has the right to stay in BiH, receive information, be accommodated in an asylum centre, receive primary health care, access primary and secondary education, access the labour market under prescribed conditions, receive free legal aid, follow the procedure in a language they understand and receive psychosocial assistance. These rights are exercised on the basis of an asylum-seeker card, and funds are secured in the budget of BiH institutions or through donations for asylum in BiH. However, this regime does not mean that asylum seekers have full access to all forms of social protection existing in entity, cantonal or local systems; rather, their social support is mainly linked to reception, accommodation, basic living conditions and psychosocial assistance within the asylum and reception system.

For refugees and foreigners under subsidiary protection, the legislative framework provides a broader range of rights. Article 78 of the Law on Asylum stipulates that a refugee and a foreigner under subsidiary protection have the right to an identification document, information, accommodation, work, education, health care, social assistance and assistance with inclusion in BiH society. Access to these rights, other than identification documents, is ensured by the Ministry for Human Rights and Refugees of BiH. In addition, the Ministry for Human Rights and Refugees of BiH refers to specific rulebooks regulating access to health insurance, accommodation, education, social assistance and work for persons granted international protection in BiH. This framework provides an important basis for integration but in practice requires continuous coordination with entity, cantonal and local authorities that directly provide social services.

In the Federation of BiH, the basic social-protection system is regulated by the Law on the Fundamentals of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children. This law regulates the foundations of social protection for citizens and their families, basic social-protection rights and beneficiaries of social-protection rights, while social protection and protection of families with children are matters of interest to both the Federation and the cantons. The law recognises social-protection beneficiaries as persons in a state of social need, including children without parental care, children whose development is hindered by family circumstances, persons with disabilities, materially insecure persons unable to work, elderly persons without family care, and persons or families who need an appropriate form of social protection because of special circumstances. It is particularly significant that forced migration is listed among such special circumstances, opening space for the provision of certain forms of social protection to persons in a state of social need as a result of migration circumstances.

However, the Federation of BiH system is further decentralised because the cantons regulate social-protection activities, conditions, procedures and the amounts of individual benefits in greater detail. In practice, this means that foreigners' access to social protection may depend on the canton where the person is located, local budget capacities, whether the social welfare centre recognises the foreigner's status as a sufficient basis for action, and the existence of local protocols for working with asylum seekers, persons under international protection, migrants in transit, unaccompanied children or victims of violence and trafficking in human beings. This structure is particularly relevant for Sarajevo Canton and Una-Sana Canton, where most reception capacities are located and where social welfare centres have the most direct experience of working with migrants, refugees and unaccompanied children.

In Republika Srpska, the Law on Social Protection provides that the rights under that law belong to persons who meet the prescribed conditions regardless of race, skin colour, sex, language, political, national or religious affiliation, social and economic origin, place of birth, disability or any other status, and that institutions and other service providers are obliged to ensure equal access and prevent direct and indirect discrimination. Of particular importance is the provision requiring the competent centre to provide an appropriate form of protection to a person found in the territory of a local self-government unit where they do not have permanent residence if they are in a current and exceptionally difficult life situation requiring urgent action. This may be relevant to foreigners in emergencies, particularly unaccompanied children, pregnant women, victims of violence, persons with disabilities and other vulnerable persons, although in practice it is necessary to examine how familiar centres are with these possibilities and to what extent they apply them when working with foreigners.

In Brčko District of BiH, the Law on Social Protection regulates the principles of protection of elderly, infirm and other persons in a state of social need, the minimum scope of rights, conditions for exercising rights, and the organisation and financing of social protection. Social protection is defined as an organised activity aimed at preventing and eliminating the causes and consequences of social need, providing assistance to citizens and their families and meeting basic

living needs. Beneficiaries of social protection include minors without parental care, children with developmental difficulties, abused children, materially insecure adults unable to work, elderly persons without family care, persons with disabilities and other persons in a state of social need who require social protection because of special circumstances. As in other parts of BiH, the practical availability of these rights to foreigners depends on interpretation of status, documentation, territorial competence and the capacities of the competent services.

In practice, the most common forms of social protection that may be relevant to foreigners include emergency and one-off assistance, psychosocial support, guardianship protection for unaccompanied children, temporary accommodation, referral to health and education services, protection from violence, assistance to persons with disabilities, support to families with children and administrative counselling. For persons granted refugee status or subsidiary protection, accommodation, assistance with inclusion in society and linkage with local social-protection systems are additionally important. For migrants in transit and persons who have not fully entered the formal system, social support is more often provided through humanitarian and project-supported assistance than through regular public social benefits.

Protection of unaccompanied minors is a particularly sensitive issue. Social welfare centres have a key role in appointing guardians, assessing the best interests of the child, contacting other institutions, monitoring accommodation and protecting children from violence, neglect, trafficking in human beings and exploitation. The OSCE assessment of the response to the migrant and refugee situation in BiH emphasises that social welfare centres play a key role in the official assistance plan for migrants, refugees, asylum seekers and unaccompanied or separated children because they are responsible for family-law protection, child protection, social protection and protection of families from violence. At the same time, the same assessment points to a lack of clear protocols and standard operating procedures, insufficient human and financial capacities of centres, and inadequate knowledge of relevant laws and procedures in cases involving unaccompanied children, domestic violence and other vulnerable situations.

One of the main practical problems in this area is the absence of consistent and publicly visible data on how many foreigners use social-protection services. Most migration data in BiH concern entry, residence, asylum, work permits and measures concerning foreigners, while data on the use of social services are held in local and sectoral systems. It is necessary to determine whether social welfare centres maintain records on foreigners as a distinct category of beneficiaries, whether they disaggregate data by legal status, citizenship, sex, age, type of service and outcome of proceedings, and whether these data are aggregated at cantonal, entity, district or state level.

The lack of disaggregated data has direct consequences for social-protection planning. Without reliable data, it is impossible to assess how many foreigners use one-off assistance, how many unaccompanied children have an appointed guardian, how many families use counselling or psychosocial support, how many persons under international protection exercise the right to accommodation or social assistance, or how many vulnerable persons remain outside the system. This makes it particularly difficult to plan budgets, numbers of professional staff, interpreters, mobile teams and specialised services for vulnerable categories.

A second important challenge is foreigners' awareness of their rights. Foreigners often do not know which rights they may exercise, before which authority proceedings are initiated, what documentation is required, whether they may approach a social welfare centre if they do not have permanent or temporary residence in the usual sense, or whether submitting a request may affect their status. For persons in transit, an additional problem is the short duration of stay in the country and mistrust of institutions. For refugees and persons under subsidiary protection, the barriers are often different: administrative procedures, language, lack of familiarity with local systems, housing, inclusion of children in school, access to work and the need for continuous integration support.

A third challenge concerns language and cultural barriers. Social protection entails assessment of individual and family circumstances, discussion of sensitive issues, risk assessment, preparation of a social history, issuance of decisions and referral to other services. Without an interpreter or cultural mediator, professional work may be significantly impeded and the risk of incorrect assessment increased. This is particularly important for unaccompanied children, victims of violence, victims of trafficking in human beings, persons with traumatic experiences and persons who do not understand the local language or legal system.

A fourth challenge is dependence on international organisations and civil society organisations. In practice, a large share of support to migrants, asylum seekers and persons under international protection is provided through cooperation of public institutions with UNHCR, IOM, DRC, UNICEF, World Vision, Vaša prava BiH and other organisations. This cooperation has enabled basic services, legal aid, psychosocial support, guardianship support, referral and humanitarian assistance to be provided in crisis and transit situations. In the long term, however, the question is whether such a model can be sustainable if core social-protection functions depend on project funding rather than stable public services.

Fifth, there are significant territorial differences. Social welfare centres in areas with a higher concentration of migrants and refugees, particularly Una-Sana Canton and Sarajevo Canton, have developed more practical experience but are simultaneously exposed to a greater workload. Centres in areas where foreigners appear less frequently may have less experience, less developed contacts with migration institutions and less knowledge of the specific rights of asylum seekers, refugees, persons under subsidiary protection and foreigners with other grounds of residence. The same category of beneficiary may therefore receive a different level of practical support depending on the place where they are located.

[23]Despite these challenges, there are also elements of good practice. Within the international protection system, specific by-laws regulate the rights of persons granted international protection, including social assistance, accommodation, education, work and health insurance. Through experience in working with unaccompanied children, families and vulnerable migrants, some social welfare centres have developed operational cooperation with the Service for Foreigners' Affairs, international organisations and civil society organisations. Good practice is also reflected in the fact that in emergencies support is often provided through a combination of institutional and non-institutional resources, particularly through referral to legal, humanitarian,

23 https://www.mhrr.gov.ba/ministarstvo/default.aspx?id=5507&langTag=bs-BA

health and psychosocial assistance.

For further development of the system, clearer protocols should be established for social welfare centres' work with foreigners, particularly unaccompanied children, families with children, victims of violence, victims of trafficking in human beings, persons with disabilities and persons under international protection. The exchange of aggregated data between social welfare centres, cantonal and entity ministries, Brčko District, the Ministry for Human Rights and Refugees of BiH, the Ministry of Security of BiH and support organisations should be improved. Multilingual information on social rights should also be developed, interpreters made available, the capacities of professional staff strengthened, and it should be ensured that emergency social protection depends not on whether a person is a BiH citizen or a foreigner, but on actual need and degree of vulnerability.

In conclusion, access to social protection for foreigners in BiH exists within the formal framework, particularly for persons granted international protection, but its practical availability is uneven and depends on status, documentation, place of residence, the capacities of local institutions and support from international and non-governmental organisations. The main problems are fragmented competences, lack of disaggregated data, inconsistent practice among social welfare centres, absence of clear protocols, language barriers and limited human and financial capacities. Improving access to social protection should therefore move towards better coordination, clear referral mechanisms, standardised recording of foreigners as users of social services and stronger local capacities for working with vulnerable categories of foreigners.

VIII. ACCESS TO WORK AND EMPLOYMENT

Foreigners' access to work and employment in Bosnia and Herzegovina is regulated by a combination of state-level regulations on the entry and residence of foreigners, asylum legislation and regulations on the employment of foreigners at the level of the Federation of BiH, Republika Srpska and Brčko District of BiH. Unlike BiH citizens, a foreigner generally exercises the right to work through a previously regulated status, namely a work permit and approved temporary residence on the basis of work, except where the law or an international agreement provides that a work permit is not required. The Service for Foreigners' Affairs explains that a foreigner intending to stay in BiH for paid employment must have a work permit issued by the competent employment authority and, after obtaining the work permit, must apply for temporary residence, without which they cannot work in BiH.

In this area, the FOSTER methodology requires that, in addition to the legal framework, the analysis cover the availability of disaggregated data on foreigners using employment services, their structure by legal status, type of support, sex, age, citizenship and education, as well as data on foreign workers who started work, left their employer or left the country before the expiry of their contract. The methodology specifically requires an assessment of whether institutions exchange data in such cases, whether cooperation exists with immigration authorities, police and labour inspectorates, and whether procedures for employing foreigners are clear, efficient and accessible to employers and workers.

In practice, the procedure for employing foreigners in BiH has several stages. A foreigner must first find a job or be invited to work; the employer then obtains a work permit from the competent employment institute or service; after that, the foreigner applies for approval of temporary residence on the basis of the issued work permit. As a rule, the first application for temporary residence is lodged outside BiH through a BiH diplomatic or consular mission, while it may be lodged in BiH if the foreigner entered with a D visa or is a citizen of a visa-exempt country. A foreigner may not start work solely on the basis of a work permit before temporary residence has been approved, and may work only at the workplace or in the type of work for which the permit was issued. Temporary residence on the basis of a work permit is granted for the period of validity of the work permit plus an additional 30 days, but not for longer than one year.

[24] [25] [26]The regulatory framework is further complicated by the division of competences. In the Federation of BiH, the Law on the Employment of Foreigners regulates the conditions, manner and procedure for employing foreign nationals and stateless persons, exemptions from the requirement to obtain a work permit, termination of work-permit validity and maintenance of records on issued work permits. In Republika Srpska, a separate law regulates the conditions, procedure and manner of employment of foreign nationals and stateless persons. In Brčko District of BiH, the law provides that a foreigner must have approved temporary residence and a valid work permit in order to establish an employment relationship, while the annual work-permit quota for the District is determined within the state-level quota system. This structure means that some rules are determined at BiH level, while the specific procedure for issuing work permits and communication with employers takes place through entity, cantonal and district institutions.

With regard to international protection, the Law on Asylum of BiH provides a special regime. An asylum seeker has the right to access the labour market, but only if the Ministry of Security of BiH does not issue a decision on the asylum application within nine months of its submission, provided that the reasons for the delay cannot be attributed to the asylum seeker. If an asylum seeker has already acquired the right to work, that right continues until the decision becomes final in certain cases of rejection or discontinuation of the procedure. In contrast, refugees and foreigners under subsidiary protection have the right to work as one of the rights under Article 78 of the Law on Asylum, and access to this right, together with education, health care, social assistance and assistance with inclusion in BiH society, is ensured by the Ministry for Human Rights and Refugees of BiH.

Work-permit data show that labour migration in BiH is becoming increasingly important. In 2024, a total of 5,798 valid work permits were issued to foreigners in BiH, most frequently in construction, manufacturing, other service activities, accommodation and food service activities, and trade and repair of motor vehicles and motorcycles. According to Ministry of Civil Affairs of BiH data reproduced in a publicly available overview, the largest numbers of permits in 2024 were issued to citizens of Türkiye, Nepal, Serbia, India and Bangladesh. These figures confirm that

24 https://res.cloudinary.com/dzb9j4cx4/image/upload/v1626944785/Zakon_o_zaposljavanju_stranaca_F_Bi_H_a12dbdcd91.pdf?utm_source=

25 https://vladars.rs/sr-SP-Cyrl/Vlada/Ministarstva/mpb/PAO/Documents/Zakon-Zaposljavanje-Stranaca.pdf?utm_source=

26 https://skupstinabd.ba/3-zakon/ba/Zakon%20o%20zapos--ljavanju%20stranaca/000%2015-09%20Zakon%20o%20zapos--ljavanju%20stranaca%20u%20Brc--ko%20distriktu%20BiH.pdf?utm_source=chatgpt.com

BiH is no longer recording only traditional regional labour migration, but also growing arrivals of workers from more distant countries, particularly from Asia.

The sectoral structure of work permits indicates that foreign workers most often fill labour needs in sectors where the domestic labour market has pronounced shortages. Construction, manufacturing, hospitality, accommodation, trade and service activities are particularly dependent on workers for operational, production, support and seasonal jobs. This changes the character of migration policy in BiH because the issue of foreigners can no longer be viewed only through asylum, transit and the security response, but also through labour-market needs, protection of labour rights, worker integration, access to health insurance, accommodation, information and prevention of exploitation.

Although the number of issued work permits is growing, the institutional system for employing foreigners remains complex and fragmented. In 2025, the Ministry of Civil Affairs of BiH published information on the preparation of a Roadmap for the Employment of Foreign Workers in BiH, with IOM support, stating that BiH faces a growing need for foreign labour while the existing labour-migration management system is complex and fragmented. The Roadmap envisages improved inter-institutional cooperation, better data exchange, digitalisation of procedures, rationalisation of administrative requirements, strengthened institutional capacities, cooperation with countries of origin and increased information for employers and workers.[27]

The most common practical barriers for employers and foreign workers concern the length and complexity of procedures, the need to obtain multiple documents from different institutions, inconsistent practice between the entities, cantons and Brčko District, insufficient digitalisation, limited data exchange and the need to resubmit documentation. An additional problem is that the work permit and residence operate in a connected manner but through different institutional channels: employment is handled by the competent employment service or institute, while residence is handled by the Service for Foreigners' Affairs. If communication between these systems is not rapid and clear, the foreigner and employer may face delays affecting the start of work, contract duration, residence deadlines and legal certainty.

From the perspective of foreign workers' rights, access to information is particularly important. Foreign workers often arrive from countries where they do not know the language, the BiH legal system, minimum labour standards, the method of calculating wages and contributions, the right to health insurance, possibilities for changing employer, accommodation rules, protection against unlawful deductions from wages and complaint mechanisms. IOM developed a guide for foreign workers in BiH, emphasising the importance of accurate information, reporting changes such as address or employment and cooperation with competent authorities. Such materials are useful, but for a sustainable system information on rights and obligations should be available through public institutions in the languages of the largest worker groups.

A particularly sensitive issue is the foreign worker's linkage to a specific employer and a specific job. According to the explanation of the Service for Foreigners' Affairs, a foreigner may work

27 https://mcp.gov.ba/hr/portal/objava/mapa-puta-za-zaposljavanje-stranih-radnika-u-bih-638998325640000000

only on the basis of the work permit for which temporary residence was approved and only at the workplace or in the type of work for which the permit was issued. This system ensures control of lawful employment, but at the same time may increase the worker's dependence on the employer, particularly where the worker does not know the language, lacks a local support network, has incurred travel costs or was recruited through an agency. It is therefore important that there be a fast, clear and genuinely accessible procedure for changing employer and for protection in cases of unpaid wages, breach of contract, poor working conditions or other forms of exploitation.

One of the issues specifically highlighted by the FOSTER methodology is monitoring foreign workers who leave their employer, accommodation or the country before the contract expires. The methodology requires examination of who is responsible for reporting such cases, whether employers have a legal duty to notify, whether the police or immigration authority keeps data on foreigners with temporary residence who have disappeared or are not at their registered address, and whether regulatory gaps affect the management of such cases. For BiH, this is particularly relevant because of the increase in workers from Nepal, India and Bangladesh, as similar challenges are recorded in other countries in the region where some workers, after entering on the basis of employment, leave the initial employer and continue travelling towards other countries.

Data on such phenomena in BiH are not sufficiently visible in publicly available statistical sources. The Migration Profile and work-permit data enable monitoring of the number of permits by citizenship, activity, sex and territory, but do not always provide a complete picture of how many workers actually started work, how many remained with the same employer, how many changed employer, how many left the country before the contract expired, and how many cases were reported to the labour inspectorate, the Service for Foreigners' Affairs or the police. Without such data, it is difficult to distinguish regular worker mobility from abuse, leaving employment because of poor conditions or secondary irregular migration.

The role of labour inspectorates and labour-rights protection mechanisms is particularly important. Once lawfully employed, foreign workers should have access to the same basic labour rights as domestic workers, including the right to a contract, wages, rest, occupational safety and health, registration for mandatory insurance and protection from discrimination and exploitation. In practice, however, foreign workers may be less likely to report rights violations because of fear of losing employment and residence, lack of knowledge of institutions, language barriers, dependence on the employer or intermediary and lack of legal counselling. A low number of complaints therefore does not necessarily mean that violations do not occur, but may indicate weak accessibility of protection mechanisms.

Refugees, persons under subsidiary protection and asylum seekers constitute a specific category. For refugees and persons under subsidiary protection, the right to work is formally recognised, but their actual inclusion in the labour market depends on language, recognition of diplomas, recognition of qualifications, work experience, support from employment services, availability of training and employers' willingness to hire. For asylum seekers, access to the la-

bour market depends on the duration of the procedure, arising only if a decision has not been issued within nine months through no fault of the asylum seeker, which in practice means that many asylum seekers, particularly those who stay only briefly in BiH, will not realistically use this right.

Foreign women and family members of foreign workers face additional challenges. If they came to BiH on the basis of family reunification, their economic activation may depend on the status of the primary residence holder, availability of information, childcare, language support and recognition of qualifications. For refugee women, women under subsidiary protection and migrant women who have survived violence or exploitation, access to work must be linked with psychosocial support, safe accommodation, legal counselling and economic-empowerment programmes.

Although the scale of labour migration in Bosnia and Herzegovina is still relatively limited compared with more developed migrant labour markets, the upward trend in the number of issued work permits shows that the system must prepare in a timely manner for faster changes. It is particularly important to improve digitalisation of procedures, shorten decision-making deadlines, make procedures more predictable for employers and foreign workers, regulate the regime for shortage occupations more clearly and strengthen coordination among employment services, the Service for Foreigners' Affairs, labour inspectorates, tax authorities and other competent institutions. These issues are becoming increasingly important as foreign workers gradually assume a more significant role in sectors where the domestic labour market cannot provide a sufficient number of workers.

In conclusion, foreigners' access to work and employment in BiH is formally regulated, but in practice burdened by a complex administrative structure, fragmented competences, insufficient digitalisation and limited availability of information for workers and employers. The growth in the number of work permits, particularly for workers from Türkiye, Nepal, India and Bangladesh, shows that foreign workers are becoming increasingly important for certain sectors of the domestic economy. At the same time, the rights of refugees and persons under subsidiary protection to work require additional integration support, while asylum seekers have limited and conditional access to the labour market. Priorities for improving the system include better inter-institutional data exchange, digitalisation and simplification of procedures, clear information in workers' languages, stronger inspection supervision, protection from exploitation, clear mechanisms for changing employer and monitoring cases of early departure from employment or from the country.

IX. ACCESS TO EDUCATION

Foreigners' access to education in Bosnia and Herzegovina depends on the legal status of the child or adult, place of residence and the competent education system. Education in BiH is not regulated uniformly at state level. The Ministry of Civil Affairs of BiH has a coordinating role in education, while primary education is regulated by the laws of the entities, cantons and Brčko District of BiH. According to information from the Ministry of Civil Affairs of BiH, primary education is compulsory for all children and lasts nine years, while secondary education is available to all in accordance with achievement in primary school, interests and abilities. This structure means that the formal right to education exists, but its practical implementation takes place through several different education systems with different administrative rules, capacities and practices.[28]

The Law on Asylum of BiH provides that an asylum seeker has the right to access primary and secondary education and that a minor asylum seeker exercises this right no later than three months after lodging an asylum application. The Law also provides that a minor asylum seeker will not be denied the right to secondary education if they reach adulthood during the procedure. Foreigners under temporary protection have the right to primary and secondary education, while refugees and foreigners under subsidiary protection have the right to education as one of the rights under Article 78 of the Law on Asylum. For persons granted international protection, there is also a specific Rulebook on the Manner of Exercising the Right to Education, published in the Official Gazette of BiH No. 42/17.

In practice, access to education for foreign children most often concerns several categories: children of asylum seekers, children of persons granted international protection, migrant children staying in temporary reception centres, children of foreigners with approved temporary or permanent residence, children of foreign workers and students, stateless children or children at risk of statelessness, and unaccompanied minors. Each of these categories faces different practical challenges. For children staying in reception centres, the problem is often the temporary nature of their stay, frequent changes of location, lack of previous school documentation and language barriers. For children with longer-term residence, integration into regular classes, language learning, recognition of previous education, support to parents and continuity of schooling are more important.

[29]UNICEF's handbook for the inclusion of refugee, asylum-seeking and migrant children in the education process in BiH emphasises that primary-education laws in BiH ensure equal access and equal opportunities without discrimination, while also pointing out that Republika Srpska, the ten cantons in the Federation of BiH and Brčko District of BiH have full competence in education. In practice, this means that successful inclusion of foreign children in schools depends on the conduct of the competent ministry of education, the school, social welfare centre, parent or guardian, international organisations and civil society organisations. Where established cooperation exists, children are more easily included in classes; where such cooperation is not developed, the right to education may remain formally recognised but practically difficult to access.

28 https://mcp.gov.ba/en/about-education-sector?utm_source=

29 https://www.unicef.org/bih/media/6216/file/Manual%20for%20the%20Inclusion%20of%20Refugee%2C%20Asylum%20Seeker%20and%20Migrant%20Children%20in%20the%20Education%20process%20in%20Bosnia%20and%20Herzegovina.pdf

The main challenges in access to education concern the language of instruction, lack of systematic preparatory classes, the limited number of interpreters and cultural mediators, inconsistent recognition of previous education, lack of documentation, psychosocial consequences of migration experiences and insufficient training of teaching staff to work with children coming from different linguistic, cultural and educational systems. It is particularly important that schools do not treat the child merely as an administrative enrolment case, but assess previous knowledge, literacy level, language needs, emotional state and the need for additional support. For unaccompanied children, education must be linked with the guardianship system, protection of the child's best interests and safe accommodation.

An additional challenge is the lack of comprehensive data. It is necessary to determine whether competent ministries of education and schools maintain data on foreign pupils by citizenship, legal status, level of education, location, sex, age, previous education and need for additional language support. Without such data, it is impossible to plan teaching staff, interpretation support, preparatory classes, textbooks, psychological support and other integration measures. It would be particularly useful to monitor how many foreign children start schooling, how many attend regularly, how many move from one school to another and how many successfully complete the school year.

Despite the challenges, inclusion of foreign children in the education system has major integrative significance. School is often the first stable institutional contact of the child and family with the receiving community. It enables language learning, socialisation, identification of vulnerabilities, referral to other services and creation of a sense of security. Access to education should therefore not be viewed merely as a legal obligation, but as a key mechanism of protection, prevention of marginalisation and long-term inclusion of foreigners in society.

To improve access to education, consistent guidelines should be developed for enrolment and support of foreign children in all education systems in BiH, preparatory and supplementary language classes should be ensured, basic information for parents and guardians should be translated, cooperation between schools, social welfare centres and organisations working with migrants and refugees should be strengthened, and a system for monitoring the educational inclusion of foreign children should be developed. Particular attention should be paid to unaccompanied children, children without documents, children who have been outside the education system for a prolonged period and children with traumatic experiences.

X. ACCESS TO HEALTH CARE

Foreigners' access to health care in BiH depends on the person's legal status, basis of residence, the place where the person is located and the competent health-insurance system. The Law on Asylum of BiH provides that an asylum seeker has the right to primary health care and that a foreigner under temporary protection has the right to primary health care. Refugees and foreigners under subsidiary protection have the right to health care and, under Article 78 of the Law on Asylum, access to that right is ensured by the Ministry for Human Rights and Refugees

of BiH. The Ministry for Human Rights and Refugees of BiH also refers to a specific Rulebook on the Manner of Exercising Health Insurance by Persons Granted International Protection in BiH, published in the Official Gazette of BiH No. 16/17.

For foreigners granted temporary or permanent residence on other grounds, including work, education, family reunification or another lawful basis, access to health care is generally exercised through regular health-insurance systems, namely through registration for insurance, payment of contributions, status as a family member of an insured person or other grounds provided under entity, cantonal and district regulations. This raises the practical issue of the linkage between migration status, employment status, place of residence and health insurance. A foreign worker with a work permit and approved residence must be connected to the contribution and health-insurance system, while a foreign student, family member or unemployed person may have a different and often more complicated path to health care.[30]

The health system in BiH is decentralised. In the Federation of BiH, health care is provided through the federal and cantonal framework; in Republika Srpska through the entity system; and in Brčko District through District institutions. By way of example, the Law on Health Care of the Federation of BiH provides that every person has the right to health care and the opportunity to attain the highest possible level of health in accordance with the law, and that every person is obliged in emergencies to provide first aid and enable access to the nearest health institution. The same law also demonstrates the complex roles of cantons, health institutions, health-insurance institutes, local communities and other actors in ensuring health care.

In practice, a formally recognised right to health care does not always mean straightforward access to a service. The most common barriers concern proof of status, lack of health insurance, uncertainty about the competent fund, non-recognition of the document held by the person, problems with the address of residence, changes of status, language barriers and insufficient awareness among health workers of the rights of different categories of foreigners. Situations are particularly sensitive when a person transitions from one status to another, does not yet have complete documentation or is registered in the migration system but is not functionally linked with the health-insurance system.

For asylum seekers and people on the move, access to health care often relies on a combination of public health institutions, temporary reception centres and international organisations. In 2024, IOM continued to provide key services to people on the move within temporary reception centres in BiH. DRC states that since 2018 it has supported the authorities in BiH in responding to migration flows, focusing on access to primary and secondary health care, including mental health, for refugees, migrants and asylum seekers, and that it cooperates with public-health institutes, ministries of health, clinical centres, primary health-care centres, hospitals and WHO. This support is of major importance, but at the same time shows that access to health care for some foreigners is not fully integrated into the regular public system and depends significantly on project and humanitarian support.[31]

30 https://www.paragraf.ba/propisi/fbih/zakon-o-zdravstvenoj-zastiti.html
31 https://drc.ngo/en/news/drc-focuses-on-improving-access-to-primary-and-secondary-health-care-to-people-on-the-move/

Foreigners' health needs differ by category and circumstances. Persons in transit most often need emergency assistance, primary health care, treatment of injuries, infectious and skin diseases, respiratory problems, dental problems, chronic illnesses and psychological support. Children need vaccinations, paediatric examinations, growth and development monitoring and support in the school environment. Pregnant women and women require access to gynaecological and reproductive health care. Persons who have survived violence, trafficking in human beings, torture or other traumatic experiences need coordinated medical, psychological and legal support. For persons granted international protection, health care becomes part of broader integration and must be linked with housing, work, social protection and the local community.

Access to mental-health and psychosocial support is a particular challenge. Many foreigners arrive from situations of conflict, poverty, violence, prolonged journeys, family separation or exploitation. In such circumstances, health care cannot be limited to emergency or physical medical assistance. Accessible psychologists, psychiatrists, cultural mediators, interpreters and clear referral mechanisms are needed. In practice, this component of support is often provided through international and non-governmental organisations, further confirming the need for systematic inclusion of mental health in public health and social services for foreigners.

The lack of unified data is another important problem. It is necessary to determine whether health-insurance funds, primary health-care centres, hospitals and competent ministries maintain data on foreigners as users of health services, whether those data are disaggregated by legal status, citizenship, sex, age, location and type of service, and whether aggregated data are exchanged with institutions responsible for migration and international protection. Without such data, it is difficult to assess the actual scale of needs, plan costs, organise interpretation support and develop targeted programmes for vulnerable groups.

In practice, foreigners may also face a lack of information. Many do not know whether they have the right to health care, whether they need a health booklet or other proof of insurance, whether they must pay for examinations themselves, whom to contact in an emergency, how to obtain a referral, what their insurance covers and whether a change of status affects the scope of rights. Health workers, on the other hand, may not always have clear information about documents issued by the Ministry of Security of BiH, the Service for Foreigners' Affairs or the Ministry for Human Rights and Refugees of BiH. Barriers therefore often take the form of administrative delays, referral from one institution to another, requests for additional documentation or reliance on mediation by civil society organisations.

To improve access to health care, migration records, international-protection records and health-insurance systems should be linked more clearly, while respecting personal data protection. Practical guidance should be prepared for health institutions on the rights of different categories of foreigners, accessible interpreters or telephone/video interpretation should be provided for the most common languages, multilingual information should be developed for users, and procedures in emergency and vulnerable cases should be standardised. It is particularly important that access to health care not depend exclusively on the location of a reception centre or availability of an international project, but be recognised as part of regular public responsibility towards persons lawfully within the protection system or in a state of emergency need.

In conclusion, BiH has a legal basis for access to health care for asylum seekers, persons under temporary protection, refugees and foreigners under subsidiary protection, as well as regular health-insurance mechanisms for foreigners who reside and work in the country. However, actual access to health care remains burdened by fragmentation of the system, inconsistent practice, administrative barriers, language barriers, lack of data and reliance on international and non-governmental support. Priorities include clearer procedures, better coordination, disaggregated data, stronger capacities of health institutions and a sustainable transition from a project-based support model to a stable systemic approach.

XI. ROLE AND CAPACITIES OF CIVIL SOCIETY ORGANISATIONS

Civil society organisations in Bosnia and Herzegovina play an important and often decisive role in enabling actual access to rights and services for vulnerable categories of foreigners. Their role is not limited to providing individual assistance, but includes informing beneficiaries, legal counselling, referral to institutions, psychosocial and humanitarian support, advocacy, monitoring of practice, identification of systemic barriers and mediation between foreigners and public institutions. In the context of BiH, where competences for social protection, health care, education and employment are fragmented across several levels of government, civil society organisations often represent the practical link between a person's legal status and the actual exercise of rights.

The role of civil society organisations is particularly important in legal aid. Foreigners, especially asylum seekers, persons under international protection, migrants in transit, stateless persons and victims of various forms of violence or exploitation, often do not have sufficient information about which institutions they may contact, which procedure should be initiated, what documentation is required and what consequences individual procedures may have for their status. In such circumstances, legal aid is not merely an additional service but a practical prerequisite for exercising rights. Civil society organisations help beneficiaries understand the difference between expressing an intention to seek asylum, formally lodging an application for international protection, regulating residence, exercising rights after recognition of status and using available appeal or complaint mechanisms.

Organisations providing free legal aid in asylum, residence, citizenship, civil-registration, statelessness-prevention, access to health and social protection, education, employment and protection against discrimination are particularly important. In practice, such organisations often serve as the first point of contact for beneficiaries who do not understand the domestic legal system, do not speak the languages in official use in BiH or do not trust institutions. Their support may include legal information, preparation of submissions, accompanying beneficiaries before institutions, communication with competent authorities and monitoring proceedings until their completion.

Civil society organisations also play an important role in protecting stateless persons and persons at risk of statelessness. In this area, support is not limited to migrants in the narrow sense, but also covers persons who, due to lack of documents, unregistered birth, unresolved citizenship or complex family and status circumstances, are unable to exercise basic rights. Assistance with late registration in civil registries, obtaining documents, determining citizenship and regulating legal identity is a prerequisite for access to education, health care, social assistance, work and other rights.

In addition to legal aid, civil society organisations provide psychosocial, humanitarian, integration and practical support to foreigners. These services are particularly important for persons facing traumatic experiences, family separation, violence, long migration journeys, language barriers and difficulty navigating a new environment. Support may include individual counselling, psychological assistance, help communicating with institutions, support to children and families, referral to health institutions, assistance with enrolling children in school, support to women and victims of violence, and connecting beneficiaries with relevant public services.

In practice, support provided by civil society organisations encompasses several interconnected functions: legal counselling and representation, information on rights and procedures, assistance in communication with institutions, psychological and psychosocial support, humanitarian assistance, support to children and families, assistance with access to education, support in accessing health services, identification of vulnerabilities, referral of victims of violence and trafficking in human beings, monitoring of individual cases and advocacy for institutional change. These activities are particularly significant for asylum seekers, persons under international protection, unaccompanied children, women, families with children, stateless persons, victims of violence, victims of trafficking in human beings and foreign workers who are unfamiliar with the rights-protection system in BiH.

Civil society organisations complement institutional capacities where public institutions lack sufficient resources, specialised knowledge, interpreters, cultural mediators or developed procedures for working with foreigners. This complementary role is particularly pronounced in local communities and reception areas where institutions have limited experience with migrants, asylum seekers, persons under international protection or foreign workers. In such situations, CSOs often assume the role of intermediary, facilitate communication, explain beneficiaries' legal status and help institutions apply regulations correctly.

Cooperation between civil society organisations and institutions in BiH exists, but is often more operational than systemic. In individual cases, cooperation functions through referral of beneficiaries, exchange of information, joint resolution of urgent situations, and support to social welfare centres, schools, health institutions and foreigner services. However, such cooperation often depends on personal contacts, projects, local experience and availability of international support. Formal protocols, clear institutional obligations, standardised referral mechanisms and sustainable models for financing services that civil society organisations provide as a complement to the public system remain insufficiently developed.

The sustainability of services is a particular challenge. A large share of support to foreigners, especially legal aid, psychosocial support, interpretation, humanitarian assistance, support to children and referral to institutions, depends on project funding and international donors. This model has enabled basic services to be maintained during periods of increased migration movements, but in the long term raises the question of whether key protection functions can be considered stable if they are not sufficiently integrated into regular public systems, budgets and institutional procedures.

Civil society organisations also have an important advocacy role. They collect information from practice, identify gaps in laws and procedures, propose regulatory amendments, participate in working groups and consultation processes, prepare reports, initiate strategic cases and highlight problems that are often not visible in official statistics. In the areas of asylum, statelessness, access to health care, education and work, the experience of civil society can help identify more precisely the gap between formal rights and their actual availability.

The capacities of civil society organisations in BiH are significant but uneven. Specialised organisations that have worked for longer periods with refugees, migrants, stateless persons, victims of trafficking in human beings, children and women have developed expertise, institutional contacts and experience in working with beneficiaries. On the other hand, many local organisations lack sufficient experience with foreigners' legal statuses, the asylum procedure, international protection, data protection, intercultural work or the specific needs of foreign workers and families. There is therefore a need to broaden the network of organisations capable of providing support, particularly in local communities outside the main migration locations.

With regard to data, civil society organisations often possess high-quality field information, but these data are not always standardised, comparable or systematically linked with institutional records. Data are most often maintained according to project indicators, type of service, number of beneficiaries, legal status or type of case, but recording methodologies are not uniform. Standards should therefore be developed for anonymous and aggregated monitoring of services provided by CSOs to foreigners, with strict respect for personal data protection, confidentiality and the do-no-harm principle, especially in relation to children, victims of violence, victims of trafficking in human beings and persons in international protection procedures.

Coordination among civil society organisations, international organisations, institutions and independent human rights bodies should be further strengthened. For BiH, it is particularly important that cooperation not remain limited to resolving individual cases, but that practical experience be used for systemic improvement of regulations, procedures, budgets, staff training and service availability. This entails formalised cooperation, clear referral mechanisms, regular coordination meetings, inclusion of CSOs in policymaking and more stable financing of specialised services.

In conclusion, civil society organisations in BiH constitute a key part of the practical support system for foreigners. Their role is particularly important in legal aid, information, psychosocial support, identification of vulnerabilities, referral of beneficiaries to institutions, monitoring of

practice and advocacy for change. At the same time, their work is often project-funded, dependent on international support and insufficiently formally recognised within the public-service system. It is therefore necessary to formalise cooperation between institutions and CSOs, ensure more sustainable financing of key services, develop joint protocols, improve exchange of aggregated data, strengthen local capacities and recognise civil society organisations as strategic partners in protecting and including vulnerable categories of foreigners in Bosnia and Herzegovina.

XII. ROLE AND CAPACITIES OF HUMAN RIGHTS PROTECTION BODIES

The rights of foreigners in Bosnia and Herzegovina are protected through several mechanisms, but among independent bodies the central role is played by the Institution of Human Rights Ombudsman of Bosnia and Herzegovina. Its importance derives from the fact that it may act on complaints from natural and legal persons as well as on its own initiative, and supervises the conduct of institutions at the state, entity, cantonal, municipal and Brčko District levels, as well as private institutions performing public functions. The Law on the Ombudsman provides that it is an independent institution established to promote good governance, the rule of law and protection of the rights and freedoms of natural and legal persons, and that the Institution may examine cases concerning maladministration or human rights violations committed by any public authority.[32]

In the context of foreigners, this competence is particularly significant because rights violations may arise before different institutions: the Service for Foreigners' Affairs, authorities competent for asylum, social welfare centres, health institutions, schools, employment services, inspectorates, police bodies or local administrations. Foreigners may face problems concerning access to the asylum procedure, documents, accommodation, health care, social assistance, education, work, protection from discrimination or treatment in places where their freedom of movement is restricted. In such situations, the Ombudsman can be an important corrective mechanism, particularly when ordinary administrative or judicial procedures are not sufficiently rapid, accessible or understandable to the user.

[33]The territorial accessibility of the Institution of Human Rights Ombudsman is relatively broad. According to the 2024 Annual Report, the Institution has its headquarters in Banja Luka, regional offices in Sarajevo, Mostar and Brčko District, and a field office in Livno. This territorial presence is important for foreigners located in different parts of BiH, but actual accessibility still depends on users' awareness, language support, possibilities for communication, internet access, support from legal advisers or civil society organisations and trust in institutions.

The Institution of Human Rights Ombudsman also has a specific role in protection against discrimination. The Law on Prohibition of Discrimination of BiH gives it the status of the central institution competent for protection against discrimination, with the task of examining cases

32 https://www.paragraf.ba/propisi/bih/zakon-o-ombudsmenu-za-ljudska-prava-bosne-i-hercegovine.html
33 https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2025042115250331bos.pdf

of alleged discrimination committed by any legal or natural person in any area of life. This mandate is exercised through promotional activities, research, handling of individual complaints, ex officio action and a role in misdemeanour proceedings for protection against discrimination. For foreigners, this is particularly significant where unequal treatment occurs on grounds of citizenship, ethnic origin, language, race, skin colour, religion, legal status, disability, sex, age, sexual orientation or another personal characteristic.

Data from the 2024 Annual Report show that the Institution of Human Rights Ombudsman recorded a significant number of cases in different areas that year. The overall overview of work by departments lists 2,792 new cases and 1,734 cases carried over, or a total of 4,526 cases under consideration, of which 2,690 were completed. The largest number of new cases concerned political and civil rights, economic, social and cultural rights, and the judiciary and administration, all of which are directly relevant to foreigners. Within the Department for Monitoring the Exercise of Political and Civil Rights, cases in the area of migration and asylum were also recorded separately, with 23 such cases in 2024.

These data indicate that migration and asylum issues appear in the Ombudsman's work, but also that the number of such complaints probably does not reflect the full extent of problems faced by foreigners. Many foreigners do not lodge complaints because they are unfamiliar with the Institution, do not understand the procedure, do not speak the languages in official use, remain in BiH only briefly, depend on assistance from other actors or fear that lodging a complaint could negatively affect their status. The Ombudsman itself notes in the area of discrimination that unreported cases continue to exist because of mistrust in institutions and fear of negative consequences for the personal status of victims.

A significant capacity of the Institution lies in its organisation through specialised departments, including departments for the rights of children, rights of persons with disabilities, economic, social and cultural rights, political and civil rights, rights of persons deprived of liberty, the judiciary and administration, and elimination of all forms of discrimination. This structure makes it possible to consider problems faced by foreigners not only as migration issues, but also as matters of child protection, education, health care, social protection, work, discrimination, police conduct or accommodation conditions. According to 2024 data, the Department for Monitoring the Rights of Children received 299 complaints and issued 24 recommendations in the areas of education, social and health protection, which is also relevant to foreign children, unaccompanied children and children in migrant families.

A particularly important development is the establishment of the Preventive Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment within the Institution of Human Rights Ombudsman. In 2023, through amendments to the Law on the Ombudsman, the Parliamentary Assembly of BiH entrusted the Institution with the role of the national preventive mechanism, an obligation of BiH under the Optional Protocol to the Convention against Torture. This mechanism is important for foreigners because it may cover places where persons deprived of liberty or with restricted freedom of movement are held, including situations of immigration supervision, detention, accommodation under supervision or other forms of institutional confinement.

According to the 2024 Annual Report, a methodology for the work of the Preventive Mechanism was adopted, containing guidelines for visits to institutions where persons deprived of liberty are held, principles of operation, rules for collecting information on ill-treatment or other rights violations, and assessment matrices for police agencies and prison institutions. The report states that after the financial prerequisites were met, establishment of a separate department for the Preventive Mechanism began, the first staff were recruited and work was expected to start in March 2025. In the area of migration, this may become an important instrument for independent monitoring of accommodation conditions, conduct of officials, access to health care, information, interpretation and legal aid.

Nevertheless, the capacities of human rights protection bodies are not unlimited. In its 2024 Annual Report, the Ombudsman notes that the Institution continues to face constraints in strengthening its capacities, particularly because of insufficient financial and premises-related resources. This is especially important for issues concerning foreigners, because work with this population requires specific knowledge of migration law, asylum, international protection, intercultural communication, trauma-informed work, child protection, trafficking in human beings, statelessness and availability of interpreters. Without additional resources, it is difficult to expect proactive monitoring of all areas in which violations of foreigners' rights may occur.

Implementation of Ombudsman recommendations is also an important problem. The 2024 Annual Report states that implementation of recommendations is not at a satisfactory level, which led the Institution, for the first time since its establishment, to decide to prepare a special report on implementation of recommendations, analysing the reasons for lack of cooperation by public authorities and identifying bodies that fail to implement recommendations. For foreigners, this is particularly sensitive because their problems often require urgent action: access to accommodation, health care, documents, a guardian for an unaccompanied child, education or protection against return to risk. If recommendations are not implemented quickly, protection may lose its practical effect.

In addition to the Ombudsman, courts, administrative authorities, inspectorates, social welfare centres, police bodies, institutions responsible for protection from violence, legal-aid providers and international organisations also play important roles. However, the focus of this chapter is on independent human rights protection bodies because they have a mandate to identify systemic problems, issue recommendations, monitor the conduct of public authorities and raise issues that individual administrative procedures often cannot address. It is particularly important for the Ombudsman, civil society organisations and international organisations to establish functional cooperation in areas where foreigners are exposed to additional risks, while preserving the independence of the Institution.

To improve protection of foreigners' rights, the Institution of Human Rights Ombudsman should monitor complaints concerning foreigners more systematically, not only under the category of "migration and asylum" but also in the areas of discrimination, health, education, social protection, work, police conduct and children's rights. The possibility should be developed to disaggregate cases by the complainant's legal status, citizenship, language, sex, age and type of right, while protecting personal data. Such data would enable more precise identification of patterns

of violations and formulation of recommendations that are not only individual but also systemic.

In conclusion, Bosnia and Herzegovina has an established independent human rights body with a broad mandate, territorial presence and relevant specialised competences in the areas of discrimination, children's rights, economic and social rights, rights of persons deprived of liberty and prevention of torture. However, actual protection of foreigners' rights depends on users' awareness, language accessibility and legal aid, the Institution's capacities, speed of action, cooperation of public authorities and implementation of recommendations. In the coming period, it is particularly important to strengthen the Ombudsman's proactive role in monitoring migration and asylum, establish a functional Preventive Mechanism, develop disaggregated data on complaints by foreigners and ensure that recommendations concerning vulnerable categories of foreigners are implemented rapidly and consistently.

XIII. POSITIVE PRACTICES AND INNOVATIONS

Despite the complex institutional structure and numerous practical challenges in exercising foreigners' social and economic rights, Bosnia and Herzegovina has examples of positive practice that can serve as a basis for further improvement of the system. These practices most often develop through cooperation among domestic institutions, international organisations and civil society organisations, particularly in the areas of reception, legal aid, access to the asylum procedure, health care, child protection, prevention of statelessness and management of labour migration.

One of the most important positive practices is the existence of the annual Migration Profile of Bosnia and Herzegovina, which provides a consolidated overview of data on visas, entry and residence of foreigners, irregular migration, international protection, work permits, readmission, acquisition of citizenship and other migration indicators. Although the data system still does not cover actual access to social and economic rights in sufficient detail, the existence of such a reporting mechanism provides a sound basis for policy planning, trend monitoring and gradual alignment with European statistical standards.

Another positive practice is the established system of temporary reception centres and coordinated response to mixed migration flows. IOM states that during 2024 it continued to provide key services to people on the move in the established temporary reception centres in BiH. This model enabled a basic level of accommodation, referral, information and access to services for persons in transit or in vulnerable situations, through cooperation among competent institutions, international organisations and service providers.

[34]A particularly significant good practice is the availability of free legal aid for asylum seekers, refugees, persons under subsidiary protection and other vulnerable foreigners. UNHCR states that in BiH it provides free legal aid through its partner organisation Vaša prava BiH, including legal information, counselling and, under certain conditions, legal representation for access to the territory, the asylum procedure and rights related to international protection. The availabil-

34 https://help.unhcr.org/bosniaandherzegovina/where-to-seek-help/free-legal-aid/?utm_source=

ity of legal aid in reception centres and through direct contact is an important mechanism for overcoming language, administrative and information barriers.

Positive practice also exists in the area of statelessness prevention and access to legal identity. The United Nations in BiH states that, with the assistance of Vaša prava BiH as a partner organisation, UNHCR has since 2008 provided legal assistance to 1,850 persons in procedures for birth and citizenship registration and obtaining the necessary identification documents. This example shows that long-term specialised legal aid can produce concrete systemic results, particularly for persons who without documents cannot access education, health care, social protection, work or other basic rights.

The existence of specialised information channels for asylum seekers and persons under international protection is another good practice. UNHCR's platform for BiH provides information on the asylum procedure, institutions responsible for international protection, free legal aid, integration and support mechanisms. Such information is particularly important because foreigners often do not distinguish between the competences of the Service for Foreigners' Affairs, the Asylum Sector, the Ministry for Human Rights and Refugees of BiH and other institutions, nor do they know whom they may contact at particular stages of the procedure.[35]

In the area of health care, cooperation between public health institutions and international organisations and support providers in temporary reception centres constitutes a positive practice. Such cooperation enables people on the move, asylum seekers and other vulnerable categories to access basic health support, referral to health institutions and, where available, psychosocial assistance. Although in the long term these services need to be integrated more stably into regular public systems, existing cooperation models show that practical barriers can be reduced where there are clear contacts, referral pathways and operational coordination between institutions and organisations.

Positive developments are also evident in labour migration. The Ministry of Civil Affairs of BiH published information on the Roadmap for the Employment of Foreign Workers in BiH, developed with IOM support as a strategic document containing recommendations for more efficient, safer and more transparent employment of foreign workers. The process included consultations with competent institutions, social partners, employers and international organisations, representing an important step towards better coordination, digitalisation of procedures, data exchange and protection of foreign workers' rights.[36]

In addition, coordination meetings in the area of labour-migration management are an example of good practice because they bring together different institutions and actors around issues of quotas, labour-market needs and protection of foreign workers' rights. The Ministry of Civil Affairs of BiH stated that one such meeting concluded with agreement to continue activities and strengthen inter-institutional cooperation for more effective management of labour migration and protection of foreign workers' rights in BiH.[37]

35 https://help.unhcr.org/bosniaandherzegovina/asylum-procedure-and-international-protection-in-bosnia-and-herzegovina/?utm_source=

36 https://mcp.gov.ba/bs/portal/objava/mapa-puta-za-zaposljavanje-stranih-radnika-u-bih-638998325640000000?utm_source=

37 https://mcp.gov.ba/bs/portal/objava/odrzan-koordinacioni-sastanak-u-oblasti-upravljanja-radnim-migracijama-u-bosni-i-hercegovini-638984476750000000?utm_source=

The availability of complaint and protection mechanisms is another positive practice. UNHCR information for BiH states that the Institution of Human Rights Ombudsman of BiH considers complaints independently and confidentially and may issue recommendations to competent authorities, while lodging a complaint is free of charge and does not require legal representation. This possibility is particularly important for foreigners facing discrimination, denial of access to services or unclear conduct by institutions, although further work is needed to inform users and make the procedure accessible in languages they understand.[38]

An important element of good practice is the role of civil society organisations as a bridge between beneficiaries and institutions. CSOs often identify vulnerabilities that are not immediately visible in formal procedures, help beneficiaries understand their rights, monitor individual cases and point to systemic barriers. Their advantage lies in direct work with beneficiaries, flexibility, the trust they can build with vulnerable groups and the possibility of conveying field information to institutions. This model is particularly valuable in cases involving unaccompanied children, undocumented persons, victims of violence, victims of trafficking in human beings, persons under international protection and foreign workers unfamiliar with the domestic system.

The development of multilingual information materials, digital guides, websites and simple tools for referring users to competent institutions can also be recognised as an innovative direction for further practice. Such tools can facilitate access to information on asylum, residence, work, health, education, social protection and complaint mechanisms. It would be particularly useful to develop materials in the most widely spoken languages of beneficiaries, as well as short practical guides for foreign workers, families with children, asylum seekers and persons granted international protection.

Positive practice also exists in including foreign children in the education process where schools, social welfare centres, international organisations and parents or guardians have established operational cooperation. Despite numerous challenges, every successful inclusion of a child in school is an important form of protection and integration. School enables language learning, socialisation, monitoring of the child's well-being and connection of the family with the local community. These practices should be further standardised through guidelines, language support, training of teaching staff and better exchange of experience among education systems.

In the future, positive practices should be transformed into stable institutional models. This means that legal aid, interpretation support, psychosocial services, health referral, child protection, information for foreigners and institutional coordination should not depend exclusively on project funding or individual initiatives, but should be embedded in regular procedures and budgets. Innovations already being developed through international projects and civil-society work should be used as a basis for more permanent public policies.

In conclusion, positive practices exist in BiH but are often linked to specific projects, locations, organisations or individual institutional capacities. The most important examples include annual migration profiles, temporary reception centres, free legal aid, support in preventing state-

38 https://help.unhcr.org/bosniaandherzegovina/report-misconduct/?utm_source=

lessness, cooperation in health care, development of a strategic approach to labour migration, availability of complaint mechanisms and the active role of civil society organisations. The key challenge for the coming period is to standardise these good practices, extend them across the entire territory of BiH and transform them into sustainable mechanisms that will enable equal and predictable access to social and economic rights for all relevant categories of foreigners.

XIV. RECOMMENDATIONS

Based on the analysis of the legal framework, institutional competences, available data and practice in the exercise of foreigners' social and economic rights in Bosnia and Herzegovina, the following is recommended:

1. **Improve coordination between institutions responsible for the status of foreigners and institutions providing services, particularly among the Ministry of Security of BiH, the Service for Foreigners' Affairs, the Asylum Sector, the Ministry for Human Rights and Refugees of BiH, the Ministry of Civil Affairs of BiH, and entity, cantonal, district and local institutions in the areas of social protection, health, education and employment.**

2. **Establish regular exchange of aggregated and anonymised data on foreigners, while respecting personal data protection legislation. Data should be disaggregated by legal status, citizenship, sex, age, location, type of service and outcome of proceedings in order to enable better planning of public policies and services.**

3. **Strengthen monitoring of actual access to rights, rather than only the formal existence of legal guarantees. In particular, it is necessary to monitor how many foreigners actually use social protection, health care, education, employment services, legal aid and complaint mechanisms.**

4. **Develop clear protocols for dealing with vulnerable categories of foreigners, including unaccompanied children, families with children, women, victims of violence and trafficking in human beings, persons with disabilities, stateless persons, asylum seekers and persons granted international protection.**

5. **Improve access to social protection through clearer guidance for social welfare centres, standardised recording of foreigners as users of social services, better information exchange with migration institutions and strengthened capacities of centres in areas with larger numbers of migrants and refugees.**

6. **Simplify and digitalise procedures for employing foreigners, including better coordination among employment services, the Service for Foreigners' Affairs, labour inspectorates, tax authorities and employers. In particular, clear information should be ensured for foreign workers on labour rights, health insurance, changing employer and mechanisms for protection from exploitation.**

7. **Ensure equal and practically accessible education for foreign children through consistent enrolment guidelines, preparatory and supplementary language classes, support to teaching staff, involvement of social welfare centres and better recording of foreign children in the education system.**

8. **Improve access to health care, particularly through clear procedures for asylum seekers, persons under international protection, foreign workers and other foreigners with regulated residence. Health institutions should have practical guidance on the rights of different categories of foreigners, access to interpreters or interpretation and clear referral mechanisms.**

9. **Formalise cooperation with civil society organisations, which play a key role in legal aid, information, psychosocial support, identification of vulnerabilities and referral of beneficiaries. More sustainable financing of specialised services should be ensured and CSOs should be included in the development of policies, protocols and local support mechanisms.**

10. **Strengthen the role of the Institution of Human Rights Ombudsman of BiH in protecting foreigners' rights, particularly through disaggregation of complaints concerning foreigners, proactive monitoring of access to social and economic rights, cooperation with CSOs and international organisations, and monitoring institutional action on recommendations.**

11. **Develop multilingual information for foreigners, including short guides on asylum, residence, work, education, health, social protection and complaint mechanisms. Information should be available in reception centres, public institutions, online and through organisations working with foreigners.**

12. **Transform positive practices into sustainable institutional models, particularly in the areas of free legal aid, prevention of statelessness, health referral, child protection, support to foreign workers and institutional coordination. Services that have proven functional should not depend exclusively on projects and donors, but should be embedded in regular public procedures and budgets.**

XV. ANNEX NO. 1 – STATISTICAL OVERVIEW OF THE CONDUCTED RESEARCH