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

This project is funded by the European Union

Policy Paper

FROM TRANSIT TO INCLUSION

Making social and economic rights work for foreign nationals in Bosnia and Herzegovina

BALKAN REFUGEE AND MIGRATION COUNCIL

DRC DANISH REFUGEE COUNCIL

Sarajevo, September 2026

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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

Executive Summary 1

Key Findings 2

Key Indicators 3

Methodology and policy purpose 3

1. A hanging migration profile: from transit-only thinking to rights delivery 4

2. Institutional context: fragmentation is structural, disconnection is not 4

3. Data as infrastructure for rights 5

4. Horizontal barriers to effective rights protection 5

5. Access to rights: where policy delivery breaks down 6

- 5.1 Residence, documentation and administrative access 6
- 5.2 Social protection and protection of vulnerable persons 6
- 5.3 Employment and labour rights 7
- 5.4 Education 7
- 5.5 Healthcare 7
- 5.6 Complaints, Ombudsman and access to remedies 8

6. Policy choices for Bosnia and Herzegovina 8

7. Conclusion 8

8. Recommendations 9

- Priority 1 – Urgent measures (next 12 months) 9
- Priority 2 – Medium-term measures (1–3 years) 9
- Priority 3 – Long-term measures (continuous) 10

9. Implementation and Accountability Matrix 11

10. Advocacy Messages for Different Audiences 11

References and evidence base 12

CENTRAL POLICY MESSAGE

Bosnia and Herzegovina does not primarily lack legal rights for foreign nationals. It lacks a sufficiently coherent delivery architecture to make those rights predictable across legal statuses, institutions and territories. The policy priority is therefore not institutional centralisation, but interoperability, common minimum standards, clear referral responsibilities and sustainable access to information, interpretation and remedies.

Executive summary

Bosnia and Herzegovina is entering a different migration phase. Irregular transit remains important, but the strongest structural change is the gradual growth of lawful residence linked to family reunification, employment and education. Public systems designed mainly around border management and short-term humanitarian response now increasingly need to deliver ordinary social and economic rights to people who live, work, study and raise families in the country.

The 2024 data illustrate this shift. The Service for Foreigners' Affairs registered 25,284 irregular migrants, 26.52% fewer than in 2023. At the same time, 14,909 temporary residence permits were granted or extended, an increase of 10.59%. Family reunification, work, education and work in categories exempt from a work permit accounted for about 92% of temporary residence. Work permits rose from 5,293 in 2023 to 6,085 in 2024. This is not yet a transformation into a large destination country, but it is a clear policy signal: integration and rights delivery can no longer be treated as secondary to migration control.

The legal framework provides a substantial basis for access to rights. The Law on Foreigners and the Law on Asylum regulate status, residence and international protection at state level, while employment, social protection, healthcare and education are delivered through a complex combination of state, entity, cantonal, Brčko District and local institutions. The central implementation problem is therefore not the absence of mandates, but the difficulty of making those mandates work together in practice.

FOSTER monitoring strongly confirms this diagnosis. Of 30 actors included in the research, 63.3% identified fragmented competences and uneven practice as a problem, 60.0% insufficient data exchange, and 70.0% the lack of interpreters or cultural mediators. Although 83.3% keep some form of records on foreigners, only 40.0% can disaggregate data by legal status and only 16.7% report functional regular data exchange. Only 43.3% have a formal or semi-formal mechanism for recording complaints by foreigners.

The policy response should build on what already works: the annual Migration Profile, established asylum and reception structures, free legal aid, long-term work on statelessness and legal identity, existing health-referral cooperation, the Roadmap for Employment of Foreign Workers, coordination meetings on labour migration, and the Ombudsman's complaint and preventive mandates. The objective is to move these practices from project-based or location-dependent solutions into standard procedures, budgets and interoperable public systems.

POLICY WINDOW

BiH can still reform while the scale of lawful immigration is manageable. Acting now is less costly than waiting until labour-market, education, health and social-service pressures become larger and more politically difficult to address.

Key findings

- **BiH has a dual migration profile.** Irregular transit declined in 2024, while lawful residence, foreign employment, family reunification and education-related residence continued to grow.
- **Rights exist, but delivery is territorially uneven.** The same legal status can lead to different administrative pathways depending on the entity, canton, Brčko District or municipality in which a person seeks a service.
- **Data fragmentation is now a policy risk.** Status data are comparatively developed, but service-use data in health, education, social protection and labour remain scattered and poorly interoperable.
- **Language access is a cross-cutting barrier.** Seventy per cent of surveyed actors identified the lack of interpreters or cultural mediators as a key problem, affecting health, education, social services, legal remedies and administration.
- **Foreign workers require a rights-based labour migration response.** The growth of work permits and recruitment in shortage sectors increases the importance of clear procedures, contribution monitoring, labour inspection, safe complaints and information independent of employers.
- **Low complaint numbers should not be read as low levels of problems.** Only 43.3% of surveyed actors record complaints through formal or semi-formal mechanisms; language barriers, limited information, dependence on intermediaries and fear of consequences can suppress reporting.
- **Civil society performs functions that are systemically necessary.** Legal aid, interpretation, psychosocial support, vulnerability screening, statelessness work and referral often bridge the gap between formal entitlement and practical access, but remain heavily project-funded.
- **BiH does not need full centralisation to improve outcomes.** Given the constitutional distribution of competences, the realistic reform model is common minimum standards, interoperability, referral protocols, focal points and accountability across levels of government.

Key indicators

Indicator	Year / source	Value	Policy meaning
Irregular migrants registered	2024	25,284	-26.52% compared with 2023
Intentions to seek asylum	2024	21,489	High transit / low conversion to formal claims
Formal asylum applications	2024	234	1.09% of expressed intentions
Temporary residence permits granted/ extended	2024	14,909	+10.59% compared with 2023
Permanent residence permits	2024	430	Slight decline compared with 2023
Work permits	2024	6,085	Up from 5,293 in 2023
Family reunification among temporary residence	2024	4,492 (30.13%)	Largest single basis
Work based on a work permit	2024	4,016 (26.94%)	Major driver of lawful residence
Education	2024	3,152 (21.14%)	Growing integration relevance
Actors reporting lack of interpreters/ cultural mediators	FOSTER research	70.0%	Most frequently identified institutional problem
Actors reporting fragmented competences/uneven practice	FOSTER research	63.3%	Core coordination challenge
Actors with functional regular data exchange	FOSTER research	16.7%	Major evidence and interoperability gap

Note: National figures are presented as reported in the FOSTER Bosnia and Herzegovina National Report. FOSTER research indicators are based on 30 participating actors and should not be interpreted as national administrative totals.

Methodology and policy purpose

This policy paper translates the evidence of the FOSTER National Report into an advocacy-oriented and implementation-focused document. The underlying research combined legal and strategic analysis, official migration and administrative data, written information from institutions, field visits, semi-structured interviews and consultations with public authorities, service providers, civil society and international organisations.

The field component contacted 33 relevant actors and included 30 in the analysis, a response rate of 90.9%. The sample covered state, entity, cantonal and local institutions, reception and asylum structures, international organisations and civil society. The policy paper distinguishes between official national indicators and findings from the FOSTER research sample.

The document is designed for multiple uses: policy dialogue with ministries and public institutions; parliamentary and government advocacy; donor and EU programming; coordination with local authorities; civil-society coalition building; and technical discussion on data, labour migration, social services and rights protection.

1. A hanging migration profile: from transit-only thinking to rights delivery

Bosnia and Herzegovina remains an important country on the Western Balkans route. Yet the 2024 evidence points to two parallel trends: a decline in registered irregular migration and a continuing rise in forms of lawful residence that create longer-term links to BiH institutions and local communities.

The Service for Foreigners' Affairs registered 25,284 irregular migrants in 2024, down by 26.52% from 2023. The composition of mixed flows also became more diverse, with 120 nationalities recorded. At the same time, 21,489 persons expressed an intention to seek asylum but only 234 submitted a formal asylum application. This large gap confirms the continuing transit character of a substantial part of mixed migration through BiH.

The stronger long-term policy signal comes from lawful residence. Temporary residence rose to 14,909 permits in 2024. The main grounds were family reunification (30.13%), work on the basis of a work permit (26.94%), education (21.14%) and work without a work permit in legally defined categories (13.88%). Together these four grounds account for approximately 92% of temporary residence. Each creates direct demand for ordinary public services rather than short-term reception alone.

POLICY IMPLICATION

Migration governance in BiH should be built around two capacities at the same time: humane and lawful management of mixed/transit flows, and a permanent rights-delivery system for people who work, study, join family members or receive protection in the country.

2. Institutional context: fragmentation is structural, disconnection is not

Status, asylum, entry, residence and removal are primarily regulated and administered at state level. The Ministry of Security, the Service for Foreigners' Affairs and the Asylum Sector are central to status determination and migration management. The Ministry for Human Rights and Refugees has an important role after international protection is recognised, while the Ministry of Civil Affairs coordinates relevant aspects of citizenship, labour, employment, social protection, health and education across levels of government.

Most social and economic rights, however, are delivered through entity, cantonal, Brčko District and local systems. Centres for social work, health institutions, employment services, schools, municipal services and sectoral ministries are the points where formal legal status is converted into an actual service. This constitutional and administrative distribution of competence is a permanent feature of BiH governance.

The policy problem is therefore not decentralisation itself. The problem is that systems do not consistently share information, use common operational guidance, recognise documents in the same way, or maintain predictable referral routes. In the FOSTER sample, only 5 of 30 actors reported functional regular data exchange, while 11 reported no regular exchange relevant to access to rights.

REFORM PRINCIPLE

Do not build a reform agenda around unrealistic institutional centralisation. Build it around interoperability, common minimum service standards, standard data fields, mutually recognised documentation, named focal points, referral protocols and measurable accountability.

3. Data as infrastructure for rights

BiH has comparatively strong status-related migration data. The Central Database on Foreigners and the annual Migration Profile provide a valuable foundation for monitoring visas, residence, irregular migration, international protection, readmission, work permits and citizenship. The data gap appears when a foreign national moves from a migration procedure into an ordinary public service.

Health funds, schools, social welfare centres, employment services and local authorities do not consistently record foreign nationals in ways that can be linked to legal status, type of service, location, vulnerability or outcome. In the FOSTER research, 83.3% of actors reported keeping some form of records, but only 40.0% could disaggregate by legal status, 30.0% by type of service or right, 20.0% by outcome and 13.3% by duration of procedure.

This makes it difficult to answer basic policy questions: How many foreign children are enrolled and need language support? How many foreign workers change employers or leave before permit procedures are closed? How many beneficiaries of international protection use social or health services? Which municipalities face the greatest service demand? Are low complaint numbers evidence of few violations, or of poor access to remedies?

MINIMUM VIABLE REFORM

A practical first step is not a single mega-database. It is a common minimum dataset and regular exchange of aggregated, anonymised information across migration, labour, education, health and social-service systems, with clear legal bases and data-protection safeguards.

4. Horizontal barriers to effective rights protection

Language and interpretation: The lack of interpreters or cultural mediators was the most frequently cited challenge in the research (70.0%). It affects informed consent in healthcare, school enrolment, social-service assessments, administrative procedures, labour complaints and access to legal remedies.

Unclear operational guidance: Half of surveyed actors identified a lack of clear instructions for handling cases involving foreign nationals. Frontline staff may know their sector mandate but not the legal effect of migration or protection documents issued by another institution.

Territorial inconsistency: A person with the same status may encounter a different administrative route depending on location. This weakens equality before public services and makes rights dependent on local experience, project support or individual staff knowledge.

Under-used complaint mechanisms: Only 43.3% of actors reported formal or semi-formal systems for recording complaints by foreigners. The FOSTER research sample recorded 74 complaints or difficult-access cases, concentrated in healthcare (29.7%), labour rights (23.0%) and social protection (17.6%). These are monitoring findings, not national totals.

Project dependence: Legal aid, interpretation, psychosocial support, health referral, statelessness work and child protection are often sustained through international or civil-society projects. Effective practices remain vulnerable when they are not embedded in budgets and regular procedures.

5. Access to rights: where policy delivery breaks down

5.1 Residence, documentation and administrative access

Residence and protection documents are gateways to almost every other right. BiH has a defined legal framework under the Law on Foreigners and the Law on Asylum, but effective access depends on how quickly documents are issued, understood and recognised by service institutions. Administrative uncertainty is particularly serious for people whose status changes, persons without complete documentation, stateless persons or persons at risk of statelessness, and vulnerable persons who need immediate services before status questions are fully resolved.

A strong existing practice is specialised legal assistance. The National Report records long-term support for birth registration, citizenship and identity documentation, including 1,850 persons assisted since 2008 through UNHCR-supported legal work. This demonstrates that targeted legal aid is not merely remedial; it is a system-enabling function that unlocks access to education, healthcare, social protection and employment.

5.2 Social protection and protection of vulnerable persons

Social protection is one of the areas where formal entitlement and practical access can diverge most sharply. Nine of eleven relevant actors in the FOSTER research confirmed that foreigners appear as beneficiaries, but only four kept separate records. Eight expected needs to increase. Centres for social work play a critical role in emergency assistance, guardianship for unaccompanied children, family support, accommodation and referrals, yet capacity and experience differ significantly by location.

Vulnerability protocols need to cover children, women, victims of violence and trafficking, persons with disabilities, stateless persons, asylum seekers, beneficiaries of international protection and workers exposed to exploitation. The FOSTER overview notes 37 identified trafficking victims since 2023, including five foreign nationals, with labour exploitation prominent. This reinforces the need to link social services, labour inspection, migration authorities and specialised civil-society support.

5.3 Employment and labour rights

Foreign employment is becoming a central integration issue. Work permits rose to 6,085 in 2024, with foreign workers increasingly present in construction, hospitality, manufacturing and trade. Labour migration responds to real labour shortages, but the same growth creates risks when residence status, employment, contributions, housing and employer dependency are not monitored together.

The National Report identifies the Roadmap for Employment of Foreign Workers and recent coordination meetings as important positive practices. The next policy step is implementation: simpler and more digital procedures, stronger exchange between employment services, the Service for Foreigners' Affairs, labour inspectorates and tax authorities, better tracking of employer changes and work termination, and multilingual information that allows workers to understand their rights without relying exclusively on the employer.

LABOUR POLICY MESSAGE

Efficient recruitment and worker protection are not competing objectives. Faster procedures, transparent recruitment, contribution monitoring and safe complaint channels jointly support lawful employment, reduce exploitation and protect fiscal interests.

5.4 Education

Foreign children, including asylum-seeking and migrant children, are enrolled in preschool, primary and secondary education, but data are weak and language remains the main barrier. Six of seven relevant actors reported enrolment of foreign children, while only two could disaggregate data by legal status and five identified language as the main obstacle.

The policy priority is to make school inclusion predictable: common enrolment guidance, language bridging and supplementary classes, support and training for teachers, parent orientation, psychosocial referral and better data on foreign pupils. Particular attention is needed for unaccompanied and separated children and children with interrupted education or incomplete documents.

5.5 Healthcare

Healthcare has a legal basis for multiple categories of foreign nationals, including asylum seekers, beneficiaries of international protection and foreign workers. The practical barriers are administrative rather than purely legal: identification numbers, residence registration, changes of status, health-insurance evidence, referrals and interpretation.

Seven of eight relevant actors reported administrative barriers, six reported a lack of interpreters and four reported the absence of clear written instructions. The National Report also shows that significant parts of migrant health support have depended on international partners. The objective should be to preserve effective cooperation while progressively transferring essential referral, interpretation and continuity-of-care functions into regular public systems.

5.6 Complaints, Ombudsman and access to remedies

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina has a broad mandate relevant to foreigners, including anti-discrimination, children's rights, economic and social rights, administration and the National Preventive Mechanism. Yet only 23 migration and asylum cases were recorded in the Ombudsman's 2024 work, and both the National Report and wider monitoring caution against treating low complaint numbers as proof of low levels of rights problems.

Access to remedies should therefore become more visible, multilingual and data-driven. Complaints concerning foreigners should be identifiable not only under "migration and asylum" but also across health, education, labour, social protection, discrimination, policing and children's rights. Implementation of recommendations in urgent cases should be actively followed.

6. Policy choices for Bosnia and Herzegovina

Policy option	What it means	Advantages	Risks / limitations	Assessment
Option A: Continue project-based gap filling	Maintain current legal framework and rely on existing institutions, international organisations and CSOs to resolve practical gaps case by case.	Low immediate administrative cost.	Uneven access persists; donor dependency remains; weak data and accountability; poor scalability.	Not sufficient
Option B: Centralise service delivery	Transfer or concentrate more functions at state level.	Could create uniformity in theory.	Politically and constitutionally difficult; risks duplicating existing service systems; unrealistic in many sectors.	Not recommended as core model
Option C: Build an interoperable rights-delivery architecture	Keep constitutional competences, but introduce common operational standards, data protocols, referral pathways, focal points, interpretation arrangements and monitoring.	High feasibility; uses existing institutions; improves consistency; supports EU alignment and service planning.	Requires sustained coordination and ownership across levels.	Recommended

7. Conclusion

Bosnia and Herzegovina has reached a policy point at which migration can no longer be treated mainly as border management, transit and humanitarian reception. The 2024 evidence shows a continued transit role, but also a growing population of foreign workers, students, family members and people with regulated residence who require reliable access to ordinary public services.

The country already has the core legal framework, competent institutions and several proven practices. What is missing is the architecture that connects them. The most effective reform is therefore a practical one: make information understandable, make documents recognisable across systems, make referrals predictable, make data comparable, make complaints accessible, and make successful support services sustainable.

CENTRAL CONCLUSION

BiH does not need a parallel "system for foreigners". It needs its existing public systems to recognise foreign nationals consistently, exchange the minimum information needed to act lawfully, and deliver the rights already provided by law.

8. Recommendations

Priority 1 – Urgent measures (next 12 months)

1. Establish a formal inter-institutional rights-access coordination mechanism

Create a regular operational forum connecting the Ministry of Security, Service for Foreigners' Affairs, Asylum Sector, Ministry for Human Rights and Refugees, Ministry of Civil Affairs, relevant entity/cantonal/Brčko District bodies, municipalities, human-rights institutions and specialised CSOs. Focus meetings on bottlenecks, referrals, data and implementation, not only policy exchange.

2. Adopt common minimum operational guidance for frontline institutions

Prepare short practical instructions for social welfare centres, health institutions, schools, employment services and local administrations explaining the main categories of foreign nationals, recognised documents, basic entitlements, referral contacts and escalation routes.

3. Introduce a minimum data and reporting protocol

Agree a small set of aggregated fields: legal status, nationality, sex, age group, location, service type, vulnerability indicator, referral and outcome. Establish regular exchange with privacy safeguards rather than waiting for full database interoperability.

4. Put interpretation and multilingual information on an operational footing

Create shared or framework interpretation arrangements for essential administrative, health, social, education and legal-aid services; publish multilingual guides and checklists covering residence, asylum, work, healthcare, education, social protection and complaints.

5. Strengthen labour-migration safeguards as permit numbers grow

Implement the Roadmap for Employment of Foreign Workers through clearer procedures, worker-facing multilingual information, monitoring of contributions and changes of employer, safe complaint routes and risk-based labour inspection in sectors with growing foreign recruitment.

Priority 2 – Medium-term measures (1–3 years)

6. Build interoperable rights-access data systems

Progressively connect lawful status information with labour, health, education and social-service systems where legally justified and proportionate. Publish an annual statistical package on foreign nationals and service use, clearly distinguishing national administrative data from local monitoring.

7. Standardise access to social protection and vulnerability referral

Develop common referral protocols for unaccompanied children, families, victims of trafficking and violence, persons with disabilities, stateless persons and persons at risk of exploitation. Strengthen social welfare centres in locations with visible demand.

8. Make education inclusion predictable

Adopt harmonised enrolment guidance, structured language support, teacher tools, parent orientation and systems for tracking foreign pupils while protecting personal data. Ensure that documentation gaps do not unnecessarily block compulsory education.

9. Develop migrant-sensitive health procedures within the regular health system

Issue practical guidance on entitlements, documentation, insurance, emergency access, referral and interpretation for different categories of foreign nationals. Build continuity of care beyond temporary reception-centre or donor-funded arrangements.

10. Institutionalise cooperation with civil society

Create formal referral and cooperation arrangements with specialised CSOs for legal aid, statelessness, psychosocial support, interpretation, child protection, trafficking and labour-rights support. Develop sustainable public financing or co-financing for functions that have become essential to rights delivery.

11. Strengthen complaint and oversight mechanisms

Enable the Ombudsman and relevant institutions to disaggregate cases involving foreign nationals across thematic areas, improve multilingual access to complaints, and monitor institutional follow-up to recommendations in urgent and vulnerable cases.

Priority 3 – Long-term measures (continuous)

12. Move from project-supported practices to durable public models

Integrate proven functions—free legal aid, statelessness prevention, interpretation, health referral, child protection and vulnerability screening—into regular procedures, public budgets and service standards.

13. Develop local integration mechanisms where lawful residence is growing

Support municipalities and local service providers with focal points, orientation materials, language support, referral directories and community-level inclusion measures tailored to the local profile of foreign residents.

14. Monitor outcomes, not only legal compliance

Track whether foreign nationals actually use services, complete procedures, resolve complaints and maintain access after status changes. Use annual monitoring to update guidance, training, budgets and policy priorities.

15. Align EU approximation with implementation capacity

Treat EU alignment not only as legislative transposition but as administrative readiness: data quality, equal access, non-discrimination, interpretation, complaint accessibility, labour protection and coordinated local delivery.

9. Implementation and Accountability Matrix

Action	Lead / participating actors	Indicative time-frame	Suggested success indicator
Operational coordination mechanism	MoS / MCP / MHRR with competent sector bodies	12 months	Regular meetings; named focal points; published/approved referral map
Minimum data protocol	MoS + statistical/data-holding institutions	12 months	Common fields adopted; quarterly/annual aggregated exchange
Frontline guidance	Competent sector ministries / institutions	12 months	Guidance issued to CSWs, health facilities, schools and employment services
Interpretation & multilingual information	Sector institutions + local authorities + CSOs	12–18 months	Framework interpretation access; multilingual materials available at key access points
Foreign-worker protection package	MCP / employment bodies / labour inspectorates / SFA	12–24 months	Faster procedures; worker information; inspection coverage; contribution and employer-change monitoring
Education inclusion framework	Competent education authorities	1–3 years	Enrolment guidance; language support; teacher tools; improved disaggregated data
Migrant-sensitive health protocols	Health ministries/funds/institutions	1–3 years	Written entitlement/referral guidance; interpretation pathways; reduced administrative refusals/delays
Social protection referral protocols	Social protection authorities / CSWs	1–3 years	Standard vulnerability referral; stronger records; continuity for high-risk cases
CSO institutional partnership model	Relevant public institutions / donors during transition	1–3 years	Formal agreements; referral roles; sustainable financing mechanisms
Annual rights-access monitoring	Ombudsman + public institutions + CSOs	Annual	Public analysis of service access, complaints, implementation gaps and follow-up

10. Advocacy Messages for Different Audiences

For the Council of Ministers and state-level institutions: The cost-effective reform is coordination and interoperability, not the creation of a new parallel administration.

For entity, cantonal and Brčko District authorities: Common minimum standards protect constitutional competences while reducing unequal access and administrative duplication.

For municipalities and service providers: Foreign nationals are already users of ordinary services. Clear guidance, focal points and referral tools reduce workload and uncertainty for frontline staff.

For labour-market institutions and employers: Transparent recruitment, efficient permits and strong labour-rights protection jointly reduce informality, turnover, exploitation and fiscal risk.

For the EU and donors: The next investment priority should be institutionalisation: data interoperability, interpretation, service protocols and sustainable financing of proven support functions.

For civil society and human-rights actors: Field evidence should be converted into standardised monitoring, strategic cases and joint advocacy for system-level reforms rather than remaining only within project reporting.

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Data note: Where figures from the FOSTER National Report derive from official or public sources, they are reproduced here as reported in that National Report. Research-sample percentages and complaint figures are clearly identified as FOSTER monitoring evidence and are not presented as national administrative totals.