

**BOSNIA AND HERZEGOVINA
FEDERATION OF BOSNIA AND HERZEGOVINA
FEDERATION EMPLOYMENT INSTITUTE AND
CANTONAL EMPLOYMENT SERVICES**

**PROCEDURE
FOR ISSUING WORK PERMITS**

Approved on 26 April 2011

In force from 06 June 2011

Issue Number **1**

Sarajevo, April 2011

CONTENTS

1. GOAL AND PURPOSE	3
2. SCOPE OF IMPLEMENTATION.....	3
3. RELATION TO OTHER DOCUMENTS	3
4. DEFINITIONS	3
5. WORK PERMIT	3
5.1 Work Permit Quota	4
5.2 Work permits that are not calculated into the quota	4
5.3 Concluding the Employment Contract or other appropriate agreement	4
5.4 Relationship between the work permit and temporary resident permit	5
5.5 Exemptions from the obligation to possess work permit	5
5.6 Exclusion of implementation of provisions concerning work of aliens	6
6. INFORMATION REQUIRED FOR ISSUING WORK PERMIT	6
6.1 The application for issuing work permit shall include:	7
6.2 Documentation supporting the application for issuance or extension of the work permit	7
7. DESCRIPTION OF INDIVIDUAL STEPS, RESPONSIBILITIES AND AUTHORITIES.....	8
7.1 Receipt and registration of the applications for issuing work permits	8
7.2 Specificity of employer's conditions	8
7.3 Analysis of the work permit application	8
7.4 Inquiries in order to check data concerning the unemployed	9
7.5 Procedure of checking and reporting	9
7.6 Content and deadline for delivering the records checking report	9
7.7 Checking the records on the unemployed persons in the Federation of BiH	10
7.8 Issuing work permits to foreign investors or founders of companies and/or persons authorized to represent the employer and to crafts	10
8. PROPOSAL TO ISSUE APPROVAL FOR WORK PERMIT	10
9. APPROVAL TO ISSUE WORK PERMIT	11
9.1 Procedure upon proposal to issue the approval	11
9.2 Content of the approval	11
10. DECISION ON ISSUING WORK PERMIT	12
11. TERMINATION OF VALIDITY OF THE WORK PERMIT.....	12
12. FEE FOR CONDUCTING THE PROCEDURE, RECORDS AND REPORTS.....	13
12.1 Amount of fee for conducting the procedure	13
12.2 Keeping mandatory records	13
12.3 Reports on work permissions issued	13
13. INSPECTIONS.....	14
14. ELECTRONIC DATA SHARING	14
15. TRANSITIONAL AND FINAL PROVISIONS.....	14
16. ATTACHMENTS.....	14

1. GOAL AND PURPOSE

This Procedure defines procedures for issuing work permit for employment of a foreign national or person without citizenship in the Federation of Bosnia and Herzegovina (hereinafter: the Aliens) to be applied by cantonal employment services (hereinafter: the Service), with prior approval of the Federation Employment Institute (hereinafter: the Institute).

The goal *of the Procedure for issuing work permit* is to achieve uniformity, better effectiveness and timeliness in application of laws and other legislation related to employment of aliens.

2. SCOPE OF IMPLEMENTATION

This Procedure shall be applied in organizational units of the Institute and the Services that are responsible for issuing approvals of employment i.e. work permits to the aliens.

3. RELATION TO OTHER DOCUMENTS

This Procedure has been developed relying on and applying the following legislation:

- Law on Movement and Stay of Foreigners and on Asylum („Official Gazette of BiH“, number 36/08),
- Law on Employment of Foreigners („Official Gazette of Federation of BiH“, number 8/99),
- Law on Employment Mediation and Social Security of the Unemployed Persons („Official Gazette of Federation of BiH“, br. 41/01, 22/05 and 09/08),
- Law on Administrative Procedure („Official Gazette of Federation of BiH“, no. 02/98 and 48/99).

4. DEFINITIONS

- **Alien** – any person who has no citizenship of Bosnia and Herzegovina, but is a citizen of some other country in accordance with that country's regulations, as well as a person without citizenship of any country (stateless persons);
- **Application** – submission by an employer, legal or physical person, who intends to employ an Alien (application form OZ 1 or OZ 2);
- **Proposal for approving issuance of work permit** – an individual act by which the Service requests from the Institute to approve issuing work permit to an Alien;
- **Approval** – individual act whereby the Institute gives consent to issue work permit;
- **Work Permit** – individual act issued by the Service that allows paid work of an Alien.

5. WORK PERMIT

Work permit is a legal authorization allowing an alien to take paid employment with national legal or physical persons, whereby the Alien has the same work-related rights, obligations and responsibilities as employed citizens of BiH, unless otherwise specified under an international agreement.

The work permit for employment of an alien shall be issued by the Service pursuant to legislation applicable to employment of aliens within the specified quota of work permits

in accordance with Article 78 of the Law on Movement and Stay of Foreigners and Asylum, or as a work permit that is not calculated into the quota pursuant to Article 79 of the same Law.

The work permit shall be issued for employment at a specific position and/or specific kind of work.

The work permit may not be issued for a period of time that exceeds one year.

Conditions for issuing work permit:

- That the Service has no registered unemployed persons who meet the conditions required by the Employer for concluding the employment contract or other appropriate contract;
- That the Institute has issued approval for issuing work permit;
- That other conditions provided by law that regulate employment of aliens and conditions from this Procedure have been met.

5.1 Work Permit Quota

Work permit quota is the number of work permits that may be issued to aliens of various professions or aliens performing specific activities within one year, and is based on the Decision by the Council of Ministers of BiH passed in accordance with migration policy and recognizing the situation in the labor market.

Work permits specified in the annual quota by activities and professions shall be issued first for the purpose of extending the already issued work permits, and then for new employment.

When issuing work permits, priority shall be given to the aliens who had already have temporary resident permit in BiH on the basis of bringing family together with the alien with temporary resident permit in BiH.

5.2 Work permits that are not calculated into the quota

The work permit may be issued irrespective of the specified quota in cases provided for under Article 79 of the Law on Movement and Stay of Foreigners and on Asylum, as follows:

- To an Alien who has education that corresponds to the Higher Education, completed post-graduate or Ph. degree in BiH;
- To an Alien whose work is based on an international agreement;
- To an Alien who performs key jobs in a business entity, and who is not exempted from the need of having work permit on the basis of an international agreement;
- To teachers of specific skills who teach or assist in teaching in educational institutions;
- Professional athletes or sports workers who work in BiH on the basis of a valid contract, and
- To an Alien who is marital or extra-marital partner of an Alien who has permanent resident permit in BiH, or is a child of an Alien with permanent resident permit in BiH.

5.3 Concluding the Employment Contract or other appropriate agreement

The Employer may not conclude the Employment Contract or other appropriate agreement with the Alien prior to the Alien having received temporary resident permit.

5.4 Relationship between the work permit and temporary resident permit

An Alien may not commence to work in the Federation of BiH on the basis of the work permit until they have received the temporary resident permit.

5.5 Exemptions from the obligation to possess work permit

5.5.1. The work permit for work in Bosnia and Herzegovina is not required for the following categories of aliens:

- a) Key individuals who are appointed to positions of member of board of directors in legal persons having seat in BiH that are established as joint stock companies in majority ownership of a legal or physical person, except when the appointment has the character of a working relationship or the work on such position lasts longer than three months in total;
- b) Founders of a commercial company having seat in BiH who perform specific tasks in such company if such work has no character of a working relationship or lasts for more than three months a year;
- c) University professors invited by universities in BiH to teach, scientists on scientific development programs, representatives of international organizations taking part in scientific-research projects of importance for BiH;
- d) Experts teachers and lecturers from foreign cultural or educational institutions who are performing their professional jobs in BiH under a program of cultural or educational cooperation;
- e) Civilian and military officials of Governments of other countries who come to work in BiH on the basis of an agreement with bodies of BiH;
- f) Members of international scientific missions conducting research in BiH that had been approved by the Council of Ministers of BiH;
- g) Representatives of religious communities registered in BiH while performing tasks exclusively related to their religious service;
- h) Foreign correspondents accredited in BiH or foreign media reporters;
- i) Artists and technical staff, i.e. authors and performers in opera, ballet, drama or other theatrical performances or concerts, artistic and other performances, as well as the accompanying reporting, organizational and technical staff taking part in cultural workshops, meetings or colonies provided that their stay in BiH for such purpose shall not exceed 30 days of uninterrupted stay in BiH, or more than three months a year in total;
- j) Aliens who, based on an agreement with the Council of Ministers of BiH, Ministry of Defense of BiH, Ministry of Justice of BiH or Ministry of Civil Affairs of BiH carry out work for the needs of defense, legal system or security of the country, or participate in professional development programs in such areas;
- k) Aliens who come to BiH to participate in sports or chess events;
- l) Experts in the area of protection of cultural heritage, libraries and archives, provided that their uninterrupted stay in BiH does not exceed 30 days, or three months per year in total;
- m) Aliens who had been engaged by the foreign employer to provide professional development and training to persons working with the physical or legal persons having seat in BiH, in total duration of three months per year;
- n) Aliens who are holders of temporary resident permit for the purposes of professional development or training provided that their training does not exceed three months of interrupted duration per year;

- o) Aliens performing tasks related to delivery, installation and servicing machines or equipment provided that their work does not exceed 30 days of uninterrupted duration or three months of interrupted duration per year;
- p) Aliens who take part in organized professional gatherings and seminars;
- q) Aliens taking part in exhibition or fair events where their employer is exhibiting;
- r) Aliens working in circuses or amusement parks provided that they do not stay for more than three months a year in BiH;
- s) Aliens with whom a citizen of BiH is in marital or extra-marital partnership, or a child of a citizen of BiH who has residence permit in BiH;
- t) Aliens who have status of regular students in BiH when performing the temporary jobs in accordance with regulations applicable to such kind of work;
- u) Aliens enjoying international protection or temporary protection and aliens with permanent resident permit in BiH, as provided under Article 85 of the Law on Movement and Stay of Foreigners and Asylum.

Aliens from categories i), l), m), o), r) or s) may stay in BiH for the work purposes only if they have concluded a valid contract with a physical or legal person registered for performing the related activities in BiH.

5.5.2. Aliens who have temporary resident permit issued to them for humanitarian reasons pursuant to Article 54, paragraph 1, point d) of the Law on Movement and Stay of Foreigners and on Asylum (*Principle of "non-refoulement"*), but who do not enjoy international protection have the right to work under the same conditions as the citizens of BiH.

5.5.3. Aliens whose temporary stay has been approved on the basis of voluntary work in humanitarian organizations, associations of citizens or foundations, are exempted from the requirement to obtain work permit.

5.6 Exclusion of implementation of provisions concerning work of Aliens

Provisions of the Law on Employment of Aliens and provisions under Articles 77 through 86 concerning the movement of foreigners and asylum (*Entry and stay of Foreigners in BiH for the purposes of work*) do not apply to an alien who is:

- a) member of diplomatic mission or consular office of the foreign country or is a member of a mission having diplomatic status and who has special identification card;
- b) who enjoys privileges and immunity on the basis of an international agreement;
- c) who performs jobs in BiH on the basis of an international agreement on professional and expert assistance that is concluded between BiH and other country, international institution or EU, or who implements a project pursuant to such international agreement.

6. INFORMATION REQUIRED FOR ISSUING WORK PERMIT

The procedure of deciding on application for work permit shall be conducted in accordance with provisions of the Law on Administrative Procedure, regulations on office business and in accordance with this Procedure, assuring in particular legality, effectiveness, cost-efficiency and uniformity.

The application for issuing work permit to an Alien shall be submitted in **OZ 1** form that may be found in the Service or downloaded from the web page of the Institute or the Service. The application for extension of work permit shall be submitted on the **OZ 2**

form. Forms OZ 1 and OZ 2 shall filled by the employer who intends to conclude employment contract or other appropriate contract with the alien.

6.1 The application for issuing work permit shall include:

- information about the alien, in particular: full name (first name and surname), including all prior names and surnames; names and surnames of the parents; date of birth; sex; place of residence and address in the country of origin; number, date and place of issuance of the current travel documents;
- information on the job position, kind and conditions of work;
- number and date of registration of the commercial company, representing office, independent business or craft in the Federation of BiH;
- number and date of the bank confirmation of the employer's solvency;
- name, number and date of the written document that represents a proof that all tax obligations and contributions have been paid for all already existing employees, including the alien in case of permit extension application;
- number and date of written explanation of the employer of justification for employing an alien;
- number, date and place of issue of the diploma of education of the alien that must be translated into one of the languages in official use in BiH and nostrified by the responsible body.

6.2 Documentation supporting the application for issuance or extension of the work permit

Along with the application for issuing work permit enclosed shall be certified copies of the following documents:

- passport or other valid travel document, and in exceptional cases, certified translation of such documents too;
- diplomas on concluded education that must be translated into one of the languages in official use in BiH and nostrified by the responsible bodies, notwithstanding the exceptions provided under point 7.8;
- decision on registration of the employer – commercial company, representing office, independent business or craft etc. in the Federation of BiH, tax number and tax registration certificate;
- evidence on employer's solvency issued by a bank where the employer has their account;
- decision on establishment, i.e. work rulebook including organizational chart or other appropriate document (job description and conditions for establishing working relationship) for the employer with 15 job positions or more;

The following documents shall be enclosed as originals:

- written employer's explanation of the justification of hiring an alien in accordance with point 7.2 (special conditions);
- evidence that all taxes and mandatory contributions have been paid for all employees when issuing the first work permit, except for newly established businesses;
- evidence that all administrative costs and applicable fees have been paid.

Along with the application for extension of the work permit enclosed shall be certified copies of the following documents:

- passport or other valid travel document, in exceptional cases also certified translation of such documents;
- contract on work concluded on the basis of previously issued work permit;
- excerpt from the court registry or confirmation of the responsible body certifying the performance of activity;
- evidence of employer's solvency issued by the bank where the employer has their account;
- evidence that all taxes and contributions have been paid for all employees;
- evidence that administrative costs and applicable fees have been paid.

Procedure for extension of the work permit is initiated by submitting the application 30 days before the expiration of the current work permit.

When deciding on the application, special attention should be paid to the passport or other travel document expiry date because the work permit may only be issued until the date that precedes the expiry date of the travel document by three months.

7. DESCRIPTION OF INDIVIDUAL STEPS, RESPONSIBILITIES AND AUTHORITIES

7.1 Receipt and registration of the applications for issuing work permits

The application for issuing work permit shall be submitted to the Service having territorial jurisdiction for the location of the Employer's seat.

7.2 Specificity of employer's conditions

Conditions the employer requires to be met in order to conclude agreement on work or contract to carry out temporary or occasional work with the alien must be specified in such a way that provides for the following:

- That the profession for which the work permit is applied for has been foreseen in the Standard Classification of Jobs;
- That they are in line with the educational degree (professional training) required for performing such job;
- That special knowledge, skills or abilities that are required for performing the profession (job), which are proved by appropriate certificates, confirmations and proofs etc. are usual, mutually connected, related, appropriate for the level of education and needs of the job from the Standard Classification of Jobs;
- That the legal act of the Employer, in case that the Employer is obliged to have one, provides for the job with the necessary education level for which the work permit for the alien is applied for, and that such job has been standardized, usual, adequate for the needs of the Employer considering the business they perform.

7.3 Analysis of the work permit application

The official who is authorized to take action in the process for issuing work permit analyzes the application and the supporting documentation submitted.

In case that the application is incomplete – it does not contain all information required to make decision or is unclear, as well as in case that not all necessary documentation required for decision making has been submitted, the applicant is invited in writing to complete the application and remedy all shortcomings.

The written notification to the Employer must include:

- a) Name of the submission, act or attachment or other elements that are missing in order for the application to be complete;
- b) Deadline by which the Employer has to complete the application, along with instruction on obligation to complete the application within the specified time.

In case that the applicant fails to act as instructed in order to remedy the shortcomings and fails to remedy the shortcomings in the given time, or fails to submit the necessary documentation within no more than fifteen (15) days from the date of receiving written notification, the Service shall decide on the application in accordance with the rules of administrative proceedings.

Decision of the Service may be appealed within eight (8) days from the date of receiving the decision to the Cantonal Ministry responsible for labor and employment issues. The decision of the responsible ministry for labor and employment is final and cannot be challenged in administrative dispute.

7.4 Inquiries in order to check data concerning the unemployed

If the application contains all the data and all documentation necessary for conducting the procedure for issuing work permit are provided in accordance with point 7.2, the official shall check the data concerning the registered unemployed persons by sending within three (3) days a written inquiry to the organizational units for recording and/or mediating in employment to check whether there are registered persons there who meet conditions required by the employer in order to conclude the contract of work or other appropriate contract with the alien.

7.5 Procedure of checking and reporting

- In response to written inquiry by the person conducting the procedure for issuing work permit, the organizational unit responsible for registration and/or mediation in employment checks whether there are persons registered as unemployed who meet the requirements of the employer wishing to employ an alien.
- In the process of checking, all measures that are appropriate in the concrete case (obtaining necessary documents, conducting interviews with the candidates, taking minutes, etc.) with the purpose of properly ascertaining whether there are unemployed persons registered with the Service who meet the conditions required by the employer in order to conclude contract on employment or other appropriate agreement, and whether such persons would accept such job if offered.

7.6 Content and deadline for delivering the records checking report

- Written report of the organizational unit responsible for registration and/or mediation in employment must be signed by the head of that organizational unit, stating the number and date of issuing the report.
- The written report shall clearly state whether there are persons registered as unemployed who meet the employer's requirements for concluding employment contract or other agreement on performing temporary or occasional tasks with the alien, number of such persons and the bureau of the service that has registered them, as well as whether such persons would accept the job offered.
- The deadline for sending the records checking report is eight (8) days from the date of sending the inquiry in case that there are no persons meeting the employer's requirement registered. In case that there are persons meeting requirements registered as unemployed and the mediation procedure (7.5, point 2) need to be conducted, the deadline for sending the report is fifteen (15) days.

7.7 Checking the records on the unemployed persons in the Federation of BiH

In case that an application has been submitted for issuing work permit that is not calculated into the quota according to Article 79, point a) of the Law on Movement and Stay of Aliens and Asylum, or for an alien who has education that corresponds to higher education, post-graduate or ph degree in BiH, the official of the Institute shall check in the process of issuing such approval whether there are persons registered as unemployed in the Federation of BiH who meet the conditions required by the employer to conclude employment contract or other appropriate agreement with the alien.

The approval for issuing work permit in this case shall be given only if unemployed persons registered in the location other than the seat of the employer do not accept the offered employment.

This measure is aimed to contribute to mobility of labor and establishing single labor market in the Federation of BiH, providing that in case that the unemployed person refuses the offered job, due to special circumstances, this shall not be considered or sanctioned within the meaning of the provision under Article 22, paragraph 1, point 6) of the Rulebook on records in the area of employment ("Official Gazette of the Federation of BiH" number 24/06).

7.8 Issuing work permits to foreign investors or founders of companies and/or persons authorized to represent the employer and to crafts

In case that the application for issuing work permit is submitted by foreign investors or founders of companies and/or persons authorized to represent the employer (directors, executive directors, procurator, etc.) or persons registered to carry out independent activity- craft, the procedure of issuing work permit has been exempted from the specific rules provided under this Procedure and shall be finished within no longer than 15 days from the date of submitting the application.

In case of persons authorized to represent the employer or craft there will be no checking whether there are unemployed registered as unemployed who meet the requirements stated in the application for issuing work permit.

Persons authorized to represent the employer and craftsmen shall be exempted from the obligation to nostrify their diplomas, providing that they enclose certified translation of the diploma proving their completed education together with the application for issuing work permit.

The proposal for issuing work permit to persons authorized to represent the employer and craftsmen, together with the case file, shall be sent to the Institute not later than eight (8) days from the date of receiving the application, and the Institute shall issue the approval not later than three (3) days from the date of receiving the proposal.

8. PROPOSAL TO ISSUE APPROVAL FOR WORK PERMIT

Upon receiving the records checking report, or if such checking had not been conducted pursuant to point 7.8, the official responsible for the work permit approval procedure shall prepare proposal for giving approval for issuing work permit based on the facts stated in the enclosed documentation and documentation obtained ex officio, that is submitted to the Institute within three (3) days from the date of receiving the application i.e. records checking report.

In addition to personal information on the alien, the job position, type of work to be done and information on the employer, as well as the information on the conducted checking of

the records of the unemployed persons, the proposal to give approval for issuing work permit shall contain the proposed period for which the approval is requested.

The Service may propose to issue work permit if there are persons registered as unemployed who possess appropriate level of education who also meet the employer's requirements that are necessary for the purpose of concluding the work contract or other appropriate agreement with the alien if the persons registered as unemployed refuse the job offer.

9. APPROVAL TO ISSUE WORK PERMIT

9.1 Procedure upon proposal to issue the approval

The Service may not issue decision on issuing work permit to an alien until they have obtained prior approval by the Institute, i.e. approval to issue work permit.

Upon completing the Proposal of the Service, the official authorized to take actions regarding issuing work permit approval in the Institute is obliged to make decision within eight (8) days from the date of receiving the proposal, or three (3) days in case described under point 7.8 of this Procedure.

In case that the registry of the unemployed persons in the Federation of BiH are to be checked, the deadline for making the inquiry is three (3) days from the date of receiving the proposal, and the deadline for decision making upon proposal for issuing the approval is eight (8) days from receiving the records checking report.

In case of finding faults in the application and/or proposal for issuing the approval, the official shall notify in writing the Service and/or the Employer immediately upon receiving the case file and invite them to remedy the established faults within eight (8) days from the date of receiving the notification.

The written notification must include the name of the submission, act or attachment that contains the fault that needs to be corrected or supplemented the application/proposal as well as the instruction on actions that will be taken in case of non-acting in accordance with the written notification – i.e. that the case will be concluded by making decision to refuse the proposal for issuing the work permit.

Upon having conducted the procedure, the Institute shall approve or refuse the proposal for issuing work permit to the alien and they will send it to the Service together with the complete case file for further proceeding.

9.2 Content of the approval

The approval for issuing work permit to the alien shall contain the following mandatory information:

- number and date of receiving the application for work permit;
- number and date of the proposal by the Service to issue approval for work permit;
- personal data of the alien,
- information on translation of the Diploma into one of the languages in official use in BiH and/or nostrification data;
- information on the employer and job position to which the alien is to be employed,
- information on education level of the alien,
- period for which the approval for work permit is issued,
- information whether the approval is issued for new employment or extension of the work permit;

- information whether the work permit is calculated into the quota or issued irrespective of the specified work permit quota;
- explanation in case that the approval is issued for a period shorter than the period requested by the Employer or proposed by the Service.

10. DECISION ON ISSUING WORK PERMIT

Upon receiving the approval for issuing work permit or refusal of the proposal to issue work permit, the Service shall make decision on issuing work permit or decision refusing the application for issuing work permit within three (3) days.

The Decision on work permit must contain the following:

- number and date of the approval issued by the Institute;
- personal information on the alien,
- information on translation of the Diploma into one of the languages in official use in BiH and/or nostrification data;
- information on the employer and job position to which the alien is to be employed,
- information on education level of the alien,
- period for which the approval for work permit is issued,
- information whether the approval is issued for new employment or extension of the work permit;
- information whether the work permit is calculated into the quota or issued irrespective of the specified work permit quota;
- explanation in case that the approval is issued for a period shorter than the period requested by the Employer or proposed by the Service,
- instruction regarding legal remedies.

Decision on issuing the work permit shall be served to:

- Employer;
- Ministry of Security of BiH / Responsible organizational unit of the Service for Foreigners' Affairs,
- Federation Employment Institute;
- Tax Administration;
- Labor inspection.

The Service for Foreigners' Affairs shall notify the Service and send a copy of decision on temporary resident permit on the basis of work permit issued within three (3) days from the day of making the decision to permit the residence.

11. TERMINATION OF VALIDITY OF THE WORK PERMIT

- 1) The Work Permit shall cease force:
 - a) on expiry of the time for which it has been issued, and in any case with expiry of one year since the date of issuance;
 - b) by termination of the working relationship or termination of temporary stay in BiH;
 - c) by withdrawal in case of committing a criminal offense or serious offense against public order and peace that is subject to penalty imprisonment, as well as in other cases foreseen in the Law;
 - d) for other reasons foreseen in regulations defining the employment of aliens.

2) In cases from points 1 a), b), d) and e), the Service is obliged to notify the responsible Service for Foreigners' Affairs immediately, but not later than within the same working day.

Upon establishing the facts that lead to withdrawal and termination of the work permit, the Service shall issue decision in accordance with the provisions of the Law on Administrative Procedure.

3) In case of non-approval, expiry or termination of the temporary residence, the Service for Foreigners' Affairs shall notify thereupon the Service immediately, but in any case on the same working day when the decision was made.

The service shall withdraw the work permit of an alien to whom a final and binding verdict has been pronounced for a criminal offense that is subject to penalty of imprisonment, or to whom misdemeanor sanction, protective measure of prohibiting performance of a profession, activity or duty have been pronounced and deliver the decision thereupon to the employer of the alien and to the responsible labor inspection within three (3) days.

The employer or the alien may appeal against the decision on withdrawing the permit to the ministry responsible for labor and employment issues within eight (8) days from the date of receiving the decision.

The Ministry responsible for labor and employment issues shall decide on appeal in a decision that is final and may not be challenged in administrative dispute.

No new work permit may be issued to the alien before expiry of one year from the day of withdrawing the work permit.

12. FEE FOR CONDUCTING THE PROCEDURE, RECORDS AND REPORTS

12.1 Amount of fee for conducting the procedure

The applicant – employer shall submit evidence that the compensation for administrative costs in the process of issuing work permit and applicable fees identified in cantonal legislation have been paid. The amount of compensation for administrative costs in the process of issuing work permit shall be identified by special decisions of the responsible bodies of the Institute and the Service. The fee for administrative costs of the Service may not exceed 100.00 KM, and of the Institute may not exceed 50,00 KM.

12.2 Keeping mandatory records

In line with the Law on Employment of Foreigners, Law on Mediation in Employment and Social Security of Persons and Rulebook on Employment Registries, the Services are obliged to keep record of foreigners in the Registry of Foreign Citizens and Persons without Citizenship who are employed or seeking employment in the Federation of BiH – form KE-3, which is an integral part of the Rulebook on Records Keeping.

12.3 Reports on work permissions issued

The Services are bound to send to the Institute, for the purpose of reporting to the responsible national institutions, the following information:

- **Quarterly report**
 - on total number of work permits issued for new employment, by industries and professions, that are calculated into the quota;

- on total number of work permits extended, by industries and professions, that are calculated into the quota;
 - on total number of work permits by industries and professions that are not calculated into the quota.
- **Monthly and quarterly reports**
 - on total number of work permits issued by countries of origin and aliens' qualification structure.

13. INSPECTIONS

Pursuant to Article 55 of the Law on Mediation in Employment and Social Security of the Unemployed Persons and Article 16, paragraph 2 of the Law on Employment of Foreigners of the Federation of BiH, implementation of this Procedure shall be supervised by the Federation Inspection Administration.

In case that the responsible body of the labor inspection establishes that an Alien is lacking a work permit issued in accordance with the said legislation or that they are non-compliant with other prescribed conditions for work, they shall prohibit the work of the alien.

The Labor Inspection shall notify the Service, the cantonal Ministry of Internal Affairs and the Service for Foreigners' Affairs on any prohibition of work issued.

14. ELECTRONIC DATA SHARING

Method of obtaining the documentation automatically and data sharing with participants in the procedure for issuing work permit shall become official once the network of information system of participating institutions – court registries, Federation Statistical Institute, Federation Tax Administration and others has been established. Enabling authorized access to court decisions, activity codes, tax payer codes and obtaining them ex officio is aimed at expediting the procedure of issuing work permit, what would provide for full efficacy and cost-effectiveness of the process.

15. TRANSITIONAL AND FINAL PROVISIONS

This Procedure shall apply as of 06 June 2011, after the Agreement on Implementing the *Procedure for Issuing Work Permit* have been signed by authorized public employment services.

With implementation of this procedure the implementation of the Unified Methodology in the Procedure of Employing Aliens and Persons without Citizenship in the Federation of BiH shall cease.

Words used in this Procedure Document in one grammatical gender apply equally to both male and female gender.

16. ATTACHMENTS

Integral parts of this Procedure document are the following:

- *Application for issuing work permit – OZ 1*
- *Application for extension of work permit – OZ 2*
- *Inquiry to check the unemployment registry*
- *Proposal to issue work permit*

- *Approval to issue the work permit*
- *Decision on issuing work permit*
- *Decision on refusing issuance of work permit.*