

IPA National Programme 2008 Part II – Bosnia and Herzegovina

Fiche 15: Asylum Reception Centre Construction

1. Basic information

1.1. CRIS Number: 2008/20-339

1.2. Title: Assistance in Asylum Reception Centre Construction

1.3. ELARG Statistical code: 03.24 European Standards/Justice, freedom and security

1.4. Location: Bosnia and Herzegovina

Implementing arrangements:

1.5. Contracting Authority: European Commission

1.6. Implementing Agency: European Commission

1.7. Beneficiary:

Ministry of Security of Bosnia and Herzegovina

Asylum Department

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Financing:

1.8. Overall cost (VAT excluded): EUR 2,000,000

1.9. EU contribution: EUR 1,500,000

1.10. Final date for contracting: Two years following the date of the conclusion of the Financing Agreement

1.11. Final date for execution of contracts: Two years following the end date of contracting

1.12. Final date for disbursements: One year following the end date for the execution of contracts

2. Overall Objective and Project Purpose

2.1. Overall Objective

The overall objective of the project is to improve migration management capacities of the Ministry of Security, especially the Asylum Department.

2.2. Project purpose

The purpose of the project is to assist Ministry of Security in the construction of an Asylum Reception Centre.

2.3. Link with AP/NPAA / EP/ SAA

The European Partnership mentions as priorities:

- *Adopt a State level migration strategy and the new Law on movements and stays of aliens.*
- *Implement the EC/Bosnia and Herzegovina readmission agreement and negotiate readmission agreements with the countries of origin of transiting migrants.*
- *Ensure that reception centres meet international standards and assume full ownership of their financing and management.*

According to the European Commission 2007 Progress Report

“Bosnia and Herzegovina lacks an appropriate asylum reception centre. It has not yet assumed full control of the existing ones, which are still funded by the UNHCR. These centres lack the capacity and standards required to serve as long-term official asylum centres“

The construction of the Asylum Reception Centre will also support the implementation of the Stability and Association Agreement, Title VII –Justice, Freedom and Security, Article 80.

2.4. Link with MIPD

The MIPD 2008-10 includes the institutional support and capacity building of the Ministry of Security and the future Reception Centre in the visa, asylum and migration field, and defines expected results as following:

- *Assumed full ownership over financing and management of the reception centres meeting international standards.*
- *The capabilities of the law enforcement agencies in the fight against money laundering, drugs organised crime, trafficking in human beings and smuggling of migrants, terrorism and corruption will be enforced.*

2.5. Link with national/ sectoral investment plans

The Action Plan in the field of Immigration and Asylum was adopted by the B&H Council of Ministers in April 2004. The Action plan set as target *“the development of a quality system of*

border control, visa regime, B&H immigration and asylum system according to the EU standards, which should enable the B&H integration into the European union". The following measure is one of those that should be undertaken to realize the mentioned target according to EU standards:

Construction/establishment and functioning of the Center for illegal migrants, Asylum Center for asylum seekers and Safe houses for victims of trafficking in human beings;

The Draft-Strategy in the field of immigration and asylum is being prepared by the working group consisted of representatives of all relevant institutions in field of migration management. The Draft –Strategy should be referred for examination to the B&H Council of Ministers at the end of April 2008.

The EU Integration Strategy of Bosnia and Herzegovina states under Justice and Home Affairs, Border Control, Asylum, Migration and Visa Issues the following:

Necessary measures

- improve the legal bases for the implementation of obligations pertaining to the movement and residence of foreigners and asylum as well as harmonization with international conventions,
- strengthen the state system of asylum and migration in B&H in accordance with EU standards,
- improve institutional capacities for dealing with matters of asylum.

3. Description of project

3.1. Background and justification

Bosnia and Herzegovina does not have a dedicated center for the reception and accommodation of asylum seekers. There are two current facilities at different locations and with different mandates. One is under the competence of the Ministry of Security and primarily for asylum seekers and the other is primarily refugee centre under the auspices of the Ministry of Human rights and Refugees, however this facility also house asylum seekers as an overflow facility. Both facilities are inadequate and don't fulfill basic international standards.

The trends are showing a reduction of the number of refugees relative to the number of asylum seekers with increasing normalization of migration patterns. For instance, in 2007 some 149 asylum applications were received by the Department for Asylum at MOS for a total of 572 people. To date 76 applications could be processed for 269 individuals whilst 73 are still being processed affecting 303 individuals. Expectations are that these are realistic levels for future numbers of applications.

The Law on Movement and Stay of Aliens and Asylum provides a legal basis for the establishment and functioning of the permanent reception center for asylum seekers. The Law also prescribes conditions, which should be met for the accommodation of asylum seekers. These are not met under current arrangements hence raising issues of respect of human rights and freedoms of Asylum seekers.

Within the Migration, Asylum, Refugees Regional Initiative (MARRI), the Country Team for Bosnia and Herzegovina, produced an Action Plan for Immigration and Asylum which the B&H Council of Ministers approved on April 6, 2004.

The Action Plan for Immigration and Asylum describes the legislation, the current situation and provides analyses carried out in the past period in the field of border management, visa regime, immigration and asylum in the territory of B&H. It defines the tasks of the cumulative implementation, which enables the establishment of a quality immigration system in B&H in accordance with the standards of the European Union. The establishment of a quality immigration system is the basic precondition for the integration of the B&H immigration system in the European Union's immigration system. The implementation of defined tasks is underway, but the Asylum Centre construction is one of those tasks which B&H is unable to implement on its own. The construction of the Asylum Reception Center is a precondition for a functioning immigration and asylum system in BiH and needs to be in place for further integration of BiH into the European Union.

3.2. Assessment of project impact, catalytic effect, sustainability and cross border impact

This project will impact directly on the quality of life of Asylum seekers and their dependents and provide a coherent and manageable process that is transparent and well defined to both the government and the people affected. Sustainability is fully guaranteed through inclusion of the operation costs in the national budget and the requirements to have a functioning system in place which is internationally monitored. The cross border impact is significant as most asylum seekers are migrating from the Western Balkan Region. A functioning system will provide more security of law and realistic expectations for Asylum seekers across the region, as well as credibility of BiH in the International Community.

3.3. Results and measurable indicators:

R.1 A building contractor is selected

Indicator: The contract is signed

R.2 A supervising contractor is selected

Indicator: The contract is signed

R.3 The Asylum Centre construction is completed

Indicator: Final building inspection is completed

R.4 All construction works are approved

Indicator: Final Invoice is processed

3.4. Activities

- Construction works
- Exterior rendering and completion of exterior works

- Supervision of works

3.5. Conditionality and sequencing

The main conditionality of this project is that the land, the design and the construction permits are available. Ministry of Security has provided land, the design and the building permit are currently being prepared. The design is scheduled to be completed in June 2008. Furthermore the following activities will be undertaken in preparation for this project

- Preparation of tender documentation and launching the tender for the selection of the construction contractor to be launched by the EC Delegation
- Preparation of tender documentation and launching the tender for the selection of the supervision contractor to be launched by the EC Delegation

3.6. Linked activities

The project is linked to the following previous and ongoing CARDS activities, none of which would be overlapped.

Completed projects in the area of Migration and Asylum:

- CARDS 2003 “Support to the Asylum management Capacity in BIH”;
- CARDS 2003 “Support to the Migration management Capacity in BIH”; and
- Regional CARDS 2003 “Establishment of a legislative, regulatory and institutional framework in the field of migration, asylum and visa according to EU standards”.

Ongoing projects in the area of Migration and Asylum:

- CARDS 2005 “Support to the Asylum management Capacity in BIH”;
- CARDS 2005 “Support to the Migration management Capacity in BIH”; and
- CARDS 2006 “Construction of the immigration centre”.

Completed projects under the State Border Service (Border Police):

- Twinning with State Border Service Crime Investigation Office (CARDS 2002);
- Police Officers Training Programme (CARDS 2002);
- Supply of surveillance and protection equipment (OBNOVA and CARDS 2000, 2001, 2002);
- Provision of an Automatic Fingerprint Identification System (AFIS) (CARDS 2003);
- Construction of the Border Police HQ Building in Sarajevo (CARDS 2003), co-financed between the EC and the Border Police / Ministry of Security of Bosnia and Herzegovina
- Supply of Hardware for Exchange Server within NOC, for Weapon Database System, for national DNA Database System and for Criminal Analysis Network Hardware, for the implementation of MIS in BIH, for the BIH Courts and Prosecutors (CARDS 2003); and
- Provision of Telecommunication system (CARDS 2003 and 2004).

Twinning project for the State Border Service (now Border Police), financed under CARDS 2004, started in June 2004 and lasted 14 months. It was focused on strengthening of the organization and management of crime investigation of the State Border Service and its Central Investigation Office.

Planned project for the State Border Service (now Border Police), under CARDS 2006 programme, will be the continuation of the CARDS 2004 twinning project, focused on capacity building.

The project under IPA 2007 programme is aimed to provide the existing Asylum Reception Centre (temporary shelter made out of wood) with household contents like mattress for bed, blankets, dining tables and chairs etc.

The project under IPA 2008 programme will be the continuation of the above mentioned projects.

In addition to the EC assistance in the sector, the following has also provided support: the Czech Government, ANEAS Regional Projects (supported by Hungary and Sweden), International Centre for Migration Policy Development (ICMPD), as well as the IOM and UNHCR in the capacity of implementing agencies.

3.7. Lessons learned

There were difficulties with the implementation of projects from CARDS 2003, most of which was related to poor stakeholder involvement and co-ordination. More recent projects have learnt this lesson and built project on comprehensive stakeholder and beneficiary systems.

Because of the fact that earlier projects were aimed to develop capacities of some beneficiaries and the Project under IPA 2007 had been aimed to address all beneficiaries, but this Project is aimed to round off the comprehensive development in the field of migration management and it will enable the B&H authorities to accept and accomplish EU and international standards regarding asylum seeker accommodation and treatment.

4. Indicative Budget (amounts in EUR)

				SOURCES OF FUNDING								
			TOTAL EXP.RE	IPA COMMUNITY CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1		x	1.800.000	1.300.000	72,22	500.000	27,78	500.000				
Works Contract 1.1.	-	-	1.800.000	1.300.000	72,22	500.000	27,78	500.000				–
Activity 2		x	200.000	200.000	100							
Service Contract 2.1. (works supervision)	–	–	200.000	200.000	100							
TOTAL IB												
TOTAL INV			2.000.000	1.500.000	75	500.000	25	500.000				
TOTAL PROJECT			2.000.000	1.500.000	75	500.000	25	500.000				

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	Q2 2009	Q4 2009	Q4 2011
Contract 2.1.	Q2 2009	Q4 2009	Q4 2011

All projects should in principle be ready for tendering in the 1st Quarter following the signature of the FA

6. Cross cutting issues

6.1. Equal Opportunity

This project is about ensuring equal opportunity and human right based conditions in the asylum system. It is designed to ensure equal treatment and transparent processes for Asylum cases within an international framework.

Equal opportunity for participation of men and women and the minorities will be assured in all aspects of project implementation. Contractors involved in the project will be required to provide monitoring data recording the participation of men and women and minorities representation in terms of expert inputs and trainee days as an integral component of all project progress reports.

6.2. Environment

The project is not anticipated to have negative effects on the environment within the prevailing laws.

6.3. Minorities

Participation in the project activities will be guaranteed on the basis of equal access regardless of racial or ethnic origin, religion or belief, disability, sex or sexual orientation.

ANNEXES:

ANNEX I Logical framework matrix in standard format

ANNEX II Amounts (in EUR) Contracted and disbursed by quarter for the project

ANNEX III Description of Institutional framework

ANNEX IV Reference to laws, regulations and strategic documents:

ANNEX I: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche	Programme name and number: Assistance in Asylum Reception Centre construction	
	Contracting period expires: N+2	Disbursement period expires: N+5
	Total budget :EUR 2,000,000	IPA budget: :EUR 1,500,000

Overall objective	Objectively verifiable indicators	Sources of Verification	
The overall objective of the project is to improve migration management capacities of the Ministry of Security, especially the Asylum Department.	Asylum seekers application processed within timeframes	Monitoring reports	
Project purpose	Objectively verifiable indicators	Sources of Verification	Assumptions
The purpose of the project is to assist Ministry of Security in the construction of an Asylum Reception Centre.	Asylum seekers and MoS making use of the facility	Departmental reports List of residence	The centre is fully equipped and functioning
Results	Objectively verifiable indicators	Sources of Verification	Assumptions
R.1 A building contractor is selected R.2 A supervising contractor is selected R.3 The Asylum Centre construction is completed R.4 All construction works are approved	The contract is signed The contract is signed Final building inspection is completed Final Invoice is processed	The contracts Inspector's report Proof of payment	Weather is conducive to timely completion
Activities	Means	Costs	Assumptions

Construction works	Works and service contracts	2 MEUR	The Ministry of Security is responsible to provide land and building permit, as well as to provide the building design. Note that the Ministry of Security will finance those activities (in addition to 0.5 MEUR of BiH contribution)
Exterior rendering and completion of exterior works		(EU contribution:1.5MEUR & BiH contribution: 0.5 MEUR)	
Supervision of works			

ANNEX II: Amounts (in EUR) Contracted and disbursed by quarter for the project

Contracted	Q4 2009	Q1 2010	Q2 2010	Q3 2010	Q4 2010	Q1 2011	Q2 2011	Q3 2011	Q4 2011
Contract 1 Works*	1.300.000								
Contract 2 Service	200.000								
Cumulated	1.500.000								
Disbursed									
Contract 1 Works*		260.000		520.000	260.000	260.000			
Contract 2 Service	60.000		40.000		40.000		40.000		20.000
Cumulated	60.000	320.000	360.000	880.000	1.180.000	1.440.000	1.480.000		1.500.0000

ANNEX III: Description of Institutional framework

According to the Law on Ministries and other administrative bodies of Bosnia and Herzegovina (B&H Official Gazette 05/03) the Ministry of Security is responsible for:

the implementation of B&H immigration and asylum policy and regulation of the movement and stay procedures of foreigners in Bosnia and Herzegovina.

Further the Law on Movement and Stay of Foreigners and Asylum of Bosnia and Herzegovina (B&H Official Gazette 29/03) regulates the establishment of Asylum Centre as following:

Institutions specialised for the reception of aliens

Article 67

(Structure of institutions)

1. Immigration centres, asylum centres, centres for accommodation of victims of trafficking of human beings and other institutions specialised for the reception of aliens may be established for the purpose of implementing the present Law.
2. At the proposition of the Ministry, the BiH Council of Ministers shall, by way of by-laws determine the title and the type of the institution specialised for the reception of aliens, the method of their administration, finance requirements, operational standards, the method of providing special conditions for beneficiaries of specialised institutions, insurance of supervision of aliens against whom a supervision measure has been imposed, as well as other issues relevant for the operation of a certain type of a specialised institution.
3. Prescribed special conditions for institutions specialised for the reception of aliens shall fulfil the requirements ensuing from the Constitution and international standards relating to the treatment of beneficiaries of those specialised institutions.
4. The operation of the institution specialised for the reception of aliens shall be monitored by the Ministry.

ANNEX IV: Reference to laws, regulations and strategic documents:

1. Law on Ministries and other administrative bodies of Bosnia and Herzegovina (B&H Official Gazette 05/03)

According to the Law on Ministries and other administrative bodies of Bosnia and Herzegovina (B&H Official Gazette 05/03) the Ministry of Security is responsible for:

the implementation of B&H immigration and asylum policy and regulation of the movement and stay procedures of foreigners in Bosnia and Herzegovina.

2. Law on Movement and Stay of Foreigners and Asylum of Bosnia and Herzegovina (B&H Official Gazette 29/03)

Further the Law on Movement and Stay of Foreigners and Asylum of Bosnia and Herzegovina (B&H Official Gazette 29/03) regulates the establishment of Asylum Centre as following:

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3. Stability and Association Agreement

TITLE VII

JUSTICE FREEDOM AND SECURITY

Article 80

Visa, border management, asylum and migration

The Parties shall co-operate in the areas of visa, border control, asylum and migration and shall set-up a framework for the co-operation, including at a regional level, in these fields, taking into account and making full use of other existing initiatives in this area as appropriate.

Co-operation in the matters above will be based on mutual consultations and close co-ordination between the Parties and should include technical and administrative assistance for:

- the exchange of information on legislation and practices;*
- the drafting of legislation;*
- enhancing the efficiency of the institutions;*
- the training of staff;*
- the security of the travel documents and detection of false documents;*
- border management;*

Co-operation will focus in particular:

- in the area of asylum on the implementation of national legislation to meet the standards of the 1951 Geneva Convention and the 1967 New York Protocol thereby to ensure that the principle of ‘non-refoulement’ is respected as well as other rights of asylum seekers and refugees.*
- in the field of legal migration, on admission rules and rights and status of the person admitted. In relation to migration, the Parties agree to the fair treatment of nationals of other countries who reside legally on their territories and to promote an integration policy aiming at making their rights and obligations comparable to those of their citizens.*

4. European Partnership

The European Partnership mentions as priorities:

- Adopt a State level migration strategy and the new Law on movements and stays of aliens.*
- Implement the EC/Bosnia and Herzegovina readmission agreement and negotiate readmission agreements with the countries of origin of transiting migrants.*
- Ensure that reception centres meet international standards and assume full ownership of their financing and management.*

5. B&H Progress Report 2007

According to the European Commission 2007 Progress Report

“the asylum procedures in Bosnia and Herzegovina are generally in line with international standards. The number of asylum applications remains low and has even dropped substantially compared with 2005. The asylum sector is taking timely decisions, and the State court is working efficiently as the appeal body. The average time for a final decision is four months.

The administrative capacity of the asylum sector has improved. Nearly two thirds of the 24 posts provided for in the Ministry of Security’s rules of procedure have been filled. The country of origin information system is in place, which makes it possible to determine eligibility and status. The sector has moved to new premises, helping to improve the conditions for proper registration and eligibility assessment.

Responsibilities for asylum-seekers and refugees are divided between the Ministry of Security and the Ministry for Human Rights and Refugees (MHRR). Action has been taken to clarify their roles and responsibilities. However, the MHRR has not yet improved its capacity or developed an

information system for managing evidence on people with recognised refugee status or other forms of international protection.

Bosnia and Herzegovina lacks an appropriate asylum reception centre. It has not yet assumed full control of the existing ones, which are still funded by the UNHCR. These centres lack the capacity and standards required to serve as long-term official asylum centres. “

6. MiPD 2008 -2010

The MiPD 2008-10 includes the institutional support and capacity building of the Ministry of Security and the future Reception Centre in the visa, asylum and migration field, and defines expected results as following:

- *Assumed full ownership over financing and management of the reception centres meeting international standards.*
- *The capabilities of the law enforcement agencies in the fight against money laundering, drugs organised crime, trafficking in human beings and smuggling of migrants, terrorism and corruption will be enforced.*

7. Action plan in the field of Immigration and Asylum and EU Integration Strategy of Bosnia and Herzegovina

Action plan in the field of Immigration and Asylum is adopted by the B&H Council of Ministers in April 2004. The Action plan set as target “*the development of a quality system of border control, visa regime, B&H immigration and asylum system according to the EU standards, which should enable the B&H integration into the European union*”. The following measure is one of those that should be undertaken to realize the mentioned target according to EU standards:

Construction/establishment and functioning of the Center for illegal migrants, Asylum Center for asylum seekers and Safe houses for victims of trafficking in human beings;

The Draft-Strategy in the field of immigration and asylum is being prepared by the working group consisted of representatives of all relevant institutions in field of migration management. The Draft –Strategy should be referred for examination to the B&H Council of Ministers at the end of April 2008.

EU Integration Strategy of Bosnia and Herzegovina

Justice and Home Affairs

Border Control, Asylum, Migration and Visa Issues

Necessary measures

- improve the legal bases for the implementation of obligations pertaining to the movement and residence of foreigners and asylum as well as harmonization with international conventions,
- strengthen the state system of asylum and migration in B&H in accordance with EU standards,
- improve institutional capacities for dealing with matters of asylum.