

Country Report: Croatia



2017
Update

Acknowledgements & Methodology

This report was written by Lana Tučkorić at the Croatian Law Centre, and was edited by ECRE.

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The information in this report is up-to-date as of 31 December 2017, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information on asylum practice in 23 countries. This includes 20 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI, UK) and 3 non-EU countries (Serbia, Switzerland, Turkey) which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



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Glossary & List of Abbreviations

Asylee	Person granted refugee status
Dismissal	Rejection of an application as inadmissible
Reception Centre for Foreigners	Pre-removal detention centre
ACESO	Access to early protection and rehabilitation services right on arrival in the EU
AMIF	Asylum, Migration and Integration Fund
CBA	Croatian Baptist Aid
CES	Croatian Employment Service
CJEU	Court of Justice of the European Union
CLC	Croatian Law Centre
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FYROM	Former Yugoslav Republic of Macedonia
IFRC	International Federation of the Red Cross
IOM	International Organisation for Migration
JRS	Jesuit Refugee Service
LGBTI	Lesbian, gay, bisexual, transsexual and intersex
LITP	Law on International and Temporary Protection
MdM	Doctors of the World
SGBV	Sexual and gender-based violence
SPA	Society for Psychological Assistance
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund
UNVFVT	United Nations Voluntary Fund for Victims of Torture

Statistics

Overview of statistical practice

Information on asylum statistics for 2017 can be found on the website of the Ministry of Interior.¹

Applications and granting of protection status at first instance: 2017

	Applicants in 2017	Pending at end 2017	Refugee status	Subsidiary protection	Rejection	Refugee rate	Subs. Prot. rate	Rejection rate
Total	880	415	120	30	325	25%	6%	69%

Breakdown by countries of origin of the total numbers:

Afghanistan	180	95	5	0	70	7%	0%	93%
Syria	140	75	75	25	50	50%	17%	33%
Pakistan	115	40	0	0	5	0%	0%	100%
Algeria	70	25	0	0	25	0%	0%	100%
Iran	60	55	0	0	40	0%	0%	100%
Turkey	45	5	5	0	5	50%	0%	50%
Iraq	35	30	20	0	65	24%	0%	76%
Cuba	35	5	-	-	-	-	-	-
Tunisia	35	5	0	0	10	0%	0%	100%
Bangladesh	30	15	-	-	-	-	-	-

Source: Eurostat: <https://bit.ly/21vghK8>; <https://bit.ly/2JfJyRE>; <https://bit.ly/1FfXBco>. "Rejection" includes inadmissibility decisions.

¹ Ministry of Interior, *Statistical report 2017*, available in Croatian at: <https://bit.ly/2pJpWCW>

Gender/age breakdown of the total number of applicants for international protection in Croatia in 2017:

	Number	Percentage
Total number of applicants	880	100%
Men	630	72%
Women	85	10%
Children	125	14%
Unaccompanied children	40	4%

Source: Eurostat: <https://bit.ly/1myQQGh>; <https://bit.ly/1dBAzYR>.

Comparison between first instance and appeal decision rates: 2017

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	475	100%	95	100%
Positive decisions	150	32%	20	21%
• <i>Refugee status</i>	120	25%	20	21%
• <i>Subsidiary protection</i>	30	6%	0	0%
Negative decisions	325	68%	75	79%

Source: Eurostat: <https://bit.ly/1dBAzYR>

Overview of the legal framework

Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (HR)	Abbreviation	Web Link
Law on International and Temporary Protection Official Gazette 70/2015 <i>Amended:</i> Official Gazette 127/2017	Zakon o međunarodnoj i privremenoj zaštiti NN 70/2015, 127/2017	LITP	http://bit.ly/1hlaq3Q (HR) http://bit.ly/2ln4y6c (EN) https://bit.ly/2pPntru (HR)
Law on General Administrative Procedure Official Gazette 47/2009	Zakon o općem upravnom postupku NN 47/2009	Law on General Administrative Procedure	http://bit.ly/1J7BRAh (HR)
Law on Administrative Disputes Official Gazette 20/2010 <i>Amended:</i> Official Gazette 143/2012 <i>Amended:</i> Official Gazette 152/2014 Decision of the Constitutional Court of the Republic of Croatia U-I-2753/2012 and others, September 27. 2016., Official Gazette 94/2016 <i>Amended:</i> Official Gazette 29/2017	Zakon o upravnim sporovima NN 20/2010, 143/2012, 152/2014, 94/2016, 29/2017	Law on Administrative Disputes	http://bit.ly/1Gm4uTj (HR) http://bit.ly/1K1I8fv (HR) http://bit.ly/1Bs4ZiO (HR) https://bit.ly/2uyfHXR (HR) https://bit.ly/2pWu82v (HR)
Law on Foreigners Official Gazette 130/2011 <i>Amended:</i> Official Gazette 74/2013 <i>Amended:</i> Official Gazette 69/2017	Zakon o strancima NN 130/2011, 74/2013, 69/2017	Law on Foreigners	http://bit.ly/1RfI8Kg (HR) http://bit.ly/1CgRDB8 (HR) https://bit.ly/2lj1ZKv (HR)
Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia Official Gazette 80/2013 <i>Amended:</i> Official Gazette 15/2018	Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj NN 80/2013, 15/2018	Law on Mandatory Health Insurance and Health Care	http://bit.ly/1Gm4KSp (HR) https://bit.ly/2uzuZLN (HR)
Law on Free Legal Aid Official Gazette 143/2013	Zakon o besplatnoj pravnoj pomoći NN 143/2013	Law on Free Legal Aid	http://bit.ly/1lojGRf (HR)

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Original Title (HR)	Abbreviation	Web Link
Ordinance on the forms and data collection in the procedure for international and temporary protection Official Gazette 85/2016	Pravilnik o obrascima i zbirkama podataka u postupku odobrenja međunarodne i privremene zaštite NN 85/2016	Ordinance on Forms	http://bit.ly/2lndEjr (HR)
Decision on the amount of financial assistance provided to applicants for international protection Official Gazette 135/2015	Odluka o visini novčane pomoći tražiteljima međunarodne zaštite NN 135/2015	Decision on Financial Assistance	http://bit.ly/2lQKkmi (HR)
Ordinance on the realisation of material reception conditions Official Gazette 135/2015	Pravilnik o ostvarivanju materijalnih uvjeta prihvata NN 135/2015	Ordinance on Material Reception Conditions	http://bit.ly/2lYZIsM (HR)
Ordinance on the content of the medical examination of asylum seekers, asylees and foreigners under subsidiary protection Official Gazette 39/2008	Pravilnik o sadržaju zdravstvenog pregleda tražitelja azila, azilanata, stranaca pod privremenom zaštitom i stranaca pod supsidijarnom zaštitom NN 39/2008	Ordinance on Medical Examination	http://bit.ly/1K1I9zT (HR)
Ordinance on the manner of implementing the programme and tests of knowledge of asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection, for the purpose of joining the education system of the Republic of Croatia Official Gazette 89/2008	Pravilnik o načinu provođenja programa i provjeri znanja tražitelja azila, azilanata, stranaca pod privremenom zaštitom i stranaca pod supsidijarnom zaštitom, radi pristupa obrazovnom sustavu Republike Hrvatske NN 89/2008	Ordinance on Knowledge Tests	http://bit.ly/1Gm5yGG (HR)
Decision on the Programme of Croatian language, history and culture for asylum seekers and asylees Official Gazette 129/2009	Odluka o programu hrvatskog jezika, povijesti i kulture za tražitelje azila i azilante NN 129/2009	Decision on Croatian Language Programme	http://bit.ly/1SuZQLq (HR)
Decision on the Programme of Croatian language, history and culture for asylees and foreigners under subsidiary protection for inclusion into Croatian Society	Odluka o programu učenja hrvatskoga jezika, povijesti i kulture za azilante i strance pod supsidijarnom zaštitom radi uključivanja u hrvatsko društvo NN 154/2014	Decision on Croatian Language, History and Culture	http://bit.ly/1FXstO8 (HR)

Official Gazette 154/2014		Programme for Inclusion	
Decision on the programme of Croatian language for asylum seekers and asylees and aliens under subsidiary protection who are over 15 years of age for the purpose of joining the secondary-school education system and the adult education system Official Gazette 100/2012	Odluka o nastavnom planu i programu hrvatskoga jezika za tražitelje azila, azilante i strance pod supsidijarnom zaštitom starije od 15 godina radi pristupa srednjoškolskom obrazovnom sustavu i sustavu obrazovanja odraslih NN 100/2012	Decision on Croatian Language Programme above the Age of 15	http://bit.ly/1yuPG7Y (HR)
Decision on establishing the price of passport issued in accordance with the 1951 Convention relating to the Status of Refugees Official Gazette 98/2016 Corrigendum Official Gazette 102/2016	Rješenje o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 98/2016 Ispravak Rješenja o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine NN 102/2016	Decision on the Price of Refugee Passports	http://bit.ly/2kOXEmP (HR) http://bit.ly/2kvoBjf (HR)
Decision on the costs of accommodation in the Reception Centre for Asylum Seekers Official Gazette 47/2016	Odluka o troškovima smještaja u Prihvatilištu za tražitelje azila NN 47/2016	Decision on the Costs of Accommodation	http://bit.ly/2ITyx3i (HR)
Ordinance on free legal aid in the procedure of granting international protection Official Gazette 140/2015	Pravilnik o besplatnoj pravnoj pomoći u postupku odobrenja međunarodne zaštite NN 140/2015	Ordinance on Free Legal Aid	http://bit.ly/2kXPLhy (HR)
Decision on relocation and resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection Official Gazette 78/2015	Odluka o premještanju i preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 78/2015	Decision on Relocation and Resettlement	http://bit.ly/2kDTnBH (HR)
Decision on the establishment of the Interdepartmental Working Group for the Implementation of the Decision on relocation and resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection Official Gazette 78/2015	Odluka o osnivanju Međuresorne radne skupine za provedbu Odluke o premještanju i preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 78/2015	Decision on the Relocation and Resettlement Working Group	http://bit.ly/2IQNEgT (HR)

Decision on resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection Official Gazette 99/2017	Odluka o preseljenju državljana trećih zemalja ili osoba bez državljanstva koje ispunjavaju uvjete za odobrenje međunarodne zaštite NN 99/2017	Decision on Resettlement	https://bit.ly/2GVUWHW (HR)
Ordinance on conditions and the manner of exercising the right to accommodation of asylees, foreigners under subsidiary protection and foreigners under temporary protection and participation of asylees, foreigners under subsidiary protection and foreigners under temporary protection in paying such costs Official Gazette 3/2016	Pravilnik o načinima i uvjetima ostvarivanja prava na smještaj azilanata, stranaca pod supsidijarnom zaštitom i stranaca pod privremenom zaštitom te sudjelovanja azilanata, stranaca pod supsidijarnom zaštitom i stranaca pod privremenom zaštitom u plaćanju troškova smještaja NN 3/2016	Ordinance on the Right to Accommodation	http://bit.ly/2lYKJyO (HR)
Decision on determination of the price of residence permit for asylees and foreigners under subsidiary protection Official Gazette 98/2016 Corrigendum Official Gazette 102/2016	Rješenje o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 98/2016 Ispravak Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 102/2016	Decision on the Price of Residence Permits	http://bit.ly/2kvB0Un (HR) http://bit.ly/2kXSmb6 (HR)
Decision on the list of safe countries of origin in the procedure of granting International Protection	Odluka o listi sigurnih zemalja podrijetla u postupku odobrenja međunarodne zaštite NN 45/2016	Decision on the List of Safe Countries of Origin	http://bit.ly/2lcRePz (HR)
Action plan for the Integration of beneficiaries of international protection for the period 2017-2019	Akcijski plan za integraciju osoba kojima je odobrena međunarodna zaštita za razdoblje 2017. do 2019. godine	Action plan for the Integration	https://bit.ly/2GMCKNL (HR) https://bit.ly/2IHO40C (ENG)

Overview of the main changes since the previous update

The report was previously updated in **March 2017**.

- ❖ **Asylum reform:** Amendments to the Law on International and Temporary Protection entered into force on 1 January 2018. The main changes are in relation to housing of beneficiaries of international protection.

Asylum procedure

- ❖ **Push backs:** Reports of *refoulement* or pushbacks at the border have increased in recent years. In 2017, the protection environment in Croatia was characterised by a strict border management regime, and access to the territory and the asylum system was limited, as reported by many NGOs.
- ❖ **Registration:** Persisting difficulties have been reported with regard to the registration of applications. The Ministry of Interior discontinued the procedure in 876 out of 1,887 cases of expression of intention to seek asylum on the ground that the persons concerned had left the reception centre before lodging their applications. Barriers to the registration of applications have also been reported with regard to interpretation and persons applying from the detention centre of Ježevo.

Detention of asylum seekers

- ❖ An increase in detention has been witnessed in 2017, with a total of 134 asylum seekers detained. Practice has also changed insofar as vulnerable persons, including unaccompanied children and victims of trafficking, have been placed in detention in 2017.
- ❖ **Detention capacity:** Two “transit reception centres” for irregular migrants have been opened in Trilj near the border with Bosnia and Herzegovina and Tovarnik at the border with Serbia, with a capacity of 62 places each. While the border procedure provided in law is not implemented in those centres, it is not clear whether this will occur in the future, as official information states that these centres will also be used for the detention of asylum seekers.

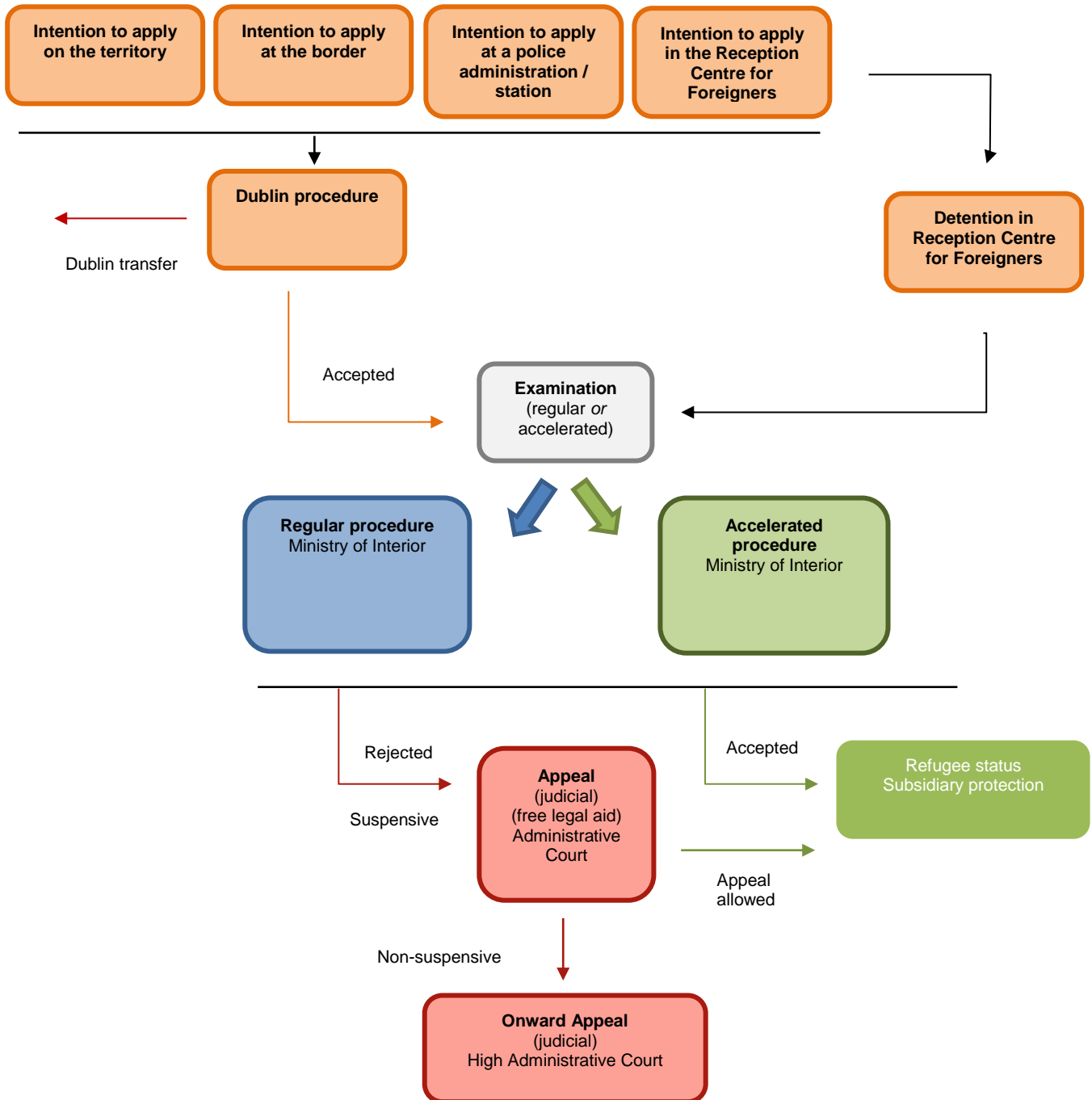
Content of international protection

- ❖ **Integration:** The Government of the Republic of Croatia adopted the new Action plan for the integration of beneficiaries of international protection on 23 November 2017.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|---|---|--|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ² | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ³ | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ Dublin procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Admissibility procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Border procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Accelerated procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Other: | | |

Are any of the procedures that are foreseen in the law, not being applied in practice? ☒ Yes ☐ No

The border procedure foreseen by the Law on International and Temporary Protection (LITP) is not being applied in practice. According to the Ministry of Interior, no decision has been taken on the implementation of the border procedure or the procedure in the transit area⁴, so it is still unclear when the border procedure will be implemented.

3. List the authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (HR)
Intention to apply		
❖ At the border	Border Police, Ministry of Interior	Granična policija
❖ On the territory	Police administration or Police station	Policijska uprava Policijska stanica
Registration of application	Reception Centre for Asylum Seekers' Administration, Ministry of Interior	Prihvatilište za tražitelje azila, Ministarstvo unutarnjih poslova
Dublin (responsibility assessment)	Asylum Department, Ministry of Interior	Odjel za azil, Ministarstvo unutarnjih poslova
Refugee status determination	Asylum Department, Ministry of Interior	Odjel za azil, Ministarstvo unutarnjih poslova
Appeal		
❖ First appeal	Administrative Court	Upravni sud
❖ Onward appeal	High Administrative Court	Visoki upravni sud
Subsequent application	Asylum Department, Ministry of Interior	Odjel za azil, Ministarstvo unutarnjih poslova

² For applications likely to be well-founded or made by vulnerable applicants. See Article 31(7) APD.

³ Accelerating the processing of specific caseloads as part of the regular procedure.

⁴ Ministry of Interior, letter received on February 13, 2018.

4. Number of staff and nature of the first instance authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
Asylum Department	31	Ministry of Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Reception Centre for Asylum Seekers in Zagreb and Kutina	30	Ministry of Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Ministry of Interior, 13 February 2018.

Of the 30 staff members active in the Reception Centres, 8 are support staff (catering, cleaning etc).

5. Short overview of the asylum procedure

The asylum procedure in Croatia is an administrative procedure regulated by the Law on International and Temporary Protection (LITP). Additionally, the Law on General Administrative Procedure is applied in the asylum procedure, unless otherwise provided by the LITP. The main body responsible for the implementation of asylum policy in Croatia is the Ministry of Interior, which is also the competent authority in the first instance procedures.⁵ All asylum matters are under the responsibility of the Administrative and Inspection Affairs Directorate, within which is the Service for Aliens and Asylum. The Service for Aliens and Asylum, among other departments, includes the Asylum Department and the Reception Centre for Asylum Seekers.⁶

Registration

The procedure officially begins after the lodging of the application for international protection. Before this stage, a foreigner must express the intention to seek asylum. According to the LITP, police officers or officials from the Reception Centre for Applicants for International Protection, immediately following the expression of the intention to apply for international protection, shall take the applicant's fingerprints and shall photograph him or her, establish his or her identity, how he or she entered the Republic of Croatia, the travel route from the country of origin to the Republic of Croatia, and personal circumstances of importance for assessing the special reception and procedural guarantees.⁷

Border officers, the police station / police administration or the Reception Centre for Applicants for International Protection shall register the applicant in the records of the Ministry of Interior no later than 3 working days from the day the applicant expressed the intention to apply for international protection. If the intention was expressed before some other body, the Reception Centre shall register the applicant in the records of the Ministry within 6 working days from the day when he or she expressed his or her intention.⁸ The authority which undertook registration shall issue a certificate of registration of the applicant in the records of the Ministry, and, as necessary, shall set a time limit in which the applicant must report to the Reception Centre for Applicants for International Protection to lodge an application.⁹

Applicants shall be permitted to lodge an application within the shortest possible time and no later than within 15 days from registration of their status in the records of the Ministry of Interior.¹⁰

⁵ Article 32(1) LITP.

⁶ The Reception Centre for Asylum Seekers (Applicants for International Protection) is the name of one of the organisational units of the Ministry of Interior. It is also the name of the accommodation centre, the place where asylum applications are recorded and where interviews are conducted. There is no separate registration office.

⁷ Article 33(8) LITP.

⁸ Article 33(9) LITP.

⁹ Article 33(10) LITP.

¹⁰ Article 34(2) LITP.

First instance procedure

After the application has been lodged, the Asylum Department of the Ministry of Interior shall, as soon as possible, arrange the personal interview with the applicant,¹¹ and shall issue a decision within 6 months of a duly completed application or a duly completed and admissible subsequent application.¹² The 6 month time limit may be extended for a further 9 months under certain circumstances and, exceptionally, the procedure may last up to 21 months. The Asylum Department is also responsible for examining the Dublin criteria and carrying out Dublin transfers to another Member State.

The asylum procedure in Croatia is a single procedure, given the fact that application for international protection cover both request for asylum and subsidiary protection, so Asylum Department determines *ex officio* the existence of conditions for granting subsidiary protection status where the conditions for granting refugee status are not met. An application may also be processed under an accelerated or border procedure.

Accelerated procedure

According to the LITP the Ministry shall render a decision in an accelerated procedure no later than within 2 months from the day the application or an admissible subsequent application is lodged if, in conducting the entire procedure it is established that conditions for such procedure exists. There are ten grounds for applying the accelerated procedure. The deadline for lodging an appeal according to the LITP is 8 days from the day the decision is delivered, but the appeal has no suspensive effect.¹³

Border procedure

Procedures at the border or in transit zones are regulated by the LITP. However, they are not applied in practice.

Appeal

Negative decisions may be appealed before the Administrative Court within 30 days in the regular procedure, and 8 days in the case of Dublin decisions, inadmissibility decisions or the accelerated procedure. Appeals have automatic suspensive effect in the regular procedure, Dublin cases and some inadmissibility cases, but not in the accelerated procedure. As regards onward appeals, besides the possibility to lodge a non-suspensive appeal to High Administrative Court, there is also a possibility to lodge a complaint before the Constitutional Court in case the applicant claims a violation of a right guaranteed by the Croatian Constitution. In that case, a foreigner would have to regularise their stay in Croatia in accordance with the Law on Foreigners, as stay under the LITP is not foreseen once the administrative dispute is over. However, it is not feasible in practice for rejected asylum seekers to easily regularise their stay under the Law on Foreigners, as the majority of them would not meet the conditions prescribed by the Law on Foreigners to obtain a residence permit. This renders it very difficult in practice to appeal against a negative decision from the Administrative Court on constitutional grounds.

¹¹ Article 35(1) LITP.

¹² Article 40(1) LITP.

¹³ Article 41(5) and 51(1)(1) LITP.

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☒ Yes ☐ No

Reports of *refoulement* or push backs at the border have increased in recent years. In 2017 the protection environment in Croatia was characterized by a strict border management regime, and access to the territory and the asylum system was limited.

During 2016 no border monitoring projects were implemented in Croatia - only UNHCR carried out border visits under its mandate. According to the information provided to ECRE at the end of November 2016, UNHCR was able to carry out 3 border monitoring activities in 2016. No unlawful practices have been identified by UNHCR through these activities but, according to the representatives of UNHCR who met with the ECRE delegation, it was considered likely that persons have been sent back from Croatia without having had the chance of applying for international protection. However, without further investigations and additional information on the individual cases, no final conclusions could be drawn as to whether these allegations could be corroborated by evidence or not, nor the scale of such practices. Therefore, it was considered of the utmost importance to resume systematic border monitoring activities in 2017 so as to ensure that *non-refoulement* obligations are fully complied with.¹⁴

During 2017 no border monitoring projects were implemented in Croatia. Four border visits were carried out by UNHCR¹⁵ under its mandate. No unlawful practices were identified by UNHCR through these activities. UNHCR Serbia¹⁶, NGOs and international organizations continued to record unlawful returns from Croatia, including cases of denial of access to the asylum procedure.¹⁷

On December 11, 2017, the tripartite protocol between the Ministry of Interior, UNHCR and the Croatian Law Centre related to the implementation of the project *Monitoring the conduct of police officers of the Ministry of Interior in the field of illegal migration and asylum* was signed. The project includes 13 visits to selected police administrations in the course of 2018 where an insight into case files on the treatment of irregular migrants, potential applicants for international protection would be done in order to get an insight into the possibility to access the procedure for granting international protection.

In January 2017, civil society organisations Are You Syrious? and Initiative “Welcome” reported that illegal and violent expulsions (push backs) from the territory of Croatia are happening.¹⁸ According to their report, people from Afghanistan, but also from Iraq, Pakistan, Syria and other countries, were not given access to the asylum procedure, although some explicitly and repeatedly approached the Croatian police, expressing their wish to apply for international protection. Instead they were, according to the report, illegally expelled to Serbia from Croatian territory.¹⁹ The report stresses that this was accompanied by violence and degrading treatment by the Croatian police. Similar concerns were raised by Human Rights Watch and Save the Children in the same period.²⁰

Amnesty International stressed in their 2017/2018 report for Croatia that “Croatia continued to return to Serbia refugees and migrants who entered the country irregularly, without granting them access to an

¹⁴ ECRE, *Balkan route reversed: The return of asylum seekers to Croatia under the Dublin system*, December 2016, available at: <http://bit.ly/2kueKpB>.

¹⁵ Information provided by UNHCR Croatia, 9 April 2018.

¹⁶ UNHCR factsheet, available at: <https://bit.ly/2qh3pi4>.

¹⁷ UNHCR, ‘Desperate Journeys’, available at: <https://bit.ly/2F2zOOR>.

¹⁸ Welcome and Are You Syrious?, *Report on illegal and violent expulsions of refugees from the territory of Republic of Croatia*, 24 January 2017, available at: <http://bit.ly/2kXQ3Vy>.

¹⁹ *Ibid*, 2.

²⁰ Human Rights Watch, ‘Croatia: Asylum seekers forced back to Serbia’, 20 January 2017, available at: <http://bit.ly/2k9cLej>; Save the Children, ‘Refugee and migrant children injured in illegal border push-backs across Balkans’, 24 January 2017, available at: <http://bit.ly/2jH4a2l>.

effective asylum process. These push-backs by police, sometimes from deep inside Croatian territory, routinely involved coercion, intimidation, confiscation or destruction of private valuables and the disproportionate use of force by the police.”²¹ The same concerns were raised by Human Rights Watch.²² During the year there were also many reports (mainly from NGOs)²³ about the incidents at the state border with Serbia, when people were returned to Serbia, without the possibility of seeking asylum in Croatia. This resulted with the tragedy in November 2017, when a 6-year-old girl, Madina Hosseini, died after being hit by a train on the border between Croatia and Serbia.²⁴ The horrible tragedy attracted huge media attention as the girl, together with members of her family, tried to enter Croatia and seek asylum. The Serbian Ministry of Interior stated that the Croatian border authorities had not acted in accordance with the readmission agreement and the Protocol between the two countries on the surrender and acceptance of persons whose residence was illegal.²⁵ The mother of the girl accused Croatian police officers of not letting her express the intention to apply for asylum, and forcing her to proceed on foot along the railway to Serbia with six children.²⁶ In the Croatian Ministry of Interior’s response, the Ministry stated that the conduct of the Croatian police did not contribute to the accident in any way.²⁷

According to the media, this was not the only tragedy that occurred after an illegal border crossing.²⁸

In addition, the Croatian Ombudsman submitted a letter to the State Attorney General with all the relevant information that she had collected about the death of the girl who was killed in the accident on the border between Croatia and Serbia.²⁹ According to the Ombudsman, information about the tragic event given by the girl’s mother and that given by the Ministry of Interior were contradictory. At the same time, the police claimed that there were no preserved thermovision camera shots.

In addition, the Ombudsman stressed in the same letter that there are many indications regarding police conduct towards irregular migrants that raise concern over whether the relevant Croatian legislation has been properly applied. In addition, data that was presented by the Ministry of Interior to the Ombudsman’s office was inconsistent and contradictory. This was therefore presented to the office of the State Attorney General in order for them to conduct an effective criminal investigation.

In March 2018, the organization Are You Serious reported that the family of the girl had once again been pushed back from Croatia to Serbia,³⁰ while the Ministry of Interior claims otherwise (i.e. that the Ministry did not conduct any procedures with regards to the girl’s family).³¹ The family finally managed to enter Croatia and apply for international protection in late March 2018.³² However, according to information from the media, the whole family including the children are currently detained in the Transit Reception Centre in Tovarnik.³³

²¹ Amnesty International, *Annual Report 2017/18*, available at: <https://bit.ly/2HFODlw>.

²² Human Rights Watch, *European Union: Events of 2017*, available at: <https://bit.ly/2GmU9ic>.

²³ Are You Serious? reports available at: <https://bit.ly/2kXQ3Vy>, <https://bit.ly/2pWCYhx> and <https://bit.ly/2E6WkEw>; Oxfam report available at: <https://bit.ly/2oGwxQ9>; Balkan Insight article available at: <https://bit.ly/2tjPMRT>; Border Violence EU reports, available at: <https://bit.ly/2BsXEnW>

²⁴ The Guardian, 'They treated her like a dog': tragedy of the six-year-old killed at Croatian border', 8 December 2017, available at: <https://bit.ly/2iDQdQ3>.

²⁵ Nacional, 'MUP SRBIJE 'Hrvatski granični organi nisu postupili u skladu s pravilima', 26 December 2017, available at: <https://bit.ly/2J2ExCd>.

²⁶ N1, "Hrvatska policija nas je pendrecima otjerala u noć," 14 December 2017, available at: <https://bit.ly/2GP6e38>.

²⁷ Statement from the Ministry of Interior, 8 December 2017, available at <https://bit.ly/2uK14AW>.

²⁸ Glas Slavonije, 'Tijelo utopljenog migranta rastrgale životinje, drugi pao u bunar, treći pao s vlaka...', 1 February 2018, available at: <https://bit.ly/2JcJCbl>.

²⁹ Letter from the Croatian Ombudsman, 5 February 2018, available at: <https://bit.ly/2seyeY3>.

³⁰ Tportal, 'Ponovno protjerana obitelj male Madine, djevojčice koju je pregazio vlak na granici', 12 March 2018, available at: <https://bit.ly/2ImF8O8>.

³¹ Telegram, 'Policija kaže kako nisu protjerali obitelj djevojčice Madine, niti prvi put, ni sada', 12 March 2017, available at: <https://bit.ly/2ulfAcl>.

³² N1, 'Obitelj malene Madine zatražila azil u Hrvatskoj?', 21 March 2018, available at: <https://bit.ly/2pXwn69>.

³³ Jutarnji, 'TAJNI POLICIJSKI RAT PROTIV MALE MRTVE MADINE Prvo su Afganistanku (6) otjerali prema Srbiji i pala je pod vlak. Sad su njezinu obitelj lišili slobode', 3 April 2018, available at: <https://bit.ly/2EAD02V>.

The EU Agency for Fundamental Rights in its latest report on migration-related fundamental rights issues reported that migrants at Croatian border crossings face being pushed back.³⁴

According to the Ministry of Interior,³⁵ during 2017, 1887 intentions to seek protection in Croatia were expressed, out of which 1237 were expressed in a police station or in administration, 441 at border crossings, 208 in the Reception Centre for Foreigners and one in prison.

The Border Police Directorate has indicated that its Annual Plan for Police Education covers fundamental rights, including relevant themes such as asylum procedures, child protection, identification and referral of victims of trafficking.³⁶ In order to strengthen the professional capacities of the border police force with regards to the sensitive mixed migration flows border management, within the project funded by UNHCR, the Croatian Law Centre in cooperation with Ministry of Interior and UNHCR organised and held four workshops for border officials (two for land border police officers at the Police Academy, one for border police officers in the Transit Reception Centre in Trilj, and one for border police officers in the Transit Reception Centre in Tovarnik).

A training curriculum was prepared by UNHCR and CLC, based on the UNHCR Border Monitoring Manual. The topics included: International standards of international protection; Access to international protection as a human right; Identification of asylum seekers in need of special procedural and reception guarantees; Law on International and Temporary Protection; Practical workshop – access to international protection. The trainers were representatives of the Ministry of Interior, UNHCR and CLC.

2. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for asylum seekers to lodge their application? ☒ Yes ☐ No
2. If so, what is the time limit for lodging an application? 15 days

Although no time limit is specified in the LITP, a foreigner is in practice expected to seek international protection (i.e. express the intention to lodge an application) at a police administration / station, at border crossing points, in Reception Centre for Foreigners or in the Reception Centre for Asylum Seekers (i.e. Applicants for International Protection) within a reasonable time after entering the country.

As soon as a foreigner expresses the intention to seek protection during a border control at a border crossing point,³⁷ competent officials will refer him or her to the Reception Centre for Asylum Seekers³⁸ and if necessary determine the time period within which he or she must report to the Reception Centre to lodge the application.

In practice, a person may express such an intention even after having been found irregularly crossing the state border or at a later stage, during further proceedings related to irregular border crossing. After the foreigner has been apprehended and transferred to a police administration or station, the police officer makes a report and hands the person over to officers in charge of irregular migration for further proceedings. These police officers will conduct an interview with the foreigner in the police station to determine the person's identity, perform a security check and conduct an informative interview. If the foreigner expresses the intention to seek international protection at any stage of this procedure, the procedure will be suspended and the person will have the right to stay in Croatia until a final decision is

³⁴ FRA, 'Migrant pushbacks a growing concern in some Member States' 26 March 2018, available at: <https://bit.ly/2J8Knlz>; FRA, 'Periodic data collection on the migration situation in the EU - March 2018 Highlights', available at: <https://bit.ly/2GN0zKZ>.

³⁵ Information provided by the Ministry of Interior, 13 February 2018.

³⁶ Information provided by the Ministry of Interior, Border Police Directorate, 21 July 2017.

³⁷ Article 33(1) LITP.

³⁸ The Reception Centre is also the place where asylum seekers have to report themselves after expressing their intention to lodge an asylum claim and where interviews are conducted.

taken on the application for international protection. However many problems have been reported in the course of 2017 in that regard.

If after having expressed the intention to apply for international protection, a foreigner does not report to the Reception Centre for Asylum Seekers without a justified reason, the Ministry of Interior will *ex officio* discontinue the procedure³⁹ (i.e. according to LITP it shall be deemed that the applicant has withdrawn the application if he/she does not appear at the Reception Centre or avoids lodging an application and fails to justify this within 2 days of the time limit set for appearing at the Reception Centre, or for lodging an application).⁴⁰ According to the Ministry of Interior, out of the 18,87 expressed intentions to seek asylum in 2017, 876 cases were discontinued due to asylum seekers leaving the Reception centre before submitting an application for international protection.⁴¹

Once the deadline for a lawsuit passes and if they are caught in an irregular situation, the provisions of the Law on Foreigners will apply. In particular, this means that they will be considered to be an irregular migrant and will be detained for the purposes of removal.

However, after having expressed the intention to seek international protection and reporting to the Reception Centre for Asylum Seekers, an applicant shall be enabled to formally lodge an application as soon as possible and no later than 15 days from the registration of his or her status in the records of the Ministry of Interior.⁴²

The Reception Centre for Asylum Seekers (which is both an organisational unit⁴³ of the Ministry of Interior within the Service for Aliens and Asylum as well as an accommodation centre for applicants for international protection) is the competent authority for conducting interviews for the purpose of receiving applications for international protection. The application is usually lodged at the Reception Centre for Asylum Seekers, and only exceptionally outside the Reception Centre within an appropriate period, depending on personal circumstances of the applicant,⁴⁴ for example where he or she is detained in the Reception Centre for Foreigners (detention/deportation centre) or in prison. In the past, migrants in the Reception Centre for Foreigners have sometimes faced difficulties in having their letters declaring the intention to seek protection delivered to the asylum authority. Although this type of problem has not been reported for a long time, recently CLC lawyers received information from persons detained in the mentioned centre indicating that these problems have been occurring again.

The procedure for international protection is initiated by lodging the application⁴⁵. In practice this means that the application is submitted orally by the person seeking protection in front of the asylum authority (Reception Centre for Asylum Seekers' administration), which drafts minutes of the interview. The civil servants of the Reception Centre for Asylum Seekers administration conduct a short interview to collect the following information: personal data of the asylum seeker, information on military service, family and other relations, information on the journey from country of origin (type of transportation and route) and the reasons (in short) why they fled their country of origin. All documents, including the minutes of the first interview, are then sent to the Asylum Department within the Ministry of Interior, which is responsible for conducting a further substantive interview and examining the application.

Besides that, civil servants in the Reception Centre for Applicants take fingerprints and photos of the applicants, provide them with information on the procedures, their rights and obligations, and issue the applicants' identity card. The identity card shall be issued within three days from the lodging of the

³⁹ Information provided by the Ministry of Interior, 13 February 2018.

⁴⁰ Article 39(2) (1) LITP.

⁴¹ Information provided by the Ministry of Interior, 13 February 2018.

⁴² Article 34(2) LITP.

⁴³ At the time of writing, the official name of the organisational unit is still the Reception Centre for Asylum Seekers.

⁴⁴ Article 34(3) LITP.

⁴⁵ Article 34(1) LITP.

application and confirms the right of residence in the Republic of Croatia until the completion of the procedure. An applicant's card is not proof of identity.⁴⁶

The Ministry of Interior has informed the Croatian Law Centre that delays in the organisation of interviews for the purpose of lodging asylum applications have occurred in 2016, mostly due to lack of available interpreters for certain languages but also in situations where guardians were not appointed to unaccompanied children.⁴⁷ Although problems with interpretation were not reported by the Ministry of Interior in 2017, problems still exist. Due to the lack of interpreters for certain languages (such as Pashto), the Mol continued to hold interviews in other languages, such as English. During the legal counselling, an unaccompanied minor informed the lawyer from the Croatian Law Centre that the interview for lodging the application for international protection was held in English, instead of Pashto, which was problematic for the child who did not understand everything.

In addition, it was observed by both the Croatian Law Centre and the Croatian Red Cross that due to the lack of interpreters for certain Kurdish dialects, no interview for the purpose of lodging asylum applications was organised for female applicants transferred to Croatia under the Dublin Regulation from the beginning of 2017 (see [Situation of Dublin Returnees](#)) until mid summer 2017. In addition, in 2017, during legal counselling applicants reported to the lawyers of the Croatian Law Centre that they had problems with interpreters who were not translating properly during the procedure for submitting the applications for international protection and during interviews. It seems that many interpreters who currently provide their services to the Ministry of Interior lack proper knowledge of the Croatian language but also of the asylum procedure and the rules and standards for interpretation during asylum procedure. To date, it is not clear how the Ministry of Interior will resolve this and potential similar situations in the future.

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | 6 to 21 months |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ⁴⁸ | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases as of 31 December 2017: ⁴⁹ | 340 |

The Asylum Department of the Ministry of Interior is an administrative authority specialised in decision-making in procedure for international protection. Croatia has a single asylum procedure: the Asylum Department examines whether the applicant fulfils the eligibility criteria for refugee status and, failing that, subsequently examines whether the applicant is eligible for subsidiary protection. The civil servants working in the Asylum Department conduct interviews with applicants for international procedure and, on the basis of all the relevant facts and circumstances arising from the application, the applicant's position and personal circumstances (including sex and age) based on the testimony presented during the interview, the evidence submitted and available country of origin information, as well as the activities of the asylum seeker after leaving the country of origin to assess whether these activities might expose the asylum seeker to persecution or serious harm if they are returned to that country, issue a decision on the asylum application. The existence of an internal protection alternative in the country of origin, and the

⁴⁶ Article 62(1) LITP.

⁴⁷ Information provided by the Ministry of Interior, 2 March 2017.

⁴⁸ With the exception of exclusion cases.

⁴⁹ Ministry of Interior, Statistical review of basic safety indicators and results of work in 2017, available at: <https://bit.ly/2pJpWCW>, page 148.

possibility for the asylum seeker to obtain the protection of his or her alleged country of nationality, are also considered when taking a decision.⁵⁰

When deciding on the credibility of the asylum seeker's statements, the person conducting the procedure should abide by the principle of the benefit of the doubt.⁵¹

The first instance decision can be a decision by which the Ministry of Interior:

- Grants asylum;
- Grants subsidiary protection;
- Rejects the application if the applicant does not meet the conditions for asylum and subsidiary protection;
- Rejects the application if the conditions are met for exclusion;
- Rejects the application as manifestly unfounded;
- Dismisses an asylum application as inadmissible; or
- Suspends the procedure.

The Ministry of Interior (i.e. the Asylum Department) has the obligation to take a decision on the application for asylum within 6 months from its lodging. If no decision can be rendered within 6 months, the applicant shall be informed of this in writing and at his or her request shall be provided with information about the reasons for the failure to respect the time limit and about the time needed before which he or she may expect a decision. The 6 month time limit exceptionally may be prolonged for additional 9 plus 3 months. It may be extended for a further 9 months if:

- (a) The application includes complex facts and/or legal issues;
- (b) A large number of third-country nationals or stateless persons are requesting international protection at the same time; or
- (c) The applicant, through his or her actions, contrary to his or her obligations as applicant, causes the time limit to be extended.

However this time limit may be extended for a further 3 months exclusively in order to ensure the complete consideration of the application.⁵²

The Ministry of Interior indicated in July 2016 that the duration of the asylum procedure is approximately 3-4 months.⁵³ However, in March 2017, the Ministry informed the Croatian Law Centre that they do not have exact data on the duration of the first instance procedure, but stressed that most of the cases are processed within the prescribed deadlines, which according to the LITP vary from 6 to 21 months.⁵⁴

In February 2018, the Ministry informed the Croatian Law Centre that they do not have data on the duration of the first instance procedure, but that they do notify applicants, after a six-month period, about when the decision can be expected.⁵⁵

During the 2016, a trend of prolonged procedures, exceeding the 6-month period, has been observed by the Croatian Law Centre. This may be explained by the fact that during 2016, there was an exponential increase in numbers of asylum seekers compared to previous years, while the capacities of the Ministry of Interior, according to the knowledge of the Croatian Law Centre, have stayed the same. Additionally, many experienced decision-makers (caseworkers) stopped working at the Asylum Department and were replaced by caseworkers who lacked experience and were not sufficiently, if at all, trained. However, the Ministry of Interior informed the Croatian Law Centre that in February 2017 a public call was announced for the recruitment of an additional 30 employees in the Reception Centre for Asylum Seekers and the

⁵⁰ Article 27 and 28 LITP.

⁵¹ Article 29 LITP.

⁵² Article 40 LITP.

⁵³ Information provided by the Ministry of Interior, 21 July 2016.

⁵⁴ Information provided by the Ministry of Interior, 2 March 2017.

⁵⁵ Information provided by the Ministry of Interior, 13 February 2018.

Asylum Department.⁵⁶ In 2017, 5 new decision makers have been employed within the Asylum Departement.⁵⁷

However, the trend of prolonged procedures, exceeding the 6-month period, has also been observed by the Croatian Law Centre in 2017. Applicants informed CLC lawyers that their procedures last more than 6 months, while at the same time many do not receive written notice of when they can expect a decision in accordance with the LITP. In addition, those who did receive written notice, informed the Croatian Law Centre that the notice was delivered without the presence of an interpreter. The problems of prolonged procedures were observed by other NGOs, and reported by the Rehabilitation centre for Stress and Trauma⁵⁸ and Croatian Red Cross,⁵⁹ amongst others.

Although no delays were reported in the organisation of interviews for the purpose of lodging asylum applications in the course of 2016 by applicants themselves, most of the applicants approaching the Croatian Law Centre for legal information, complained of waiting too long for the second substantive interview and later on the for delivery of the first instance decision. During 2017, delays were reported in the organisation of interviews for the purpose of lodging asylum applications in several cases due to the lack of interpreters for certain languages.

If it is justifiably to be expected that no decision will be rendered on the application within the time limits referred above on account of the temporary unsafe situation in the country of origin, the Ministry shall periodically verify the situation in the country of origin and inform the applicant and the European Commission within a reasonable time of the reasons for failure to render a decision. In that case, a decision must be rendered no later than within 21 months from the day the application is lodged.⁶⁰

1.2. Prioritised examination and fast-track processing

Applications by unaccompanied children are prioritised as specified by the LITP.⁶¹ However it seems that delays in the organisation of interviews for the purpose of lodging asylum applications have occurred in 2016, as guardians were not appointed in time to unaccompanied children.⁶² The Ministry of Interior reported that there were also delays in appointing guardians to unaccompanied children in the course of 2017.⁶³

In addition, lawyers from the Croatian Law Centre observed problems in the duration of procedure for unaccompanied minors relocated from Greece, although according to the Ministry of Interior the cases of unaccompanied children, those who need special procedural or reception guarantees, cases of persons relocated from Italy and Greece and resettled from Turkey should have priority in decision making.⁶⁴

Additionally, an application which may be approved on the basis of the established facts also has priority in decision-making.⁶⁵ According to the Ministry of Interior, special attention is also given to cases of applicants who need special procedural or reception guarantees as well as to cases of applicants relocated from Italy and Greece. However, to the Croatian Law Centre's knowledge, problems arise in the identification and recognition of special procedural or reception guarantees.

⁵⁶ Information provided by the Ministry of Interior, 2 March 2017.

⁵⁷ Information provided by the Ministry of Interior, 13 February 2018.

⁵⁸ Information provided by the Rehabilitation centre for Stress and Trauma, 3 January, 2018.

⁵⁹ Information provided by the Croatian Red Cross, 16 February 2018.

⁶⁰ Article 40 LITP.

⁶¹ Article 17(9) LITP.

⁶² Information provided by the Ministry of Interior, 2 March 2017.

⁶³ Information provided by the Ministry of Interior, 13 February 2018.

⁶⁴ *Ibid.*

⁶⁵ Article 38(2) LITP.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure?
❖ If so, are interpreters available in practice, for interviews?
☒ Yes ☐ No
☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision?
☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

After a short initial interview conducted by the officials from the Reception Centre for Asylum Seekers for the purpose of lodging an application, a substantive interview is conducted by the Asylum Department of the Ministry of Interior. According to the LITP, when the application has been lodged, the Ministry of Interior shall, as soon as possible, interview the applicant. However, due to the increase in applications in 2016 and 2017, many applicants have complained to the Croatian Law Centre's lawyers that they have to wait too long for the interview. During the interview, the asylum seeker is obliged to present all circumstances relevant to the asylum application, truthfully answer all questions, and submit all available evidence to support the application, i.e. give credible and convincing explanations of all the reasons behind the application for asylum.⁶⁶

The interview may be omitted:

- When a positive decision on application may be taken on the basis of the available evidence;
- In cases when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his or her control; or
- The admissibility of a subsequent application is being assessed.⁶⁷

The LITP provides that the applicant shall give reasons if he or she refuses to cooperate with the official conducting the interview. The Ministry shall consider the reasons and shall inform the applicant orally for the record of its decision.⁶⁸

All interviews are conducted by the civil servants of the Asylum Department within the Ministry of Interior, who are also responsible for taking decisions on the application.

Interpretation

Most applicants are interviewed in practice. According to the LITP, the presence of an interpreter during the personal interview is required in case an asylum seeker does not understand the language in which the procedure is conducted.⁶⁹ In practice this means that the interpreter is present in all cases, with the only exception of those in which the asylum seeker understands Croatian (for example asylum seekers who are nationals of a neighbouring country such as Bosnia and Herzegovina).

In the past, a few asylum seekers have complained to the Croatian Law Centre about the quality of translation. There is no specific code of conduct for interpreters in the context of asylum procedures, nor were standards prescribed in the past with regard to the qualifications of interpreters in the procedure for international protection. The LITP prescribes conditions that have to be fulfilled in order for a contract to be signed between the Ministry of Interior and an interpreter.⁷⁰ The Ministry shall conclude an agreement with a translator/interpreter if:

- (a) It is assessed that he or she has good knowledge of the Croatian language in writing and speech;

⁶⁶ Article 35(2) LITP.

⁶⁷ Article 35(8) LITP.

⁶⁸ Article 35(6) LITP.

⁶⁹ Article 14(2) LITP.

⁷⁰ Article 13 LITP.

- (b) It is assessed that he or she has good knowledge of the language for which he or she is being engaged;
- (c) It is established that no circumstances exist that could represent a hindrance to employment in the civil service pursuant to the regulations on employment in the civil service;
- (d) It is established that no security hindrances exist after the conducting of a basic security check pursuant to the regulations on security checks.

In addition, the interpreter must be reliable, impartial and must interpret truthfully and accurately. He or she is obliged to act pursuant to the regulations governing the protection of personal data, and especially may not disclose the data such as personal and other information collected during the procedure.

If for objective reasons it is not possible to provide an interpreter for a specific language, the Ministry of Interior shall request assistance from another Member State of the European Economic Area. However, according to the Ministry of Interior this possibility has not been used in 2016.⁷¹ According to the knowledge of the Croatian Law Centre, this possibility has not been used in 2017 either.

Up to now, interpreters were not professionally trained and interpretation is not done by accredited interpreters in the majority of cases. Many of them are native speakers, however they are not fluent in the Croatian language. Usually, persons who simply possess the requested language skills are contracted by the Ministry of Interior. Nevertheless, there is a lack of interpreters, especially for some specific languages (such as Kurumanji and Pashto). In addition, asylum seekers from African countries are often interviewed in English or French, languages they are considered as being able to understand. Asylum seekers are asked at the beginning of the interview if they understand the interpreter.

In the past there was also a possibility for the interview to be conducted through video conferencing (through the GDISC Interpreters Pool Project and later also in cooperation with the Dutch Immigration and Naturalisation Service). However, such a possibility is not available at the moment.⁷² The LITP prescribes that interpretation can be provided by means of electronic telecommunications or audio-visual equipment.

Transcript

During the interview, verbatim minutes of the interview are drafted. Once the interview is finished, the interpreter translates the minutes to the applicant who then has a possibility to make corrections, interventions, as well as to add information if needed. Generally, in practice, the quality of the minutes is not considered problematic, although there were cases in which minutes were not considered to be of sufficient quality by the applicants. It also depends on the interpreter whether he or she summarises the answers (which they should not do), or translates each sentence of the applicant (which is how they should translate). By signing the minutes, the applicant agrees with the content of the transcript.

⁷¹ Information provided by the Ministry of Interior, 2 March 2017.

⁷² Answer from the Ministry of Interior to the request for video conference translation in a particular case, dated 10 April 2014, and confirmed again at a meeting on 9 November 2015 and via letter on 2 March 2017.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

❖ If yes, is it	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Average processing time for the appeal body to make a decision: Zagreb: 128 days | Split: 322 days in 1 case | Rijeka: 2 months in 2 cases and 7 months in 1 case

Decisions of the Ministry of Interior may be challenged before the Administrative Court.⁷³ According to the law, the time limit for an applicant to lodge an appeal to the Administrative Court in the regular procedure is 30 days after the delivery of the decision of the Ministry of Interior.⁷⁴

Each asylum case is examined by a single judge. Judges are not specialised on asylum neither specifically trained in asylum law, although from time to time some trainings are organised for judges (usually by UNHCR and NGOs). In 2016, the Croatian Law Centre, in cooperation with the Judicial Academy and UNHCR, prepared a two-day seminar for judges of 4 administrative courts (in Osijek, Rijeka, Split and Zagreb) and the High Administrative Court. In 2017, again with financial support from UNHCR, the Croatian Law Centre, in cooperation with the Judicial Academy and UNHCR, prepared a one-day seminar on the topic “Exclusion Clause” for judges of the administrative courts in Zagreb, Rijeka, Osijek and Split and the High Administrative Court of the Republic of Croatia.

In the Croatian Law Centre’s experience, there is no information specifying that applicants face obstacles to appealing a decision in practice.

The court holds a hearing in the presence of the asylum seeker in the majority of cases. Exceptions may occur when the asylum seeker's whereabouts are unknown; in previous years this occurred in some Dublin cases, but it seems that the majority of asylum seekers who are in a Dublin procedure are invited to hearings now. Interpreters are provided and paid by the state. So far, to the knowledge of the Croatian Law Centre, interpreters were always available during the administrative dispute. The hearings are not public. However, one attorney reported that interpretations are often not performed in accordance with the rules; for example, asylum seekers have the right to follow the whole procedure in their language, while interpreters translate only questions directly addressed to asylum seeker and their answers. This practice has been developed by a court, not interpreters, as they follow the instruction of the court.⁷⁵

The Court can freely assess the evidence and establish the facts (requesting also further evidence if needed) – without being bound by the facts established in the procedure of the Ministry of Interior – while determining refugee status, although it takes them into account when deciding. Evidence, in terms of Law on Administrative Disputes, includes in this case documents, interviews of the parties, experts' opinions and findings and other means of collecting evidence, and the court presents it according to the rules for presenting evidence in the civil procedure.⁷⁶ In general, there is no time limit set in law for the Administrative Court to make a decision in the regular procedure.

The outcomes of the administrative dispute can be that the appeal is dismissed (and therefore not decided on the merits), rejected (i.e. decided negatively on the merits), or adopted. If the appeal is adopted, the Court can either refer the case back to the Ministry of Interior for the review procedure or it can change the decision by itself, meaning that the result is granting refugee or subsidiary protection status. The court decisions are not publicly available.

⁷³ Article 32(2) LITP.

⁷⁴ Article 24(1) Law on Administrative Disputes.

⁷⁵ Information provided by the attorney at law, 2 January 2018.

⁷⁶ Article 33 Law on Administrative Disputes.

In practice, one attorney has informed the Croatian Law Centre that the practice of Administrative Courts have changed, and that they accept law suits and either change the Ministry of Interior's decisions or refer the case back to the Ministry of Interior for the review procedure.⁷⁷

Administrative Courts reported for international protection cases and [Judicial Review of Detention](#) cases as follows:

- The Administrative Court in **Rijeka** received only 3 asylum lawsuits in 2017, 2 cases were rejected and 1 suspended;⁷⁸
- The Administrative Court in **Osijek** has not received any related cases during 2017;⁷⁹
- The Administrative Court in **Split** received 1 lawsuit in 2017 and the case is still pending, while 1 lawsuit from 2016 was rejected;⁸⁰
- The Administrative Court in **Zagreb** which has handled the majority of cases has received 160 lawsuits in international protection cases, out of which 4 were dismissed, 109 rejected, and 46 accepted, while 1 lawsuit was surrendered to the competent court. In cases of restriction of movement, the Court in Zagreb received 58 lawsuits, out of which 1 was dismissed, 43 were rejected, 4 accepted and 10 suspended.⁸¹

Onward appeal

Applicants may lodge a further appeal against the Administrative Court decision before a High Administrative Court. This appeal, however, does *not* have suspensive effect.⁸² There is no publicly available data on how this functions in practice.⁸³

During 2017, the High Administrative Court received 33 appeals in international protection cases and 3 appeals in cases of restriction of movement:

	International protection cases	Restriction of movement
Appeals in 2017	33	3
- Accepted	0	1
- Rejected	26	2
- Suspended	0	0
- Dismissed	0	0
Decisions in total	26	3
Pending	7	0

Source: High Administrative Court, 24 January 2018.

⁷⁷ Information provided by the attorney at law, 3 January 2018.

⁷⁸ Information provided by the Administrative Court of Rijeka, 23 January 2018.

⁷⁹ Information provided by the Administrative Court of Osijek, 5 February 2018.

⁸⁰ Information provided by the Administrative Court of Split, 24 January 2018.

⁸¹ Information provided by the Administrative Court of Zagreb, 23 February 2018.

⁸² Article 51(3) LITP.

⁸³ Article 19 Amendments to the Law on Administrative Disputes.

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes
 ☐ With difficulty
 ☒ No

❖ Does free legal assistance cover:

☐ Representation in interview
 ☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?

☒ Yes
 ☐ With difficulty
 ☐ No

❖ Does free legal assistance cover

☒ Representation in courts
 ☒ Legal advice

The right to free legal assistance in procedures is regulated by LITP. There is also a general procedure and system of free legal aid which is regulated by the Law on Free Legal Aid, but applicants for international protection can only benefit from this law in some procedures for which legal aid is not provided for by the specific law (for example LITP).

First instance procedure

Free state-funded legal aid is available before the Administrative Court only, not before the High Administrative Court. However, the LITP provides for the possibility of legal information and counselling at first instance procedure before the Ministry of Interior.⁸⁴ The LITP specifies that applicants should, at their request, be provided with legal and procedural information on the approval of international protection, taking into account the circumstances of the specific case, in a language which it may be reasonably be presumed that they understand and in which they are able to communicate. The right to counselling should be provided by organisations working to protect the rights of refugees or by attorneys with whom the Ministry shall conclude an agreement on the provision of legal counselling. An applicant who has no financial resources or things of significant value that enable him or her to have an appropriate standard of living shall have the right to legal counselling. However at the moment it is still not clear how this would be implemented in practice. As of beginning of March 2018, the Ministry of Interior has not published a public call for providers of legal counselling, and there is no available information on when it could be expected.

In practice, the majority of asylum seekers need additional legal information about their status, asylum claim and right and obligations in the first instance procedure before the Ministry of Interior.

At the moment legal information and assistance are provided by NGOs on a project basis, and primarily by the Croatian Law Centre as the implementing partner of UNHCR, the Legal Clinic of the Law Faculty of the University of Zagreb, the Centre for Peace Studies and the Jesuit Refugee Service (JRS):

- ❖ Lawyers of the Croatian Law Centre are present for free legal counselling once a week (Tuesdays) in the Reception Centre for Asylum Seekers in **Zagreb**, once a month in the Reception Centre for Asylum Seekers in **Kutina**, and once a month in the Reception Centre for Foreigners in **Ježevo**. A few times per month, depending on needs, the Croatian Law Centre's lawyers provide legal counselling in the premises of the Croatian Law Centre. However, with regard to representation in the first instance procedure, they are not present at interviews, except in specific selected cases, provided that they are authorised by the applicant for legal representation. In practice there is greater need for free legal assistance in the first instance procedure, but unfortunately due to financial restrictions and lack of capacity, two lawyers from the Croatian Law Centre can represent only a very small number of cases.
- ❖ The Centre of Peace Studies (CPS) lawyer is available for legal counselling in the Reception Centre for Asylum seekers in **Zagreb** and in **Kutina** and CPS's premises when needed. From November 1, 2017 volunteer lawyers under the mentorship of CMS's lawyer provide legal information to asylum

⁸⁴ Article 59(3)-(5) LITP.

seekers and accompany them on the interviews before the Ministry of Interior in order to monitor procedure.⁸⁵

- ❖ The JRS lawyer provides legal information once a week in the Reception Centre for Asylum Seekers in **Zagreb**, and in the Reception Centre for Asylum Seekers in **Kutina** when needed. In addition, in JRS new premises, which were opened in February 2018 for integration purposes, legal information are also provided once a week⁸⁶
- ❖ Students of the Legal Clinic of the Law Faculty of the University of Zagreb students visit the Reception Centre in **Kutina** once a month in order to provide legal information to asylum seekers accommodated there, under the supervision of their academic mentor.⁸⁷ They organise counselling only in English and, if somebody does not speak English, another asylum seeker may help with translation. Students work in a way that they collect the facts and questions and within three days they are obliged to send information to asylum seekers. From November 2016, students join the Croatian Law Centre's lawyers in Reception Centre in Zagreb once a week in order for them to get insight into practice, collect information and gain knowledge and understanding on how to provide legal aid.

Appeal

According to the LITP, free legal aid includes assistance in the preparation of a law suit to the Administrative Court and representation before the Administrative Court i.e. in the first instance administrative court disputes,⁸⁸ if requested by the applicant and foreigner under transfer, under the condition that they do not have sufficient financial resources or possessions of significant value.⁸⁹ Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.⁹⁰ In April 2016, a public call was announced, also allowing lawyers from NGOs to apply for the first time, so 3 Croatian Law Centre lawyers are also now on the list of providers of free legal aid for the procedure before Administrative Court.⁹¹

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.⁹² According to the Ordinance on free legal aid, the Administrative Court decides on the right to free legal assistance and takes into account the evidence on the financial status of the asylum seeker, which is obtained *ex officio* by the Ministry of Interior during the first instance procedure on the one side and by compiling the form by the asylum seekers on the other side. In practice that means that at the beginning of the first instance procedure, the asylum seeker has to specify, by completing a form provided to them, if they carry any valuables with them, which is rarely the case.

In practice there are no obstacles to accessing attorneys, as asylum seekers are informed about their right to free legal assistance and attorneys are notified usually by the Ministry of Interior. Attorneys organise the interpreter for the appointment and then inform the Ministry of Interior. However, it seems that in practice from time to time there are certain problems in regard to informing asylum seekers about the first contact with providers of free legal aid as there is no systematic and clear procedure how to inform the client about the arrival of attorney.

To the knowledge of the Croatian Law Centre, this provision is still considered problematic by attorneys⁹³ representing applicants in the first instance administrative court disputes practice has shown that in some cases where they represented applicants, filed a lawsuit and attended the hearing before Administrative

⁸⁵ Information provided by the Centre for Peace Studies, 7 January 2018.

⁸⁶ Information provided by JRS, 14 March 2018.

⁸⁷ Information provided by the Legal Clinic of the Law Faculty of the University of Zagreb, 10 February 2017 and confirmed on 12 March 2018.

⁸⁸ Article 60(2) LITP.

⁸⁹ Article 60(1) LITP.

⁹⁰ Article 60(4) LITP.

⁹¹ The Croatian Law Centre has applied only for the Administrative Court of Zagreb.

⁹² Article 60(3) LITP.

⁹³ Information provided by the attorney at law, 3 January 2018.

Court, their costs were not reimbursed on the basis of the court's decision. It seems that problems arose when asylum seekers decided to withdraw the proceedings, but then the Ministry of Interior is not obliged to pay the provider of legal aid in that case,⁹⁴ even if the legal aid provider has already spent a great amount of time and taken certain legal actions for the case. In addition it seems that during 2017 in practice there were cases when the financial status of an applicant was reported to the Ministry as "not having income or possession", but before Court, it turned out differently, and consequently attorneys were not paid for their work. One attorney proposes that the fact that somebody has or does not have the right to free legal aid should be decided at the beginning of the procedure, and not at the end of Court procedure as in the current system, attorneys are uncertain if they will be paid. An attorney emphasized that this system of granting the right to legal aid at the end of the procedure is unfair as the full burden and risk is shifted to the provider of free legal aid. If, for any reason, the court does not endorse free legal aid, the provider will not receive anything and has completed the work without payment. The attorney also stressed that the practice of not being able to find out the financial status of clients before the power of attorney is signed is not logical, as it means that the attorney finds out that the client will not be entitled to free legal aid only when the power of attorney is signed.

The High Administrative Court took the view that free legal aid under the LITP covers only the composition of the lawsuit and the hearing, and not the composition of any further submissions which are sometimes needed, which also means that for such legal actions attorneys are not reimbursed.⁹⁵

In addition, as specified above, appeal to the High Administrative Court is not covered by free legal aid under the LITP, although it is a logical next step. In addition, the Act on legal profession requires from attorneys to continue representing clients up to 30 days after the termination of the power of attorney, if there is a risk that a client may be harmed. So since there is a contradiction between the provisions of the Act on legal profession and the provisions of the LITP which regulate free legal aid, attorneys have to deal with this in a way that prevents possible harm for a client and to proceed according to the Act on legal profession, which means that they are writing and submitting appeals to the High Administrative Court, without being paid for their work.⁹⁶

In addition, one attorney informed the Croatian Law Centre that the High Administrative Court expressed in one of its decisions the view that travel costs in order for providers of legal aid to sign a power of attorney and have conversations with their client would not be recognised as travel cost – e.g. when a lawyer from **Zagreb** goes to the reception centre of **Kutina** – but would only recognise travel expenses for the arrival of the attorney to the hearing – e.g. when an attorney outside Zagreb comes to the hearing in Zagreb. This may be problem because for some distant Administrative Courts such as **Rijeka**, **Osijek** and **Split**, only attorneys from continental parts of Croatia are on the list, so it could happen that the costs exceed the total amount provided for the preparation of the appeal and representation, which an attorney reasonably would not accept. This would open up questions as to how the right to free legal aid would be exercised in practice in such cases. One attorney reported problems in being reimbursed for the representation of the clients whose cases were brought before Administrative Courts in Rijeka and Split.⁹⁷

The LITP also states that the providers of free legal aid must inform the Ministry of Interior without delay of the bringing of a claim before the Administrative Court and the date of delivery of the Court's judgment. If a provider of legal assistance does not act in line with this obligation, the provider shall be deleted from the List of Providers of Free Legal assistance.⁹⁸ The Ordinance on free legal aid prescribes that the provider should be first warned in writing and then deleted for the list if he or she has not complied with this obligation.⁹⁹

⁹⁴ Article 10(3) Ordinance on free legal aid in the procedure of granting international protection.

⁹⁵ Information provided by the attorney at law, 3 January 2018.

⁹⁶ Information provided by the attorney at law, 2 January 2018.

⁹⁷ Information provided by the attorney at law, 3 January 2018.

⁹⁸ Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

⁹⁹ Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

2. Dublin

2.1. General

Dublin statistics: 2017

Outgoing procedure		Incoming procedure	
Requests	Transfers	Requests	Transfers
123	8	890	249
Bulgaria: 76	Germany: 6	Germany: 253	Germany: 128
Greece: 16	Austria: 1	Slovenia: 233	Austria: 68
Cyprus: 6	Italy: 1	France: 110	Slovenia: 18

Source: Ministry of Interior, 13 February 2018

Application of the Dublin criteria

Croatia does not use any national legislation to incorporate the Dublin III Regulation, as it is directly applicable, but refers to it in Articles 2 and 43 LITP, specifying that the application will be dismissed if the responsibility of another Member State has been established. In that respect, the LITP does not establish criteria to determine the state responsible, but the Ministry of Interior, when deciding on a case, simply refers to the criteria listed in the Dublin Regulation.¹⁰⁰ The Dublin procedure is applied whenever the criteria listed in the Dublin Regulation are met. The only exception made in the past was if the responsible country was Greece. In those cases, Croatia was accepting responsibility for examining asylum applications. However, from information and statistics provided by the Ministry of Interior with regard to Dublin procedures in 2017, it is clear that outgoing requests were also sent to Greece, so it can be concluded that practice has changed in this regard.

In practice, for outgoing requests, Article 18(1)(b) of the Dublin Regulation is frequently used (in 2017 there were 101 requests) For incoming requests, Article 18 (in 2017 used in 673 requests) and the criterion of irregular entry under Article 13 (in 2017 used in 199 requests) are often invoked.¹⁰¹ As regards the peculiar situation of the organised transit of refugees and migrants along the Western Balkan route from the end of 2015 to early 2016, the Court of Justice of the European Union (CJEU) clarified on 26 July 2017 that persons entering Croatia en route to other countries were effecting an “irregular entry” under the terms of the Dublin Regulation. Therefore Croatia remained responsible for processing the applications of those transiting through its territory during that period.¹⁰²

¹⁰⁰ A meeting with officials of the Ministry of Interior with the purpose of collecting information about Eurodac and the Dublin procedure was held on 8 July 8, 2014.

¹⁰¹ Information provided by the Ministry of Interior, 13 February 2018.

¹⁰² CJEU, Case C-646/16 *Jafari* and Case C-490/16 *A.S.*, Judgment of 26 July 2017.

2.2. Procedure

Indicators: Dublin: Procedure

1. On average, how long does a transfer take after the responsible Member State has accepted responsibility? 2 months

Within the Asylum Department, there are eight state officials working within the so called Dublin Unit conduct Eurodac and Dublin procedures (three of them are new employees).¹⁰³

There are eight stationary LiveScan machines for taking fingerprints for Eurodac purposes, two new and one old in the Reception Centre for Asylum Seekers in **Zagreb**, one in the Reception Centre for Asylum Seekers in **Kutina**, one old and one new in the Reception Centre for Foreigners in **Ježevo**, one in the Transit Reception Centre in **Trilj**, and one in Transit Reception Centre in **Tovarnik**. There are also 24 portable devices: two in the Reception Centre for Asylum Seekers in **Zagreb**, one in the Reception Centre for Foreigners in **Ježevo**, one in the Transit Reception Centre in **Tovarnik**, while other devices are located in various police administrations and police stations on the Croatian territory. From October 2017 fingerprinting is done through EURODAC LiveScan machines, which was the reason why portable devices were located in all police administration centres. Only when an asylum seeker or irregular migrant cannot be brought to the police station or the device cannot be brought to the police station where the person is located are fingerprints taken on paper and then scanned and sent to NAP.¹⁰⁴

Where fingerprinting is temporarily impossible due to medical or other reasons, fingerprints of an asylum seeker shall be taken as soon as those impediments cease to exist.¹⁰⁵

As regards registration of people who passed through Croatia from the end of 2015 to early 2016,¹⁰⁶ there are no precise or publicly available figures on how many people were registered, where their personal details and fingerprints were taken and then stored in database. Precisely in relation to taking fingerprints and sharing such information with Eurodac, an infringement procedure was instituted against Croatia for violation of EU law at the beginning of December 2015.¹⁰⁷

The applicant who without justified cause refuses to be fingerprinted shall have his or her fingerprints taken by police officers without his or her consent.¹⁰⁸ This can also be a reason for the Ministry of Interior to render a decision in an accelerated procedure (see section on **Accelerated Procedure**).¹⁰⁹

According to the Ministry of Interior, asylum seekers are informed about Dublin and Eurodac before the interview for the purpose of submission of application for international protection is conducted.¹¹⁰ Information from the Ministry of Interior, is available in Albanian, Amharic, Arabic, Bengali, English, Farsi, French, Russian, Tigrinya, Turkish and Urdu. If there is no translation of information in a certain language, then an interpreter will translate from the Croatian into the specified language. In addition the leaflets about the Dublin procedure made by UNHCR are available in the Reception Centre for Asylum Seekers. The leaflets are available in Arabic, English, Farsi, French, Croatian, Pashto, Somali, Turkish, and Urdu.¹¹¹ The Ministry of Interior does not provide a written translation of the Dublin decision, but the decision is explained orally by the interpreter during its delivery in a language that the asylum seeker understands.

¹⁰³ Information provided by the Ministry of Interior, 13 February 2018.

¹⁰⁴ Information provided by the Ministry of Interior, 13 February 2018.

¹⁰⁵ Article 33(6) LITP.

¹⁰⁶ Croatian Law Centre, *The Croatian asylum system in 2015*, available at: <http://bit.ly/2m14Rk0>.

¹⁰⁷ European Commission, Infringement Decision No 20152197 "incorrect implementation of the recast Eurodac Regulation (EU) 603/2013", 10 December 2015, available at: <http://bit.ly/2kQnUgP>.

¹⁰⁸ Article 33(7) LITP.

¹⁰⁹ Article 41(1)(10) LITP.

¹¹⁰ Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018.

¹¹¹ Information provided by the Ministry of Interior, 13 February 2018.

Individualised guarantees

The Asylum Department requests guarantees before conducting a transfer to the responsible Member State, usually in relation to health reasons.¹¹² Due to a judgment of the Administrative Court in Zagreb, a guarantee was required from Bulgaria with regards to reception conditions, provision of adequate medical care and the exercise of rights attached to international protection status in Bulgaria.

According to the Ministry of Interior, Croatia requested several guarantees from Bulgaria (access to procedure for granting international protection, adequate accommodation in line with human rights standards, special medical assistance etc). Bulgaria has provided guarantees in several cases, while in some case no responses were received even after repeated inquiries.

As regards the incoming procedure, the Asylum Department provides individualised guarantees in exceptional cases, where this is requested by another Member State. Such guarantees usually concern accommodation of families, specific medical needs at the Reception Centre for Asylum Seekers or health institutions, as well as access to the procedure.¹¹³ However, the Ministry of Interior does not keep records about such data and cannot provide exact information on the number of cases where guarantees have been requested.

According to the Ministry of Interior in 2017 in incoming cases there were no guarantees requested by other Member States.¹¹⁴

Transfers

In practice, if another EU Member State accepts responsibility for the asylum applicant, the time for the transfer to the responsible Member State will depend on the circumstances of each case. According to the Ministry of Interior, the time between the day when another Member State accepts responsibility and the transfer being made is approximately 2 months.¹¹⁵

Asylum seekers are not detained in practice upon notification of the decision of transfer under the Dublin procedure. However, according to the Ministry of Interior, foreigners awaiting transfer often abscond. Therefore employees of the Ministry of Interior working on Dublin cases prolong the deadline for the transfer up to the maximum of 18 months from the acceptance of responsibility or the decision of the Administrative Court.¹¹⁶ The Ministry of Interior reported that some problems in transfer occurred in relation to airline companies (Lufthansa and Croatia Airlines) mainly due to a lack of knowledge about how to proceed in cases of persons who are in a Dublin transfer.

The transfer to the responsible Member State is organised by the Dublin Unit of the Ministry of Interior, in cooperation with the receiving Member State. According to the Ministry of Interior, the transfer is usually under escort as it is requested by the airline company (Croatia Airlines).¹¹⁷ Depending on circumstances a person is escorted by one or two police officers, or an employee of the Dublin Unit if it is not expected that a person will resist. If there is a transfer of unaccompanied child, then the guardian appointed by the Centre for social welfare goes with the child.

¹¹² Information provided by the Ministry of Interior, 21 July 2017.

¹¹³ *Ibid.*

¹¹⁴ Information provided by the Ministry of Interior, 13 February 2018.

¹¹⁵ *Ibid.*

¹¹⁶ Information provided by the Ministry of Interior, 2 March 2017; 13 February 2018.

¹¹⁷ *Ibid.*

2.3. Personal interview

Indicators: Dublin: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure?
☒ Yes ☐ No
❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

There is no special interview conducted in the Dublin procedure, since questions relevant to that procedure are part of the first interview that is conducted by the officials of the Reception Centre for Asylum Seekers' administration.

If there are elements in connection with the Dublin procedure which were not mentioned in the application, for instance there is a Eurodac hit and the asylum seeker has not mentioned that he or she was in another Member State, an additional interview can be conducted.

The same procedural rules as for the regular procedure apply during this part of the procedure, and the same guarantees as for the first interview in the regular procedure will apply (see section on [Regular Procedure: Personal Interview](#)).

2.4. Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?
☒ Yes ☐ No
❖ If yes, is it ☒ Judicial ☐ Administrative
❖ If yes, is it suspensive ☒ Yes ☐ No

The decision on the transfer includes the grounds for the application of the Dublin Regulation and information on how to lodge a complaint against the decision. The complaint, for which applicants receive free legal assistance, must be lodged before the Administrative Court within 8 days from the delivery of the decision.¹¹⁸

The courts and their judges are not specialised in asylum cases. The court examines the lawfulness of the Dublin decision. A personal hearing can be omitted on the decision of the judge: therefore in some cases the oral procedure is conducted *in absentia* (with only the legal representative present). In Dublin cases, it happens when the complainant disputes only the application of the law and not the facts of the case, and the parties have not made a request for a hearing to be held. However according to the knowledge of the Croatian Law Centre, in practice hearings are held in Dublin cases as well.

Complaints have suspensive effect. According to the information available to the Croatian Law Centre, in the past the courts did not always take into account the level of reception conditions, the procedural guarantees and the recognition rates in the responsible Member State when reviewing the Dublin decision. There is no publicly available data on how many Dublin decisions on transfers to other Member States were actually challenged before the Administrative Court since Croatia became an EU Member State. Therefore, no conclusions can be drawn on whether the Administrative Court takes into account the conditions and guarantees in the responsible Member state when reviewing the Dublin decision.

According to the Ministry of Interior,¹¹⁹ in 2016 the responsibility of another member state was established in 42 cases, while only 8 complaints were submitted to the Administrative Court (7 of which were submitted

¹¹⁸ Article 43(3) LITP.

¹¹⁹ Information provided by the Ministry of Interior, 2 March 2017.

in 2016 and 1 in 2017. In 2 cases the Court rejected the complaint and appeals were lodged to the High Administrative Court, while 5 cases are still pending before the Administrative Court.

In addition, one attorney informed the Croatian Law Centre that in one case from 2016, in spite of reports and case law, and the fact that the level of reception conditions had not been taken into account by the Ministry of Interior when deciding on the Dublin transfer, which was extensively pointed out in the complaint, and despite the psychological opinion stating that the consequences of torture and PTSD existed, the Administrative Court did not find convincing testimony on the part of asylum seeker on the deficiencies of the reception conditions in the country where he would be transferred. The person faced shortcomings in registration, he was not accommodated in any reception centre in that country but was released to sleep at the train station in winter conditions.

In other Dublin case, reported by an attorney, where the Administrative Court confirmed the Ministry of Interior's decision on the Dublin transfer, the High Administrative Court overturned the decision as conditions in the country had not been taken into account. However, as reported by attorney, virtually the entire burden of proof of the situation in the country was on the asylum seeker, as in the Ministry of Interior's decision on the transfer, conditions in the receiving country had not been assessed at all.

2.5. Legal assistance

Indicators: Dublin: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☒ No
❖ Does free legal assistance cover:
☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover
☒ Representation in courts
☒ Legal advice

The same rules as in the regular procedure apply for access to free legal assistance during the Dublin procedure, meaning that free legal aid includes assistance in the preparation of the complaint and representation before the Administrative Court,¹²⁰ if requested by the asylum seeker.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?
☐ Yes ☒ No
❖ If yes, to which country or countries?

After entering the EU, Croatia suspended transfers of asylum seekers to **Greece**. Where there was no responsible Member State other than Greece, in previous years Croatia took responsibility for the examination of the asylum application. However from the data for 2017 provided by the Ministry of Interior, this has changed in 2017. There are no data or information available on Administrative Court rulings suspending Dublin transfers to other EU Member States or associated States. One attorney informed the Croatian Law Centre that in one Dublin case the High Administrative Court overturned the decision of the Administrative Court.

¹²⁰

Article 60(2) LITP.

One attorney informed Croatian law Centre that the Administrative Court annulled the Ministry decision on transfer decision and returned the case to the Ministry of Interior, even though the asylum seeker had left the Republic of Croatia in the meantime.

2.7. The situation of Dublin returnees

Asylum seekers who are returned from other Member States in principle do not have any obstacles to access the asylum procedure in Croatia. However, those who had left Croatia before the end of procedure and therefore had their case suspended, have to re-apply for asylum (if they wish) once they return to Croatia, and thereby re-enter their initial asylum procedure, in line with Article 18(2) of the Dublin III Regulation. On the other hand, persons whose application was explicitly withdrawn or rejected before leaving Croatia are considered subsequent applicants upon return, contrary to the requirements of the Regulation.¹²¹

As noted in [Registration](#), some applicants have faced obstacles to arranging interviews for the purpose of lodging an application due to the lack of available interpreters for certain dialects.

So far, with the exception of one ruling of the Belgian Council of Alien Law Litigation in August 2016,¹²² and another ruling of the District Court of the Hague in the Netherlands,¹²³ transfers to Croatia have not been suspended by national courts on account of conditions facing returnees.¹²⁴ This has been echoed by the Court of Justice of the European Union (CJEU) in early 2017.¹²⁵

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

No specific procedure is named as “admissibility procedure” in Croatia. However, it is possible for the Asylum Department to make a decision without entering into a further in-depth examination of the asylum application (i.e. an examination on the merits) when the grounds for the dismissal of the application are met.

An application will be dismissed where:¹²⁶

- (1) The applicant has been granted international protection in another member state of the European Economic Area;
- (2) The applicant has been granted international protection in a third state whose rights he or she still enjoys, including the guarantees stemming from *non-refoulement*, provided that he or she will be received back into that state;
- (3) It is possible to apply the concept of safe third country;
- (4) It is possible to apply the concept of European safe third country;
- (5) The responsibility of another member state of the European Economic Area is established to consider the application; or
- (6) The application was lodged by a national of a member state of the European Union.

¹²¹ ECRE, *Balkan route reversed*, December 2016, 30.

¹²² Belgian Council of Alien Law Litigation, Judgment No 172 921, 8 August 2016.

¹²³ Dutch District Court of the Hague, Judgment No 17/2914, 7 March 2017.

¹²⁴ Austrian Federal Administrative Court, Judgment W212 2120738-1, 11 February 2016; W125 2122299-1, 17 March 2016; W175 2124050-1, 8 April 2016; W144 2135976-7, 10 October 2016; W243 2134119-1, 24 November 2016; Austrian Administrative High Court, Judgment Ra 2016/20/0069, 23 June 2016; Administrative Court of Munich, Judgment M 18 S 16.50812, 31 October 2016; Swiss Federal Administrative Court, Judgment D-1611/2016, 22 March 2016; D-1951/2016, 1 April 2016; E-2615/2016, 4 May 2016; D-3867/2016, 29 June 2016; D-7156/2016, 23 November 2016; District Court of The Hague, Judgment NL16.1383, 5 July 2016.

¹²⁵ CJEU, Case C-578/16 PPU *C.K. v. Republic of Slovenia*, Judgment of 16 February 2017, para 71.

¹²⁶ Article 43(1) LITP.

There are no specific time limits that must be respected by the Ministry of Interior in the first instance procedure for delivering a dismissal decision, and the rules governing the regular procedure are applicable.

In case of a subsequent application,¹²⁷ the admissibility of the application shall be assessed on the basis of the facts and evidence it contains, and in connection with the facts and evidence already used in the previous procedure. If it is established that the subsequent application is admissible, a decision shall be rendered once again on the merits of the application, and the previous decision would be revoked.

The subsequent application would be dismissed if it is established that it is inadmissible i.e. if the subsequent application is not understandable and does not contain relevant facts and evidence which arose after decision became final or which the applicant for justified reasons did not present during the previous procedure relating to establishing the meeting of the conditions for approval of international protection (see section on [Subsequent Applications](#)).

In 2016, the Ministry of Interior dismissed 47 applications. In 2017, the Ministry of Interior dismissed 48 applications according to article 43 of LITP, however no decision was made on the basis on the concept of 'safe third countries.'¹²⁸

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☐ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure? ☐ Yes ☒ No
 - ❖ If so, are questions limited to identity, nationality, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The interview is conducted by the Ministry of Interior (i.e. by decision makers from the Asylum Department). According to the LITP, the personal interview would not be undertaken if the admissibility of a subsequent application is being assessed.¹²⁹ In such cases, usually only the asylum seeker makes application in writing i.e. asylum seeker fills in form by him or herself, stating the reasons for subsequent application and explaining why those reasons were not mentioned in the previous procedure.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision? ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it suspensive
 - "First country of asylum" ☐ Yes ☒ No
 - Other grounds ☒ Yes ☐ No

According to the LITP the deadline for appealing a dismissal decision before the Administrative Court is 8 days after the delivery of the decision of the Ministry of Interior.¹³⁰

¹²⁷ Article 47 LITP.

¹²⁸ Information provided by the Ministry of Interior, 13 February 2018.

¹²⁹ Article 35(8)(3) LITP.

¹³⁰ Article 43(3) LITP.

As for suspensive effect, the LITP provides all appeals with suspensive effect, except for appeals against dismissal decisions on “first country of asylum” grounds where the asylum seeker has refugee status in another country¹³¹ or when a subsequent application is dismissed.

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

☐ Yes
 ☐ With difficulty
 ☒ No

❖ Does free legal assistance cover:

☐ Representation in interview
 ☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

☒ Yes
 ☐ With difficulty
 ☐ No

❖ Does free legal assistance cover

☒ Representation in courts
 ☒ Legal advice

Regarding free legal assistance in “inadmissible” cases, the general provisions about the right and access to free legal assistance apply, meaning that free legal aid in terms of representation is not foreseen in the first instance procedure, but only in the preparation of a claim to the Administrative Court, including representation before the Administrative Court,¹³² if requested by the asylum seeker (see section on [Regular Procedure: Legal Assistance](#)).

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities?

☒ Yes
 ☐ No
2. Can an application made at the border be examined in substance during a border procedure?

☐ Yes
 ☒ No
3. Is there a maximum time limit for border procedures laid down in the law?

☒ Yes
 ☐ No

❖ If yes, what is the maximum time limit?

4 weeks

The LITP foresees a border procedure. Two centres for irregular migrants were built and opened in 2017, one in **Tovarnik** at the border with Serbia and another in **Trilj** near the border with Bosnia and Herzegovina.

At the moment the border procedure provided under the LITP does not take place in those two centres . In addition, according to the Ministry of Interior it is still not clear when the implementation of the border procedure would start.¹³³ Information obtained by ECRE at the end of December 2016 suggested that the two centres would be Reception Centres for Foreigners, similar to the one in **Ježevo**, and that no asylum procedures would be conducted there.¹³⁴ However according to information provided by Initiative Welcome in March 2018, the family of Madina Hosseini (see: **Access to the procedure and registration**) expressed intention to apply for international protection, however they are accomodated in the Transit centre in Tovarnik, which opens questions of the modality of procedure implemented in their cases.

¹³¹ Article 51(1)(2)- (3)- LITP, citing Article 43para (1) points(1)-(2) and Article 43 para (2) LITP.

¹³² Article 60 LITP.

¹³³ Information provided by the Ministry of Interior, 2 March 2017, confirmed in the letter received on February 13, 2018.

¹³⁴ ECRE, *Balkan route reversed*, December 2016, p17.

According to the LITP, the border procedure would be applicable for the foreigner who expresses intention of lodging an application or make subsequent application at a border crossing point or in a transit zone of an airport, sea port or internal water port, provided that the following conditions are met:

- The applicant is provided with material reception conditions; and
- The application or subsequent application may be rejected as manifestly unfounded if the applicant does not meet the conditions for asylum or subsidiary protection and conditions are met for the accelerated procedure to be conducted, or the application or subsequent application may be dismissed as inadmissible.¹³⁵

However, if a decision concerning the application is not issued within the period of 28 days from the day of the lodging of the application for international protection, the applicant would be permitted entry to the Republic of Croatia with a view to conducting the procedure.¹³⁶

4.2. Personal interview

As there is no border procedure conducted at the moment, it is quite difficult to predict how a personal interview in such procedure will look in the future.

4.3. Appeal

Indicators: Border Procedure: Appeal

☒ Same as regular procedure

1. Does the law provide for an appeal against the decision in the border procedure?

❖ If yes, is it

❖ If yes, is it suspensive

☒ Yes

☒ Judicial

☒ Yes

☐ No

☐ Administrative

☐ No

The border asylum procedure is foreseen by the LITP, but is not applied in practice. By law appeals against decisions in the border asylum procedure are subject to shorter time limits: a complaint to the Administrative Court against a decision of the Ministry of Interior made in the border asylum procedure must be lodged within 5 days from the day of the delivery of the decision. The Ministry shall deliver the case file no later than 8 days from the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall render a judgment within 8 days from the day of receipt of the case file.¹³⁷

The law provides also the possibility to temporarily restrict access to those locations (and therefore to applicants accommodated there) for the applicant's legal representative or for a representative of an organisation engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of national security and legal order of the Republic of Croatia.¹³⁸

¹³⁵ Article 42(1) LITP.

¹³⁶ Article 42(4)-(5) LITP.

¹³⁷ Article 42(6) LITP.

¹³⁸ Article 42(3) LITP.

4.4. Legal assistance

Indicators: Border Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☒ No
❖ Does free legal assistance cover:
☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover
☒ Representation in courts
☒ Legal advice

During 2017 there was still no border procedure conducted in Croatia at the border crossing points, so it difficult to predict how the system of free legal aid in the border procedure would function in practice. However, according to unofficial information it seems that the Ministry has started implementing border procedure in 2018. According to the LITP, applicants in all types of procedures shall have access to free state funded legal aid in the preparation of a claim to the Administrative Court, including representation before the Administrative Court where requested by the applicants. However, this could be restricted, as the LITP allows the possibility to temporarily restrict access to those locations (and therefore to applicants accommodated there) for the applicant's legal representative or a representative of an organisation engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of the national security and legal order of the Republic of Croatia.¹³⁹

5. Accelerated procedure

5.1. General (scope, grounds for accelerated procedures, time limits)

According to the LITP the Ministry shall render a decision in an accelerated procedure where:¹⁴⁰

1. The applicant has presented only facts which are irrelevant to an assessment of the merits of the application;
2. The applicant has consciously misled the Ministry by presenting false information or unreliable documents, or by not providing relevant information or by concealing documents which could have had a negative effect on the decision;
3. The applicant in bad faith has probably acted and destroyed documents that establish identity and/or nationality with the aim to provide false information about his or her identity and/or nationality;
4. The applicant has presented inconsistent, contradictory, manifestly inaccurate or unconvincing statements contrary to the verified information on the country of origin, rendering his/her application unreliable;
5. A subsequent application is admissible;
6. The applicant has already resided for a longer period of time in the Republic of Croatia and for no justifiable reason failed to express his or her intention to apply for international protection earlier;
7. The applicant expressed the intention to apply for international protection for the clear purpose of postponing or preventing the enforcement of a decision which would result in his or her expulsion from the Republic of Croatia;
8. The applicant represents a risk for the national security or public order of the Republic of Croatia;
9. It is possible to apply the concept of [Safe Country of Origin](#); or
10. The applicant has refused to give fingerprints.

¹³⁹ Article 42(3) LITP.

¹⁴⁰ Article 41(1) LITP.

The Asylum Department within the Ministry of Interior is responsible for taking decisions in accelerated procedures. The LITP has set a 2-month deadline for completing the accelerated procedure, failing which the claim is transferred to the regular procedure.

The number of asylum applications that were handled in an accelerated manner according to the grounds listed above is not publicly available. However, according to the Ministry of Interior, in 2016, final decisions under the accelerated procedure were issued in 45 cases, including cases where the safe country of origin concept was applied.¹⁴¹ In 2017, decisions under the accelerated procedure were issued in 47 cases.¹⁴²

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure? ☒ Yes ☐ No
 - ❖ If so, are questions limited to nationality, identity, travel route? ☐ Yes ☒ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The same provisions from the LITP on the personal interview in a regular procedure apply to the one in accelerated procedures. That means that the interview in accelerated procedure is not held only in specific cases prescribed by the LITP, i.e. when:

- A positive decision on application may be taken on the basis of the available evidence;
- In cases when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his or her control; or
- The admissibility of a subsequent application is being assessed.¹⁴³

The Asylum Department of the Ministry of Interior is responsible for conducting the interviews and taking a decision.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure? ☒ Yes ☐ No
 - ❖ If yes, is it ☒ Judicial ☐ Administrative
 - ❖ If yes, is it suspensive ☐ Yes ☒ No

The Administrative Court is the competent appeal body in the accelerated procedure, so there is no difference in the authority responsible for handling the appeal compared to regular procedure. However, time limits are shorter: a complaint may be lodged to the Administrative Court within 8 days from the delivery of the decision of the Ministry of Interior.¹⁴⁴

Moreover, complaints against negative decisions in the accelerated procedures do *not* have suspensive effect.¹⁴⁵ The asylum seeker can apply for suspensive effect, which the Court has to decide on within 8 days from the receipt. However, appeals against decisions in cases where the applicant has already resided for a longer period of time in the Republic of Croatia and for no justifiable reason failed to express

¹⁴¹ Information provided by the Ministry of Interior, 2 March 2017.

¹⁴² Information provided by the Ministry of Interior, 13 February 2018.

¹⁴³ Article 35(8) LITP.

¹⁴⁴ Article 41(5) LITP.

¹⁴⁵ Article 51(1)(1) LITP.

his or her intention to apply for international protection earlier *never* have suspensive effect i.e. there is no possibility to request suspensive effect.¹⁴⁶

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

☒ Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
☐ Yes ☐ With difficulty ☒ No
❖ Does free legal assistance cover: ☐ Representation in interview
☐ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover ☒ Representation in courts
☒ Legal advice

The same provisions from the LITP as regards access to free legal assistance for asylum seekers in the regular asylum procedure apply for access to free legal assistance during an accelerated procedure, meaning that free legal aid includes assistance in the preparation of a claim to the Administrative Court and representation before the Administrative Court, if requested by the asylum seeker (see section on [Regular Procedure: Legal Assistance](#)).

D. Guarantees for vulnerable groups of asylum seekers

1. Identification

Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?
☐ Yes ☐ For certain categories ☒ No
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children?
☒ Yes ☐ No

According to the LITP, vulnerable groups include persons without legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence, such as victims of female genital mutilation.¹⁴⁷

1.1. Screening of vulnerability

The LITP has introduced special procedural and reception guarantees.¹⁴⁸ It specifies that appropriate support must be provided for applicants in relation to their personal circumstances, amongst other things their age, gender, sexual orientation, gender identity, disability, serious illness, mental health, or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence, for the purpose of exercising the rights and obligations from the LITP. The procedure of recognising the personal circumstances of applicants shall be conducted continuously by specially trained police officers, employees of the Ministry of Interior and other competent bodies, from the moment of the expression of intention to apply for international protection until the delivery of the decision on the application.

¹⁴⁶ Article 51(1)(2) LITP, citing Article 41(1)(6) LITP.

¹⁴⁷ Article 4(1)(14) LITP.

¹⁴⁸ Article 15 LITP.

At the moment, there is no further detailed guidance available in the law, nor an early identification mechanism in the form of internal guidance according to the Ministry of Interior.¹⁴⁹

According to the Ministry of Interior,¹⁵⁰ early identification is conducted in accordance with the Article 15 of the LITP at the moment of the expression of intention to apply for international protection by the police officers who then accordingly inform the Reception Centre for Asylum Seekers and further identification during the procedure for international protection is done by social workers of the Reception Centre for Asylum Seekers as well as employees of NGOs with which the Ministry has cooperation agreements and who come into first contact with asylum seekers when they arrive in the centres.¹⁵¹

However, although in general, cooperation between NGOs and the Ministry of Interior can be described as satisfactory, no systematic exchange of information is in place and communication depend and vary depending on particular case worker. At the same time, less evident vulnerabilities such as those relating to victims of torture or trauma, victims of trafficking or LGBTI persons are much less likely to be identified in current practice.¹⁵² Therefore it is strongly suggested that some identification mechanism be developed. This has been echoed by other stakeholders in Croatia, who have called for the development of Standard Operating Procedures.¹⁵³

Both the Jesuit Refuge Service¹⁵⁴ and the Rehabilitation Centre for Stress and Trauma¹⁵⁵ reported that reception guarantees were not appropriate for unaccompanied children. For example, the accommodation of unaccompanied children is not adequate as they are placed in homes for children with behavioural disorders. In addition, staff in those institutions are not prepared for working with this category of vulnerable children.

1.2. Age assessment of unaccompanied children

In the past, when many asylum seekers were claiming that they were children, some Centres for Social Welfare had the practice of conducting age assessments on their own. In practice, in the majority of those cases, age assessment was conducted on the basis of the physical appearance of the disputed child and on an interview with them.

The LITP has introduced the possibility of an age assessment procedure if, during the procedure for international protection, doubt arises regarding the age of an unaccompanied child.¹⁵⁶ The assessment of the child's age shall be conducted on the basis of the information available on the child, including the expert opinions of persons involved in work with the child. If the information available is insufficient, a medical examination shall be conducted, with the prior written consent of the child and the guardian. The medical examination shall be conducted by means of a physical examination, X-ray of the teeth and/or hands, with full respect for the dignity of the unaccompanied minor. An unaccompanied child shall be informed in writing in a language which he or she may justifiably be presumed to understand and in which he or she is able to communicate about the manner of examination and its possible consequences for his or her health, the consequences of the results of the medical examination for his/her application, as well as the consequences of unjustified refusal. In the case of unjustified refusal of consent, the unaccompanied child shall be deemed to be an adult applicant. The application cannot be refused exclusively on the basis of the fact that consent to perform a medical examination was not given. During the medical examination, an unaccompanied child who does not understand Croatian shall be provided with a translator/interpreter for a language which he or she may justifiably be presumed to understand and in which he or she is able to communicate. The costs of the medical examination shall be borne by

¹⁴⁹ Information provided by the Ministry of Interior, 2 November 2016 as part of the project "Access to early protection and rehabilitation services right on arrival in the EU" (ACESO).

¹⁵⁰ *Ibid.*

¹⁵¹ ECRE, *Balkan route reversed*, December 2016, p26.

¹⁵² *Ibid.*, 24.

¹⁵³ *Ibid.*, 26.

¹⁵⁴ Meeting held with the representatives of JRS on 3 January 2018.

¹⁵⁵ Information provided by the Rehabilitation centre for Stress and Trauma, 3 January 2018.

¹⁵⁶ Article 18 LITP.

the Ministry. If, even following the results and report on the medical examination undertaken, there is still doubt regarding the age of the minor, the concept of benefit of the doubt shall be applied.

In relation to appeal to the age assessment outcome, the Ministry stressed that in case of doubt in the opinion of the doctor, new medical check would be initiated. The Ministry also emphasises that in such case, the concept of benefit of the doubt shall be applied.¹⁵⁷

According to the Ministry of Interior, in 2017, the age assessment procedure has not been conducted.¹⁵⁸

As there were lots of open questions in the practice, the government accepted the *Protocol on treatment of separated children-foreign nationals* with the aim to provide a unified procedure that should be followed by relevant institutions when dealing with unaccompanied children. The Protocol was drafted by the representatives of relevant ministries, i.e. representatives of the Ministry of Interior, the Ministry of Health, the Ministry of Foreign and European Affairs, the Ministry of Social Policy and Youth, and the Ministry of Science, Education and Sports. Although not a part of the formal working group, input to the Protocol was also given by UNHCR. The purpose of this Protocol is to determine which authority/institution is in charge of identifying, assisting and protecting children (foreign citizens who are separated from their parents) in order to protect their rights and interests, i.e. to ensure their safe return, family reunification, or integration into Croatian society. In the past, age assessment was conducted by staff of the Centre for Social Welfare on the basis of the physical appearance of the age-disputed child and an interview with him or her. In practice, to the knowledge of the Croatian Law Centre, when the Ministry of Interior starts an age assessment procedure, the individual is treated as a child pending assessment.

The Ministry of Interior has initiated the development of the new protocol on the treatment of unaccompanied children. A Working Group has been set up for its preparation.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?

☒ Yes

☐ For certain categories

☐ No

❖ If for certain categories, specify which:

The LITP regulates that the needs of the applicant who needs special procedural and reception guarantees shall be taken into account when rights established in the LITP are exercised.¹⁵⁹ However, the Ministry of Interior does not have a special unit, either within the Reception Centre for Asylum Seekers' administration or within the Asylum Department, dealing with vulnerable groups, but accommodates their needs in the general system and assesses their cases within the same legislative framework. In the past, trainings on how to deal with vulnerable cases were organised for case workers, but since then new civil servants were employed and the need for a continuation of such trainings still exists.

There are few specific provisions on how to process and assess the cases of vulnerable asylum seekers, and with a few exceptions (enumerated below) the same procedural guarantees are in place for vulnerable categories as for other asylum seekers. There is a general obligation to take into consideration the individual situation and personal circumstances of the asylum seeker,¹⁶⁰ in particular the acts of persecution or serious harm already undergone.¹⁶¹ The personal interview and decision-making mechanism is the same for all asylum seekers, regardless of their vulnerability.

It could be concluded that, according to the LITP, vulnerable asylum seekers have the following rights in the status determination procedure:

- To the possibility to be interviewed by a decision-maker of the same sex;¹⁶²

¹⁵⁷ Information provided by the Ministry of Interior, 2 March 2017.

¹⁵⁸ Information provided by the Ministry of Interior, 13 February 2018.

¹⁵⁹ Article 52(2) LITP.

¹⁶⁰ Article 28(2)(3) LITP.

¹⁶¹ Article 28(3) LITP.

¹⁶² Article 35(5) LITP.

- To an interpreter of the same sex, if possible;¹⁶³
- To be interviewed as soon as possible upon the submission of the application for asylum;¹⁶⁴
- In cases where the interview is omitted,¹⁶⁵ in particular when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond their control, their relatives shall be permitted to present evidence and give statements;¹⁶⁶
- In case of an application of an unaccompanied child, the application has priority in decision-making (see section on [Regular Procedure: Fast-Track Processing](#)).¹⁶⁷

As for the accelerated procedure, according to the LITP, this type of procedure would not apply to cases of application lodged by an unaccompanied child except in cases when a subsequent application is admissible, when child represents a risk for the national security or public order of the Republic of Croatia or when it is possible to apply the concept of safe country of origin.¹⁶⁸ According to the Ministry of Interior during 2017 applications lodged by unaccompanied children were not processed under the accelerated procedure.¹⁶⁹ Procedures at border crossings or in transit zones would not apply to cases of application lodged by an unaccompanied child.¹⁷⁰

The LITP also prescribes that accelerated procedures and procedures at border crossings or in transit zones, shall not apply to applicants who are in need of special procedural guarantees, especially victims of torture, rape or another form of serious psychological, physical or sexual violence, if it is not possible to provide the appropriate support (“adequate support”).¹⁷¹ The notion of “adequate support” is understood by the Ministry as meaning that vulnerability should be determined and that the rights related thereto are respected,¹⁷² without however specifying what types of guarantees should be provided.

3. Use of medical reports

Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant’s statements regarding past persecution or serious harm?
☒ Yes ☐ In some cases ☐ No
2. Are medical reports taken into account when assessing the credibility of the applicant’s statements?
☒ Yes ☐ No

According to the information available to the Croatian Law Centre, in practice evidence is rarely presented by way of medical reports, although the claims of some applicants indicate that it is possible that they have been victims of torture or inhuman and degrading treatment. In most, if not all of the cases where medical reports were provided, this was at the initiative of applicant’s legal advisor. To the knowledge of the Croatian Law Centre, in those few cases medical reports were not based on the methodology laid down in the Istanbul Protocol. The LITP does not explicitly establish the possibility to submit a medical report in the procedure, so in this case the provisions of the Law on General Administrative Procedure are applied. That means that in the procedure, the case worker determines the factual situation using any means suitable as evidence and can for this purpose, among other possibilities, make use of findings and opinions of experts.¹⁷³

However, expert witnesses are not mandatory according to the law, and that is why they are rarely used in practice. Even when applicants mention that they are victims of torture, they are still not referred to a specialist, either during the first instance procedure or even later during the administrative dispute. The

¹⁶³ Article 14(3) LITP.

¹⁶⁴ Article 35 LITP.

¹⁶⁵ Article 35(8)(2) LITP.

¹⁶⁶ Article 35(9) LITP.

¹⁶⁷ Article 17(9) LITP.

¹⁶⁸ Article 17(10) LITP.

¹⁶⁹ Information provided by the Ministry of Interior, 13 February 2018.

¹⁷⁰ Article 10(11) LITP.

¹⁷¹ Article 15(3) LITP.

¹⁷² Information provided by the Ministry of Interior, 21 July 2017.

¹⁷³ Article 58(1) Law on General Administrative Procedure.

other reason is the lack of public funds from the State budget. Therefore, the Ministry of Interior has the possibility to order a medical examination; however, this possibility is not used in practice. Few medical examinations for the purpose of drafting a medical report were funded in the past within the project financed by UN Voluntary Fund for Victims of Torture implemented by the Croatian Law Centre together with the Croatian Red Cross.

The LITP only introduces the possibility of use of medical records in the age assessment procedure.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?
☒ Yes ☐ No

In 2017, 261 unaccompanied children sought international protection in Croatia (176 from Afghanistan, 7 from Algeria, 5 from Bangladesh, 2 from Egypt, one from Kosovo, 8 from Libya, 5 from Morocco, one from Nigeria, 43 from Pakistan, 3 from Syria, 4 from Sri Lanka, 6 from Turkey).¹⁷⁴

According to the LITP, unaccompanied child means a third-country national or a stateless person younger than eighteen years of age who entered the Republic of Croatia unaccompanied by an adult person responsible for him or her in the sense of parental care, pursuant to the law of the Republic of Croatia, until placed under the care of such a person, and includes all children who are left unaccompanied after they entered the Republic of Croatia.¹⁷⁵

Time of appointment

According to the *Protocol on treatment of separated children - foreign national*, if a police officer finds a unaccompanied child, he or she will immediately telephone a competent expert employee of the Centre for Social Welfare, who is then urgently required to respond to the call and to be present during the procedure in the organizational units of the Ministry of the Interior. In addition, the police officer should initiate, with the letter, the urgent procedure for appointing a special guardian to the unaccompanied child.¹⁷⁶ However, in practice problems have been reported by the Ombudsman in relation to police treatment; for example, the police have unlawfully deported an unaccompanied child.¹⁷⁷ The situation of migrant and asylum-seeking children was also emphasized in the recent submission by Human Rights Watch to the United Nations Committee on the Rights of the Child concerning Croatia.¹⁷⁸

According to the LITP, unaccompanied children who have expressed the intention to apply for international protection should be appointed legal guardians i.e. the Centre for Social Welfare shall appoint a guardian trained to work with children, who does not have a conflict of interests with the child.¹⁷⁹ The child must be informed immediately about the appointment of the guardian. The procedure for international protection must be conducted by the official from the Ministry of Interior trained to work with children. However in practice, to the knowledge of the Croatian Law Centre, this is rarely the case, as new employees are not trained. The guardian has to prepare, on time, the unaccompanied child for the interview and provide him or her with information on the significance and consequences of the interview in a language which it may justifiably be assumed that child understands and in which he or she is able to communicate. The costs of interpretation shall be borne by the Ministry of Interior. However, to the Croatian Law Centre's knowledge, this possibility is not used in practice as guardians are not familiar with this legal right.

¹⁷⁴ Information provided by the Ministry of Interior, 13 February 2018.

¹⁷⁵ Article 2(1)(17) LITP.

¹⁷⁶ Article 6 Protocol on treatment of separated children - foreign national.

¹⁷⁷ Ombudsman statement, available in Croatian at: <https://bit.ly/2IDXf2b>; Index article, available in Croatian at: <https://bit.ly/2GMLcD8>.

¹⁷⁸ Human Rights Watch submission, available at: <https://bit.ly/2IHjfcw>.

¹⁷⁹ Article 17(1) LITP.

There is no time limit prescribed by law for the appointment of the representative of an unaccompanied child but it is obvious from the LITP that a guardian has to be appointed before submitting application for international protection. From the information provided by the Ministry of Interior problems with delays in the appointment of legal guardians in practice also existed in 2017.¹⁸⁰

In addition there has been a case of unaccompanied minor represented by Croatian Law Centre in the first instance administrative procedure in 2016 where the Ministry of Interior conducted an interview for without a guardian, although the child in question had stated at the beginning of the interview that he was under 18 years of age. The Croatian Law Centre's lawyers noticed that mistake and reacted, so a guardian was appointed to the child.

The Ministry of Interior has also reported some problems with the timely appointment of guardians.¹⁸¹

Qualifications of guardians

Until now, no special qualifications were required for the appointment of guardians. In practice, according to the information available to the Croatian Law Centre, when workers from Centres for Social Welfare were appointed as guardians, these were usually lawyers, social workers or social pedagogues who are working within the Centre for Social Welfare. During the refugee crisis, UNHCR organised training in the transit centre of **Slavonski Brod** for employees of Centres for Social Welfare, while in 2016 they organised a roundtable on unaccompanied children for directors of Centres for Social Welfare, directors of Residential Child Care Institutions and special guardians.¹⁸²

In October 2016, UNICEF in cooperation with the Ministry of Foreign and European Affairs, Ministry of Interior and the (now) Ministry of Demography, Family, Youth and Social Policy, organised a conference with the aim to exchange experience and knowledge between relevant actors and to build capacities and cooperation in protection of unaccompanied children.¹⁸³ Throughout 2016, UNICEF organised trainings for social workers, volunteers and other persons working directly with children. One of the challenges stressed by UNICEF is the lack of consolidated records on the state level for unaccompanied children, not limited to those seeking asylum, making it difficult to track data on this group of children. During 2016, the Croatian Red Cross, in cooperation with relevant institutions and partner organisations, developed a Guide for Guardians.¹⁸⁴

Since November 2016 and through 2017 the Croatian Law Centre, in partnership with the Centre for Social Welfare Zagreb and Centre for Social Welfare Kutina and in cooperation with experts from UNHCR, the Croatian Red Cross and the University of Zagreb Faculty of Law, implemented a project "Improving the protection of the rights of unaccompanied children".¹⁸⁵ The aim of this project was to improve the protection of unaccompanied children by:

- Informing unaccompanied children about their rights
- Training special guardians from **Zagreb** and **Kutina** who work with unaccompanied children.

Within the project five workshops for special guardian were held and short leaflet for unaccompanied children was prepared. Leaflets were recorded as mp3 format in 5 languages (Arabic, Croatian, English, Farsi and Pashto)¹⁸⁶ and shared with Residential Child Care Institutions and Centers for Social Welfare.

¹⁸⁰ Information provided by the Ministry of Interior, 13 February 2018.

¹⁸¹ Information provided by the Ministry of Interior, 2 March 2017, confirmed in the letter received on February 13, 2018.

¹⁸² Information provided by UNHCR, 17 January 2017.

¹⁸³ Information provided by UNICEF, 31 January 2017.

¹⁸⁴ Information provided by the Croatian Red Cross, 13 February 2017, available in Croatian at: <https://bit.ly/2IHtk9a>.

¹⁸⁵ The Project is financed by the Ministry of Demography, Family, Social Affairs and Youth of Republic of Croatia.

¹⁸⁶ Available at <https://bit.ly/2H9BpX3>.

In November 2017, the Croatian Law Centre started with the implementation of the project “Together in protection of unaccompanied children”.¹⁸⁷ The project will be implemented together with partners – Residential Child Care Institutions in Ivanec, Karlovac and Zagreb.

In addition, due to the increase in the number of unaccompanied children, in the third quarter of 2016 the Croatian Law Centre, as implementing partner of UNHCR,¹⁸⁸ started providing free legal aid in places where unaccompanied children are accommodated (Residential Child Care Institutions in **Zagreb, Split, Rijeka** and **Osijek**, and Child Reception Units), when needed and depending on the number of children accommodated. During 2016, 7 counselling sessions were held in Residential Child Care Institutions in **Osijek, Karlovac** and **Ivanec**, where unaccompanied children are accommodated. They were provided with legal information about their status and possibilities to access the asylum system, in case if they had not applied for international protection.

Legal counselling sessions were also organized in the course of 2017. In particular, four legal counselling sessions were held in the Residential Child Care Institution in Zagreb, two in the Residential Child Care Institution in Karlovac, one in the Residential Child Care Institution in Rijeka, one in the Residential Child Care Institution in Osijek and one in the Residential Child Care Institution in Ivanec. In addition, the Jesuit Refugee Service visited Residential Child Care Institutions in various parts of Croatia approximately 20 times during 2017.¹⁸⁹

Capacity and performance of functions

Guardians of unaccompanied children were in the past generally appointed among the social workers of the competent Centre for Social Welfare. However, according to the information available to the Croatian Law Centre, due to the work overload of social workers and the language barrier existing between the guardian and the client, their role was usually formal, and there was no active involvement in the procedure to protect the best interest of the child or other clients.

During 2016,¹⁹⁰ besides the employees of Centres for Social Welfare, 3 employees of the Croatian Red Cross, as well as employees of some other organisations, were also appointed as guardians of unaccompanied asylum seeking children. According to information provided by Red Cross employees, during 2016 one employee of the Red Cross working in the Reception Centre of **Kutina** was appointed as guardian in 39 cases, another in **Kutina** in 5 cases and one employee of Red Cross working in Reception Centre in **Zagreb** was appointed in 3 cases.¹⁹¹ Red Cross employees were also appointed as guardians in 2017. They evaluated their appointment as guardians as a good practice, since they work on a daily basis in the Reception Centres for Asylum Seekers where children are accommodated. In that way, the guardian is present in the daily life of the child and has the possibility to apply an individual approach to protect the rights and best interests of the child in an adequate and comprehensive manner, which is not the case when employees of Centres for Social Welfare are appointed as guardians.

According to the law, the best interests of children should be considered when implementing provisions of LITP,¹⁹² so also when appointing a person to act as a guardian. The best interests of the child shall be assessed, taking into account:

- The welfare and social development of the child, and his/her origin;
- The protection and safety of the child, especially if the possibility exists that he or she is a victim of trafficking in human beings;
- The child's opinion, depending on his or her age and maturity; and

¹⁸⁷ Supported by the Ministry for Demography, Family, Youth and Social Policy.

¹⁸⁸ The project *Legal Services to Asylum Seekers* has been implemented by the Croatian Law Centre from 1 February 2003, with the aim of providing free legal aid to asylum seekers and recognised refugees i.e. asylees and foreigners under subsidiary protection. The project is being implemented with financial support from and in close co-operation with the UNHCR Representation in Croatia.

¹⁸⁹ Meeting held with the representatives of JRS on 3 January 2018.

¹⁹⁰ This practice started before 2016.

¹⁹¹ Information provided by the Croatian Red Cross, 13 February 2017.

¹⁹² Article 10 LITP.

- The possibility of family reunification, etc.

The guardian of an unaccompanied child shall undertake all the necessary activities, including contact and cooperation with the competent ministries, other state and foreign bodies, and NGOs, in order to reunite the child with his or her family if this is in the best interests of the child.

On the other side, the LITP prescribes that a guardian shall not be appointed when an unaccompanied child is over 16 years of age and is married,¹⁹³ which can be understood that persons from the age of 16 have the capacity “to perform procedural acts” on their own behalf in procedures for international protection.

One of the issues with regard to guardianship in the past was also that of the appointment of a person from those with whom the child entered Croatia. This was generally not in the best interests of the child, and carries certain risks for the child, since it is impossible to determine whether such person meets the legal requirements necessary to perform the duties of a legal guardian. This is due to the fact that most applicants generally do not possess any personal documents or have forged documents, therefore it is impossible to determine their identity. However, this is no longer the case.

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? ☒ Yes ☐ No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance ☒ Yes ☐ No
 - ❖ At the appeal stage ☐ Yes ☒ No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance ☐ Yes ☒ No
 - ❖ At the appeal stage ☐ Yes ☒ No

When the foreigner lodges a subsequent application, the authority competent to examine the application is the Asylum Department of the Ministry of Interior, the same authority as in the regular procedure. The Asylum Department examines the elements presented in the subsequent application in conjunction with the elements provided in the previous application and/or appeal.

The LITP provides a specific procedure for subsequent applications. A subsequent application for international protection is defined as the intention to apply for international protection expressed after a final decision has been taken on a previous application i.e. the previous application was rejected because the conditions were not met for asylum or subsidiary protection; or conditions were met for exclusion; or the application was rejected as manifestly unfounded as the applicant did not meet the conditions for asylum or subsidiary protection or the procedure was discontinued because the applicant withdrew the application.¹⁹⁴

If a person decides to submit subsequent application,¹⁹⁵ an explanation of the subsequent application should be submitted to the Reception Centre for Asylum Seekers directly in writing or orally if the person is illiterate. The Ministry of Interior must decide on the subsequent application no later than within 15 days from the day of receiving it. This subsequent application must be comprehensible and contain the relevant facts and evidence which arose after the finality of the decision or which the applicant for justified reasons did not present during the previous procedure, relating to establishing the conditions for approval of international protection. The admissibility of the subsequent application should be assessed on the basis of the facts and evidence it contains, and in connection with the facts and evidence already used in the previous procedure. If it is established that the subsequent application is admissible, a decision shall be

¹⁹³ Article 17(3) LITP.

¹⁹⁴ Article 4(1)(13) LITP.

¹⁹⁵ Article 47 LITP.

rendered once again on the substance of the application, and the previous decision revoked. The subsequent application should be dismissed if it is established that it is inadmissible. A subsequent application made by a foreigner under transfer shall be considered in the responsible member state of the European Economic Area, but a subsequent application lodged in the Republic of Croatia shall be dismissed as inadmissible.

In practice under the LITP, the interview for lodging of the subsequent application can be omitted when the admissibility of a subsequent application is being assessed.¹⁹⁶

Under the LITP,¹⁹⁷ if the applicant lodges a subsequent application with the intention of postponing or preventing the enforcement of the decision on expulsion from the Republic of Croatia, he or she shall have the right of residence until the decision on the subsequent application becomes final. However, as at the same time LITP prescribes that the Ministry shall render a decision to dismiss a subsequent application if it assesses that it is inadmissible,¹⁹⁸ and that in that case appeal to Administrative Court does not have a suspensive effect,¹⁹⁹ (which means that the decision is final)²⁰⁰ the above provision means that the right to residence is applicable only during the first instance procedure. However, there is also a possibility for the appeal to contain a request for suspensive effect.²⁰¹ If the applicant brings an appeal which contains a request for suspensive effect, he or she shall have the right of residence until the delivery of the judgment on granting suspensive effect.²⁰²

However, applicants who lodge a new subsequent application after a decision has already been rendered on a previous subsequent application do not have the right of residence in the Republic of Croatia.

If the conditions for the accelerated procedure are met and the subsequent application is admissible, then the Ministry of Interior must render its decision within 2 months period. The deadline for the appeal in that case is then 8 days for the delivery of the first instance decision, however it does not have suspensive effect. Otherwise the 15 day time limit is applicable for the Ministry of Interior to decide on subsequent applications. As in the regular procedure, the Administrative Court is the competent authority for deciding upon appeal. If the subsequent application is dismissed as inadmissible, the deadline is 8 days from the delivery of the first instance decision and does not have suspensive effect.

In 2017, 68 subsequent applications were lodged by citizens of the following countries:

Country of citizenship	Number of applications
Algeria	13
Afghanistan	11
Morocco	10
Iraq	8
Syria	5
Nigeria	4
Pakistan	3
Turkey	3
Bosnia and Herzegovina	2
Iran	2
Somalia	2
Stateless	1

Source: Ministry of Interior, 13 February 2018.

¹⁹⁶ Article 35(8)(3) LITP.
¹⁹⁷ Article 53(3)-(4) LITP.
¹⁹⁸ Article 43(2) LITP.
¹⁹⁹ Article 51(1)(3) LITP.
²⁰⁰ Article 4(1)(21) LITP.
²⁰¹ Article 51(2) LITP.
²⁰² Article 53 LITP.

F. The safe country concepts

Indicators: Safe Country Concepts

- | | |
|--|---|
| 1. Does national legislation allow for the use of "safe country of origin" concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Does national legislation allow for the use of "safe third country" concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Does national legislation allow for the use of "first country of asylum" concept? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

In Croatia, safe country concepts started being applied in 2016 under the LITP. In 2016 a Decision on the list of safe countries of origin was adopted.

According to the Ministry of Interior, in 2016 the concepts of safe third country and European safe third country have not been applied, while the concept of safe country of origin was applied in 34 cases.²⁰³ In 2017, no decision was brought based on the concept of safe third country.²⁰⁴

1. Safe country of origin

According to the LITP,²⁰⁵ a country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law and the general political circumstances, it can be shown that there is generally and consistently no persecution, or risk of suffering serious harm, as established on the basis of information on:

- (1) The relevant laws and legislation of the country and the manner in which they are applied;
- (2) Respecting the rights and freedoms guaranteed by the ECHR, especially Article 15(2) of the ECHR, the International Covenant for Civil and Political Rights and the United Nations Convention against Torture;
- (3) Respect for the principle of *non-refoulement*;
- (4) The provision of a system of effective remedies.

The information referred above shall be collected from various relevant sources, especially from other member states of the European Economic Area, the EASO, UNHCR, the Council of Europe and other relevant international organisations.

The Minister competent for internal affairs, with the prior consent of the Minister competent for foreign affairs, shall render a decision to establish a list of safe countries of origin, and shall inform the European Commission of this. The Ministry shall regularly verify and as necessary revise the list of safe countries of origin, taking into account above mentioned information, with the prior consent of the minister competent for foreign affairs, and shall inform the European Commission accordingly.

It shall be established for each application individually whether the conditions are met for the application of the concept of safe country of origin. A country included on the list of safe countries of origin may be considered a safe country of origin in a specific case only if the applicant:

- (2) Has the nationality of that country or had his or her previous residence in that country as a stateless person; and
- (3) Has not explained in a credible manner why that country of origin cannot be deemed to be a safe country of origin for him or her.

²⁰³ Information provided by the Ministry of Interior, 2 March 2017.

²⁰⁴ Information provided by the Ministry of Interior, 13 February 2018.

²⁰⁵ Article 44 LITP.

The applicant shall be informed timely of the application of the mentioned concept in order to enable him/her to challenge the use of the concept of safe country of origin, in view of the specific nature of his/her personal circumstances.

An asylum application shall be rejected in an accelerated procedure if it is possible to apply a safe country of origin concept (see section on [Accelerated Procedure](#)).²⁰⁶ This is also applied to unaccompanied minors, who are generally exempted from accelerated procedures (see [Special Procedural Guarantees](#)).

In 2016, a Decision on the list of safe countries of origin in the procedure of granting international protection has been adopted.²⁰⁷ The list includes 10 countries:

- Albania
- Bosnia and Herzegovina
- FYROM
- Kosovo
- Montenegro
- Serbia
- Morocco
- Algeria
- Tunisia
- Turkey

However according to information provided by the Ministry of Interior to the Croatian Law Centre and ECRE at the end of November 2016, the concept is mostly used for applicants from Algeria and Morocco, while the designation of Turkey, although still not officially excluded from the list, has not been used in practice due to ongoing situation in Turkey.²⁰⁸ The majority of negative decisions issued in 2016 concerned nationals of Algeria (34) and Morocco (23), out of a total 133.²⁰⁹

2. Safe third country

The LITP defines safe third country as a country where the applicant is safe from persecution or the risk of suffering serious harm and where he or she enjoys the benefits of *non-refoulement*, and the possibility exists of access to an effective procedure of being granted protection, pursuant to the 1951 Convention.²¹⁰

The fact whether the conditions have been met to apply the concept of safe third country is established separately for each application, by assessing whether a country meets the abovementioned conditions and whether a connection exists between that country and the applicant, on the basis of which it may reasonably be expected that he or she could request international protection there, taking into account all the facts and circumstances of his or her application.

The applicant will be informed timely of the application of the safe third country concept, so that he or she is able to challenge this in view of the specific characteristics of his or her personal circumstances.

The Ministry shall issue an applicant whose application is dismissed with a document in the language of the safe third country, informing the competent state bodies of that country that his or her application has not been examined in substance in the Republic of Croatia. If the safe third country refuses to accept the foreigner, a procedure would be conducted in Croatia i.e. decision shall be rendered on the substance of the application pursuant to the provisions of LITP.

²⁰⁶ Article 41(1)(9) LITP.

²⁰⁷ Official Gazette 45/2016, available in Croatian at: <http://bit.ly/2lcRePz>.

²⁰⁸ Information provided by the Asylum Department, 29 November 2016.

²⁰⁹ ECRE, *Balkan route reversed*, December 2016, p19.

²¹⁰ Article 45 LITP.

The Ministry has an obligation to regularly inform the European Commission about the countries to which the concept of safe third country has been applied.

In April 2018, the Hosseini family (see [Access to the Territory](#)) had their asylum claim rejected on the grounds that they came from Serbia, which the court claimed was a safe third country.²¹¹ This seems to be the first time this concept has been applied in practice by the Croatian courts.

3. First country of asylum

While the LITP does not define the concept of first country of asylum, an application may be dismissed as inadmissible where the applicant has been granted international protection or enjoys sufficient protection from *refoulement* in a third country.²¹² In 2017, no decision was brought based on the concept of first country of asylum.²¹³

G. Relocation

Indicators: Relocation

1. Number of persons effectively relocated since the start of the scheme:	81
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In 2015 the Decision on Relocation and Resettlement of third country nationals or stateless persons who meet the conditions for approval of international protection, as well as the Decision on the establishment of the Interdepartmental Working Group for its implementation, were adopted.²¹⁴ With the decision on relocation and resettlement Croatia pledged to accept in total 550 persons, 150 of whom would be accepted through resettlement and 400 persons would be accept through relocation.

On 23 May 2016, the Ministry of Interior issued a press release,²¹⁵ in which it stated that in order to be prepared for the transfer of asylum seekers from Greece and Italy and the resettlement of Syrian refugees from Turkey, the Ministry has ordered the deployment of liaison officers for relocation and resettlement. Liaison officers were deployed Italy and Greece on 24 May 2016 and in Turkey throughout June 2016.

The latest publicly available information regarding relocation was given by the Minister Interior on 12 February 2017.²¹⁶ The Minister stated that so far Croatia has taken in 19 people on the basis of the agreement. This includes 10 Syrians from Greece and 9 Eritreans from Italy.²¹⁷ So far, according to the Ministry of Interior, all requests for relocation were accepted, priority for relocation has been given to vulnerable groups and all of relocated persons were granted protection.²¹⁸

The Minister also said that Croatia is in the process of transferring 30 refugees from Greece and 20 from Italy. According to the Minister's public statements, the problem is that the "people located in Italy and Greece do not want to come to Croatia. They want to travel on. For them, Croatia is just a transit country."

According to the Ministry of Interior, the duration of the relocation procedure from the moment of receiving the request for relocation until relocation to Croatia is 3 to 4 months. The procedure was identical, regardless of whether relocation concerned Italy or Greece. Beside the fact that relocated cases were

²¹¹ Novilist, 'Odbijen zahtjev za azil obitelji Hosseini: Strasbourg tražio da ih se smjesti u bolju sredinu, Hrvatska ih vraća u – Srbiju', 11 April 2018, available at: <https://bit.ly/2IO14BL>.

²¹² Article 43(1)(2) LITP.

²¹³ Information provided by the Ministry of Interior, 13 February 2018.

²¹⁴ Official Gazette 78/2015, available at: <http://bit.ly/2kDTnBH> and <http://bit.ly/2IQNEgT>.

²¹⁵ Ministry of Interior, 'The liaison officers go to Italy and Greece', 23 May 2016, available in Croatian at: <http://bit.ly/2lqJU2>.

²¹⁶ Deutsche Welle, 'Vlaho Orepic: The Balkan route is formally closed', 12 February 2017, available at: <http://bit.ly/2lSoyt>.

²¹⁷ ECRE, *Balkan route reversed*, December 2016, p28.

²¹⁸ Information provided by the Ministry of Interior, 2 March 2017.

channelled into prioritised procedures, where they received a positive decision within one month, they followed the same process as the regular procedure.²¹⁹ In 2017 the Croatian Law Centre represented clients (children separated from parents) who were relocated from Greece. However, their cases were not prioritised.

According to the Ministry of Interior²²⁰ Croatia is required to relocate all together 1443 persons (374 from Italy, 594 from Greece, and 465 from so called Hungarian quota). Up to the end of 2017, 21 people were relocated from Italy:

- on 1 July 2016: 4 citizens of Eritrea;
- on 3 October 2016: 5 citizens of Eritrea;
- on 9 May 2017: 4 citizens of Eritrea;
- on 18 May 2017: 5 persons (citizens of Eritrea and Yemen);
- on 29 November 2017: 3 persons (1 citizen of Eritrea and 2 citizens of Yemen).

None of them was a person with special needs (i.e. an unaccompanied child, a victim of torture or a disabled person).

Until the end of 2017, 60 people were relocated from Greece:

- on 23 August 2016: 10 citizens of Syria;
- on 11 April 2017: 14 citizens of Syria;
- on 4 May 2017: 12 citizens of Syria;
- on 19 June 2017: 10 citizens of Syria;
- on 30 June 2017: 13 citizens of Syria;
- on 9 August 2017: 1 citizen of Syria.
-

Among these people, 2 were unaccompanied children. The average duration of the procedure of relocation from both Italy and Greece was 3 to 4 months.

In 2017, according to the Ministry of Interior 3 requests for relocation from Italy were rejected on the basis of polygamy, for citizens of Syria.

H. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information and Access to NGOs and UNHCR

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☐ Yes ☒ With difficulty ☐ No
- ❖ Is tailored information provided to unaccompanied children? ☐ Yes ☒ No

The LITP prescribes that the Ministry of Interior is obliged, within 15 days from the expression of the intention to apply for international protection, to inform an asylum seeker about the procedure for international protection, about rights and obligations applicants are entitled to in the procedure, and about the possibility to get free legal aid and to get into contact with UNHCR representatives and representatives of other organisations dealing with the protection of refugees' rights.²²¹ This information must be given in the asylum seeker's own language or in a language he or she can be reasonably supposed "to be able to communicate" in.²²² The law does not specify whether the information should be provided orally or in writing. The same type of information is provided with the same modalities to applicants during all types of procedures except in border procedure where this information should be given by police officers.²²³

²¹⁹ Information provided by the Ministry of Interior, 2 March 2017.

²²⁰ Information provided by the Ministry of Interior, 13 February 2018.

²²¹ Article 59(2) LITP.

²²² Article 14 LITP.

²²³ Article 59(1) LITP.

Official information on the procedure

At the beginning of the interview, the applicant is also informed about his or her duties in the procedure and during the interview. According to the Ministry of Interior, at the moment, information is provided also during the process of lodging the application for international protection.²²⁴ An information sheet is available in Albanian, Amharic, Arabic, Bengali, English, Farsi, French, Russian, Tigrinya, Turkish and Urdu.²²⁵

Asylum seekers are informed about the Dublin procedure at the beginning of the procedure when submitting application for international protection. The decision on the transfer that asylum seekers received included the ground for application of the Dublin Regulation, and also information on the fact that they can lodge a complaint before the Administrative Court within 8 days from the delivery of the decision. The Ministry of Interior does not provide a written translation of the Dublin decision, but they do explain it orally in a language that the asylum seeker understands during the delivery of the decision itself.

No information is available on the common leaflet and the specific leaflet for unaccompanied children according to the Article 4(3) of the Dublin III Regulation.

Information on the procedure from NGOs

NGOs also provide information on asylum. Some NGOs have issued leaflets and brochures which are also available in the Reception Centre for Asylum Seekers, as well in Reception Centre for Foreigners. As the LITP came into force in July 2015, during 2016 an updated leaflet was prepared by the Croatian Law Centre and UNHCR in cooperation with the Ministry of Interior. The leaflet contains basic information on the procedure and rights and obligations during the procedure and is available in the both Receptions Centre for Asylum Seekers and in the Reception Centre for Foreigners in Arabic, Croatian, English, Farsi, French, Pashto, Somali, Turkish and Urdu. The leaflet is also available online on the Croatian Law Centre's web page.²²⁶

The Centre for Peace Studies, an NGO also working within the integration of beneficiaries of international protection, has issued different leaflets dealing with inclusion into society, accommodation, education, free legal aid, family, religion, health and social care. The leaflets are available in Croatian, English and French. The Centre for Peace Studies has also issued a brochure entitled "Welcome to Croatian Society", containing information on Croatian history, the political system of Croatia, cultural differences, information on detention, a short overview of asylum procedure etc.²²⁷

The Croatian Red Cross developed application for mobile phones in order to ease the access to information for beneficiaries of international protection, within the project "Social Inclusion of asylees through vocational training".²²⁸ The application is currently available only in Croatian and English and it is planned to be translated also to Arabic Farsi, French and Urdu.

In general, according to the Croatian Law Centre's experience, most applicants are interested in receiving information on the duration of the procedure for international protection, as well as on the duration of detention and the reasons why a person who applied for international protection can remain detained. Apparently, the grounds for detention are not explained in a clear and understandable way to asylum seekers in detention. In addition with the increasing number of Dublin returns, asylum seekers need information in relation to the Dublin procedure, with special focus on family reunification as many families have been separated as a result of Dublin transfers.

²²⁴ Information provided by the Ministry of Interior, 2 March 2017.

²²⁵ Information provided by the Ministry of Interior, 13 February 2018.

²²⁶ The leaflet may be found at: <https://bit.ly/2HaFZ7l>.

²²⁷ According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

²²⁸ Information provided by the Croatian Red Cross, 1 February 2017.

Information at the border

In the past, foreigners arriving at the borders generally did not have access to information about the asylum procedure. Written leaflets, which in the past were prepared by UNHCR and the Croatian Law Centre and were provided at some of the border crossing points, were no longer up-to-date and it was not known with certainty in which languages they were available in practice. However, new leaflets aligned with the LITP were prepared and distributed by the Ministry of Interior. However it is not certain to which number of police stations on the territory and border entry points the Ministry of Interior has distributed leaflets. At some border crossing points, there is a lack of available interpreters. This prevents effective communication between foreigners (among whom some are potential asylum seekers i.e. applicants for international protection) and border officers. However, according to the LITP third-country nationals or stateless persons in a reception centre, at a border crossing or in a transit zone of an airport, sea port or inland water port who wish to express their intention to apply for international protection shall be provided by police officers with all necessary information on the procedure for the approval of international protection in a language which they may justifiably be expected to understand and in which they are able to communicate.²²⁹

In practice, persons may seek asylum at police stations at the border but are not proactively informed of that possibility, although the authorities have indicated that border guards have received training on how to recognise indications that a person wishes to seek protection. Interpretation at the border is also problematic, especially for Afghan and Pakistani nationals.²³⁰ In addition, in 2016 and 2017 access to the territory and then accordingly to the asylum system was reported as being problematic and many NGOs as well as the Ombudsman reported on the cases of push backs from Croatian territory.

With regard to decisions, these are written only in Croatian and are translated orally by an interpreter to the applicant during the delivery of the decision. However, due to the legal terms used in the decision, the level of understanding of that information by applicants is questionable (including the information on the available legal remedy and its deadline).

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☒ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

UNHCR has access to all facilities where applicants are accommodated, namely the Reception Centres for Asylum Seekers in **Zagreb** and **Kutina** and the Reception Centre for Foreigners in **Ježevo**.

The Croatian Red Cross staff is present on a daily basis in the Reception Centre for Asylum Seekers and can refer applicants to the relevant organisations or institutions which can provide information to them.

Lawyers of the Croatian Law Centre have access to both Reception Centres for Asylum Seekers and the Reception Centre for Foreigners, where they provide free legal information. Croatian Law Centre lawyers are present in the Reception Centre for Asylum Seekers in Kutina and in the Reception Centre for Foreigners once a month, and in the Reception Centre for Asylum Seekers in Zagreb (Porin) once a week.

²²⁹ Article 59(1) LITP.

²³⁰ ECRE, *Balkan route reversed*, December 2016, pp.11-12.

Lawyers of JRS and the Centre for Peace Studies provide legal information in both Reception Centres for Asylum Seekers. JRS' lawyer is available in Reception Centre in Zagreb and in Kutina at least twice a week, while Centre for Peace Studies' volunteers are, as of November 2017, available three times a week in the Reception Centre in Zagreb and once a week in Kutina.

In addition, quite often, when they need information or advice, asylum seekers go directly to the office of the Croatian Law Centre or the Centre for Peace Studies. Students engaged in the Legal Clinic of the Law Faculty of the University in Zagreb also provide legal information in the Reception Centre for Asylum Seekers in Kutina once a month. At the end of 2016 students from the Legal Clinic have started joining the Croatian Law Centres' lawyers during counselling in the Reception Centre in Zagreb and this practice continued in 2017.

Although at the moment the border procedure is not applied, it will be interesting to see how the provision from the LITP on the access to UNHCR and NGO will apply in practice in the border procedure, as the LITP allows the possibility to temporarily restrict access to those locations (and therefore to applicants accommodated there) for the applicant's legal representative or a representative of an organisation engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of the national security and legal order of the Republic of Croatia.²³¹

I. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? ☒ Yes ☐ No
❖ If yes, specify which: Syria
2. Are applications from specific nationalities considered manifestly unfounded?²³² ☐ Yes ☒ No
❖ If yes, specify which: Algeria, Morocco, Tunisia, Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro, Serbia

In Croatia there are no official policies implemented with regard to nationals of particular countries, as every application is examined individually and on a case by case basis. However, there is currently a trend with regard to Syrian applicants: when applicants for international protection are identified as Syrian nationals (i.e. when they can prove their nationality), in case they are still in Croatia by the end of the procedure and that exclusion conditions are not applied, they are granted asylum or subsidiary protection.

²³¹ Article 42(3) LITP.

²³² Whether under the "safe country of origin" concept or otherwise.

Reception Conditions

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions to asylum seekers in the following stages of the asylum procedure?

❖ Regular procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Admissibility procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Border procedure	<input type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input checked="" type="checkbox"/> No
❖ Subsequent application	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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According to the LITP, asylum seekers do not have the same access to reception conditions regardless of the procedure they are in, so for example material conditions may be restricted during the subsequent application procedure.

According to the LITP, applicants are entitled to accommodation at the Reception Centres for Asylum Seekers, but if they want, they are allowed to stay at any address in Croatia, subject to prior approval by the Ministry of Interior, at their own cost.²³³ According to the Ministry of Interior, in 2017, 16 applicants for international protection were accommodated at private addresses.²³⁴ According to the Ordinances on the Realisation of Material Reception Conditions, they are entitled to accommodation in the Reception Centre from the moment they express the intention to lodge an application for international protection.²³⁵

During the examination of the Dublin procedure, asylum seekers are entitled to a place in the Reception Centres for Asylum Seekers, as well as to all other material rights as prescribed by the LITP.

LITP specifies that financial aid is part of material reception,²³⁶ and that the manner and conditions for achieving the material reception conditions shall be established by the Ministry of Interior, while the Reception Centre shall decide on the right to financial assistance.²³⁷ The amount of financial assistance should be established by the decision of the Minister of Interior.²³⁸ According to the Ordinance on the Realisation of Material Reception Conditions, asylum seekers are entitled to financial support from the day when they were accommodated in the Reception Centre for Asylum Seekers,²³⁹ either if they do not hold possession of greater value or if they do not have secured funds for personal use on a monthly basis amounting to more than 20% of minimum amount for social welfare support.²⁴⁰

Asylum seekers are entitled to financial support if, in the month for which they have received support, they have been accommodated in the Reception Centre for Asylum Seekers for at least 25 consecutive days.²⁴¹ The only exception from this rule in relation to continuous accommodation is the situation when

²³³ Article 55(4) LITP.

²³⁴ Information provided by the Ministry of Interior, 13 February 2018

²³⁵ Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

²³⁶ Article 55 (1) LITP.

²³⁷ Article 55(2) LITP.

²³⁸ Article 55(3) LITP.

²³⁹ Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

²⁴⁰ Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

²⁴¹ Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

the person has been admitted in the hospital for treatment or if he or she has requested to be absent from the Centre and that the request has been approved.²⁴²

In 2016 the decision on the costs of accommodation at the Reception Centre for asylum seekers has been adopted as well. The house rules of the Reception Centre have also been adopted.

In practice the assessment of whether or not someone possesses sufficient financial means is determined based on the statement of the asylum seeker about his or her financial status which should be given when applying for international protection.²⁴³

It is not prescribed in legislation that material reception conditions are tied to the issuance of a document by the relevant authorities. However, according to the Ordinance on the Realisation of Material Reception Conditions asylum seeker who is accommodated in the Reception Centre, will be issued an accommodation certificate that contain information, amongst other, on the date of expression of intention for international protection as well as the date from which the person is accommodated in the Reception Centre.²⁴⁴ Besides that, applicants will be given an identity card which should be issued within 3 days from the day of lodging the application and it shall serve as a residence permit in the Republic of Croatia.²⁴⁵ According to the information available to the Croatian Law Centre, there were no delays in issuing the identity card, except for the applicant who was waiting for her application to be submitted for more than 6 months due to the lack of an interpreter for Kurumanji.

Before the entry into force of the LITP, there were no particular obstacles which prevented applicants from accessing material reception conditions in practice. However, due to the exponential increase in numbers of asylum seekers compared to previous years, in the second half of 2016 accommodation capacities in **Zagreb** and **Kutina** were almost completely full. According to the Ministry of Interior, in both Reception Centres altogether 2,002 asylum seekers were placed in accommodation during the course of 2016.²⁴⁶ At the end of 2017, 410 persons (asylum seekers and persons with granted protection) were accommodated in the Reception Centres for Asylum Seekers in Zagreb, and 77 in the Reception Centres for Asylum Seekers in Kutina. Of those, 400 were asylum seekers.²⁴⁷

According to the Ordinance on the Realisation of Material Reception Conditions, Reception Centre where asylum seekers is accommodated, confirms the right to financial support and issues certificate approving the right to financial support.²⁴⁸

²⁴² Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

²⁴³ Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

²⁴⁴ Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

²⁴⁵ Article 62(1) LITP.

²⁴⁶ Information provided by the Ministry of Interior, 2 March 2017.

²⁴⁷ Information provided by the Ministry of Interior, 13 February 2018.

²⁴⁸ Article 25(1)-(2) Ordinance on the Realisation of Material Reception Conditions.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2017 (in original currency and in €): HRK 100 / €13.30

According to the LITP, material reception conditions are: accommodation in the Reception Centre, food and clothing provided in kind, remuneration of the cost of public transport for the purpose of the procedure for the approval international protection, and financial aid.²⁴⁹

The Decision on the Amount of Financial Assistance for Applicants for International Protection prescribes that the amount of support is 100 HRK per month, thus approximately €13.30. Monthly financial support to asylum seekers is very low, although the amount varies if there are dependent family members. The amount of 100 HRK per month is very limited and can serve only as pocket money. Since mid-2016, asylum seekers in **Zagreb** may use public transport free of charge.

The system granting material reception conditions to asylum seekers is separate from the general welfare system for nationals, and is less favourable for applicants as compared to nationals.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
2. Does the legislation provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

Material reception conditions may be restricted or denied if the applicant:

- (1) Does not reside in the Reception Centre in which accommodation has been provided for him or her;
- (2) Stays outside the Reception Centre contrary the conditions referred in the LITP i.e. stays for longer than 24 hours without the prior consent of the Reception Centre;
- (3) Possesses means which provide him or her with an appropriate standard of living; or
- (4) Violates the provisions of the house rules of the Reception Centre.²⁵⁰

On the basis of a case by case assessment, the Reception Centre shall render a decision to restrict or deny some of the material reception conditions, which is proportionate to the aim pursued, taking into account the needs of applicants who require special procedural and/or reception guarantees and maintaining the dignity of the standard of living of the applicant. If the circumstances referred under above mentioned points (1) and (2) cease to exist, the Reception Centre has to render a decision to revoke the decision entirely or partially. An appeal may be brought before the Administrative Court within 8 days from the delivery of the decision. The Ministry has the right to request repayment of the costs of accommodation, including material damage incurred, in the cases prescribed in above mentioned points (3) and (4).²⁵¹

Asylum seekers who are detained in the Reception Centre for Foreigners are not allowed financial support. The Ordinance on the Realisation of Material Reception Conditions prescribes that just those asylum seekers who have not secured adequate standard of living have a right to material reception conditions,²⁵² and accommodation in the Reception Centre for Foreigners should be considered as the adequate standard of living is secured.²⁵³

²⁴⁹ Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

²⁵⁰ Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

²⁵¹ Article 55(6)-(9) LITP.

²⁵² Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

²⁵³ Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
☐ Yes ☒ No
2. Does the law provide for restrictions on freedom of movement? ☒ Yes ☐ No

Applicants who are not detained can freely move within the country, and generally no restrictions are applied with regards to the area of residence. In fact, applicants are allowed to stay – at their own cost – at any address in the Republic of Croatia, subject to prior approval by the Ministry of Interior. According to the Ordinance on the Realisation of Material Reception Conditions, in order to stay at some other address, the applicant must provide a notarised copy of the rental agreement or a notarised statement of the owner of the apartment that they accept to accommodate the asylum seeker and would provide him or her with the adequate standard of living.²⁵⁴

For those applicants who are accommodated in the Reception Centres for Asylum Seekers, there is an obligation to inform the Head of the centre if they want to stay out for one or more nights, as they have to return to the centre by 11pm.

There are only two reception centres for applicants in Croatia, so in the past relocation of applicants was possible from one centre to the other centre due to capacity / bed management issues or where special needs would arise. However, since the Reception Centre in **Kutina** was renovated and reopened in June 2014, it was decided that this centre would be primarily used for the accommodation of vulnerable groups. In addition with the increase in the numbers of asylum seekers in 2016, vulnerable groups of asylum seekers are also accommodated in the Reception Centre for Asylum Seekers in Porin in **Zagreb**.

The LITP foresees restrictions on freedom of movement as [Alternatives to Detention](#).

The LITP specifies that the freedom of movement may be restricted by the following measures:²⁵⁵

- (1) Prohibition of movement outside the Reception Centre for applicants;
- (2) Prohibition of movement outside a specific area;
- (3) Appearance in person at the Reception Centre for applicants at a specific time;
- (4) Handing over travel documents or tickets for deposit at the Reception Centre for applicants; or
- (5) Accommodation (i.e. detention) in the reception centre for foreigners.

LITP lists 4 grounds for restricting freedom of movement (which are also grounds for detention):²⁵⁶

1. To establish the facts and circumstances of the application which cannot be determined without limitation on freedom of movement, in particular where there is a risk of absconding;
2. To establish or verify identity or nationality;
3. To protect national security or public order; or
4. To prevent abuse of process where, on the basis of objective criteria, which include the possibility of access to the procedure of approval of international protection, there is a well-founded suspicion that the intention to apply for international protection expressed during the procedure of forced return was aimed at preventing the procedure of removal.

The Ministry of Interior issued 134 “decisions on the restriction of movement” in 2017 which were in fact detention orders.

²⁵⁴ Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

²⁵⁵ Article 54(5) LITP.

²⁵⁶ Article 54(2) LITP.

Restriction of movement decisions: 2017	
Ground	Number
Establishing main elements of the claim, including risk of absconding	3
Protection of national security or public order	9
Application solely to delay or frustrate return	50
No applicability of less coercive alternatives	72
TOTAL	134

The Ministry also reported problems when restriction of movement is applied in the form of alternatives to detention, especially when movement is restricted in the Reception Centre for Asylum Seekers as it is an open type of Centre where it is not possible to control the movement of the applicants. The Ministry also reported that due to that fact in 2017 alternatives to detention were not used, so all 134 decisions were issued as detention orders for accommodation in the Reception Centre for Foreigners.

For detention under the same grounds, see the chapter on [Detention of Asylum Seekers](#).

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres:²⁵⁷ 2
2. Total number of places in the reception centres: 700
3. Total number of places in private accommodation: N/A
4. Type of accommodation most frequently used in a regular procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other
5. Type of accommodation most frequently used in an accelerated procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

In Croatia there are 2 Reception Centres for Asylum Seekers:

Capacity and occupancy of Reception Centres for Asylum Seekers			
Centre	Location	Maximum capacity	Occupancy: 31 December 2017
Hotel Porin	City of Zagreb	600	410
Kutina	80km from Zagreb	100	77
Total		700	487

Source: Ministry of Interior, Administrative and Inspection Affairs Directorate, letter received on February 13, 2018

Both reception centres are managed directly by the Ministry of Interior. The centre in Kutina is aimed at the accommodation of vulnerable applicants. During the second half of 2016 there was a dramatic increase in the numbers of asylum seekers compared to the previous years.

At the moment there are still no specific facilities for applicants at the borders or in transit zones. However 2 transit centres for irregular migrants were opened in **Tovarnik** and **Trilj**, but it is not clear whether these centres would serve also for accommodating applicants for international protection during the border procedure, or only as detention centres for the purpose of removal.

²⁵⁷ Both permanent and for first arrivals.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum seekers in the reception centres? 3 months²⁵⁸
3. Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☒ No

Accommodation of asylum seekers is organised in the two reception centres for asylum seekers, one in **Zagreb** and the other in **Kutina**. The Reception Centre in Kutina has been renovated and was reopened in June 2014. Although Reception Centre in Kutina is aimed at the accommodation of vulnerable applicants, with the increase in numbers of asylum seekers during 2016, vulnerable asylum seekers were also accommodated in one part of Reception Centre in Zagreb. This situation continued also at the in 2017. The Rehabilitation centre for Stress and Trauma²⁵⁹ reported that accommodation in the Reception centre for Asylum Seekers in Zagreb is not appropriate for families with children.

2.1. Overall living conditions

Asylum seekers can go outside whenever they want, but have to be back by 11 pm. If they want to leave the centre for a few days, they have to get permission from the Reception Centre.²⁶⁰

State of facilities

People in the reception centres share rooms. In **Kutina**, families share a room, unaccompanied children and single women are accommodated separately in rooms, while in **Zagreb** a maximum 4 persons can share a room.²⁶¹ Families are accommodated in the same room, but in **Zagreb** if there are more than 6 members of one family, they are given 2 rooms if possible.²⁶² There are sufficient showers and toilets and facilities are cleaned on a regular basis. However, one disabled woman accommodated in **Kutina** reported to the Croatian Law Centre that she experienced problems in accessing shared showers and toilets.

As reported by the Croatian Red Cross, no specific problems regarding living conditions have been observed with accommodation in **Kutina**, while in **Zagreb** the problems are primarily related to infrastructure – dilapidated electrical, plumbing and sewage system, as well as old windows, doors – which as a result creates problems with heating. The problem was again reported by Croatian Red Cross, for example most of the rooms in the Reception Centre in Zagreb are in poor condition which should be resolved by renovation in 2018.²⁶³ Poor conditions in Zagreb were also reported by the Jesuit Refugee Service.²⁶⁴

One of the problems reported by the Croatian Red Cross' employees working in the Reception Centre in **Zagreb** are unauthorised changes of rooms, as well as lack of control over the issuance of keys. The consequences are frequent cases of theft, as well as conflicts between asylum seekers. During 2016 there was increase of unauthorised entries in Reception Centre in Zagreb as well. A new security system was due to be introduced in 2017, but no further information is available on this.

With support by the International Federation of the Red Cross (IFRC) and other donors, the Croatian Red Cross purchased and installed the following equipment and materials in the reception centres:

²⁵⁸ Information provided by the Ministry of Interior, 13 February 2018.

²⁵⁹ Information provided by the Rehabilitation centre for Stress and Trauma, 3 January, 2018.

²⁶⁰ Article 56(6) LITP.

²⁶¹ Information provided by the Croatian Red Cross, 13 February 2017.

²⁶² Information provided by the Croatian Red Cross, 13 February 2017.

²⁶³ Information provided by the Croatian Red Cross, 16 February 2018.

²⁶⁴ Meeting held with the representatives of JRS on 3 January 2018.

- ❖ Arranging an indoor playroom for children in the Reception Centre Kutina and Zagreb;
- ❖ Equipping an outdoor children's playground in the Reception Centre in Kutina (additional equipment) and in Zagreb;
- ❖ Arranging and furnishing gym at the reception centres in Zagreb and Kutina;
- ❖ Arranging and equipping outdoors training grounds in Kutina and Zagreb;
- ❖ Arranging and furnishing workshop/handicraft rooms Kutina and Zagreb, necessary supplies and tools;
- ❖ Basic furniture for the rooms of asylum seekers in reception centres;
- ❖ Tables for table tennis;
- ❖ Tables, chairs and other basic equipment for the classroom in Zagreb reception centre and equipment for creative workshop room in both centres;
- ❖ Audio, video and computer equipment (electronics);
- ❖ Sewing machines for Kutina; washing machines for Zagreb;
- ❖ Televisions for common spaces in Zagreb and Kutina;
- ❖ Refrigerators for the shared kitchenette;
- ❖ Other necessary supplies such as hygiene items and clothes.

Food and religious practice

In both centres, residents receive three meals per day and pregnant women, recent mothers and children up to 16 years shall be also provided with an afternoon snack.²⁶⁵ Kitchens, equipped by Croatian Red Cross, where applicants can prepare meals by themselves, are at the moment provided only in the Reception centre in **Kutina**. It was expected that two kitchenettes would be opened in the Reception centre in **Zagreb** by the end of February 2017.²⁶⁶ However as of March 2018, kitchens were not opened in Zagreb, but were used only on special occasions (Nowruz). If needed (for example in the case of medical requirements, children and pregnant women or due to religious restrictions), specific dietary arrangements are available. However, it seems that some asylum seekers encounter problems and are not provided with meals for their dietary needs.²⁶⁷

No problems were reported in connection to the possibility of practicing religion. In the Reception Centre in **Zagreb**, there is a room for Muslim asylum seekers to pray. In **Kutina**, asylum seekers can practice their religion in their rooms. According to the Croatian Red Cross, since the reopening of the Centre in Kutina, no particular interest has been shown with regard to special premises for practicing religion.

2.2. Activities in the centres

The staff of the Ministry of Interior working in the reception centres was generally sufficient in the past, before the increase in numbers of asylum seekers. Some of them, but not all, were trained. In the past, trainings were organised by UNHCR as well as through EU projects. From the moment Croatia became an EU Member State, the staff working in Reception Centre for Asylum Seekers participate in trainings organised by the European Asylum Support Office (EASO). Due to changes in the staff during the past 2 years, trainings for new officials are needed.

According to the Ministry of Interior in 2017 6 new employees started working in the Reception Centre for Asylum Seekers in Zagreb. In addition staff of the Reception Centres for Asylum Seekers participated in various training during 2017 (EASO Inclusion module; training on interview techniques organized by UNHCR; training on identification of victims of trafficking organized by the General Police Directorate; training on psychosocial support and social services for asylum seekers; training on working with unaccompanied children; implementation of the Law on General Administrative Procedure; improvement of cross-sectoral cooperation in the field of integration etc.)²⁶⁸

²⁶⁵ Article 20 Ordinance on the Realisation of Material Reception Conditions.

²⁶⁶ Information provided by the Croatian Red Cross, 13 February 2017.

²⁶⁷ For example, the Croatian Law Centre repeatedly informed the Ministry of Interior of the needs of an asylum seeker with diabetes who was not provided with the special meals required.

²⁶⁸ Information provided by the Ministry of Interior, 13 February 2018.

According to information received from the Croatian Red Cross,²⁶⁹ social workers provide daily psychosocial support and organise social and educational activities with asylum seekers accommodated in **Zagreb** (Monday- Sunday) and **Kutina** (Monday-Sunday). Main activities include:

- ❖ Support in reception: accommodation, initial information, follow up on various issues related to maintenance and daily needs (laundry), procurement and distribution of necessary items (hygiene, clothes, etc);
- ❖ Individual and family psychosocial support based on needs/capacities assessment;
- ❖ Support to unaccompanied separated children;
- ❖ Specific care provided to persons with mental health difficulties and potential victims of torture and trauma abuse;
- ❖ Play and educational activities with children; support in school work;
- ❖ Introduction to Croatian culture, customs and habits;
- ❖ Group and individual work with single women, including individual talks aimed at prevention of human trafficking and sexual and gender-based violence (SGBV);
- ❖ Conflict and violence prevention, workshops on prevention of human trafficking;
- ❖ Sport activities inside and outside the reception centres;
- ❖ Croatian and English language courses;
- ❖ Hygiene promotion and health education;
- ❖ Job Centre;
- ❖ Library;
- ❖ Hairdresser salon;
- ❖ Provision of information, practical support in daily life;
- ❖ Referral to the Ministry of Interior, Croatian Law Centre health care, specialised psychological and mental health care, advocacy and support in solving different issues;
- ❖ Community meetings in Kutina and Zagreb (Vox Populi).

JRS is present from Monday to Friday in the Reception centre for Asylum seekers in Zagreb and twice a week in the Reception centre for Asylum seekers in Kutina.

JRS has also set up a computer room with 9 computers available in the Reception Centre of **Zagreb**.²⁷⁰ The classroom is open daily from Monday to Friday with the presence of an interpreter and volunteers who assist asylum seekers. Occasionally, in reduced working hours, the classroom is opened also on Saturdays and Sundays. Since November 2016, JRS volunteers (IT students) hold a computer course only for women, once a week, while in the different timeslot, also once a week, a course is organised for both women and men. JRS also provide language courses 4 times a week, dance classes for women twice a week in Zagreb and in Kutina on those days when they are present there.²⁷¹

During 2016, many international and non-governmental organisations such as IOM,²⁷² UNICEF, Save the Children, and national NGOs (Croatian Red Cross, Croatian Law Centre, JRS, but also Centre for Peace Studies, Rehabilitation Centre for Stress and Trauma, Are You Syrious) were present in both Reception Centres.

During 2017 in the Reception Centre for Asylum Seekers in Zagreb, a child friendly space, financially supported by UNICEF, was made available in cooperation with JRS and the Society for Psychological Assistance. According to information provided by UNICEF, UNICEF does not plan to continue providing financial means in 2018 for functioning of the child friendly space.²⁷³

²⁶⁹ Information provided by the Croatian Red Cross, 13 February 2017.

²⁷⁰ Information provided by JRS, 16 February 2017, confirmed during the meeting on January 3, 2018.

²⁷¹ Meeting held with the representatives of JRS on 3 January 2018.

²⁷² Due to internal institutional annual reporting period, IOM was not able to deliver detailed information on their activities and plans in the short term: Information by IOM, 26 January 2017.

²⁷³ Information provided by UNICEF, 27 December 2017.

In addition, various social and educational activities such as various workshops for women and children were also provided by organisations present in both Reception Centre. Croatian language courses are organised by the Croatian Red Cross, the Centre for Peace Studies and JRS.

Centre for Peace Studies' volunteers are present in both Reception Centre for Asylum Seekers. Volunteers provide psycho-social assistance activities for asylum seekers in (information on asylum system, Croatian culture and history, psychosocial support, learning Croatian language, sport and social activities, workshops). From November 1, 2017, volunteer lawyers provide legal information to asylum seekers under the mentorship of a Centre for Peace Studies' lawyer. All these activities were carried out by five employees of the Centre for Peace Studies and approximately 30 volunteers.

Croatian Baptist Aid,²⁷⁴ present in Reception Centre in Zagreb, provided Croatian and German language courses, creative workshops, IT courses, and they also organized one-day excursions.

Also, since March 2015, the Centre for Children, Youth and Family (Modus) has started providing free counselling and psychotherapy for asylum seekers and refugees in the Reception Centre. However, in 2016 and 2017, counselling was mainly organised in their premises and support was provided by educated counsellors and psychotherapists and interpreters. One meeting lasts from 45 to 60 minutes and includes all the usual rules of providing psychological support, such as confidentiality and the possibility to agree on the topics to be discussed.

The Rehabilitation Centre for Stress and Trauma²⁷⁵ in 2017 carried out group and individual activities of psychological support, group support included 58 users while individual psychological counselling and psychotherapy included 14 users. Although they were present in both Reception Centre, counselling sessions were mainly organised in their premises.

2.3. Duration of stay in the centres

According to the Ministry of Interior, the average length of stay in the reception centres is 3 months.²⁷⁶ In the regular procedure, applicants can be accommodated in the Reception Centre until the completion of the procedure and a final decision is taken on the case (at first instance and during the administrative dispute). When a final negative decision on the asylum application has been taken and the time for executing the order to leave the country has elapsed, the right to receiving reception conditions ends.

In the past some humanitarian and other circumstances were reason for the prolongation of accommodation in the Reception Centre, but this was not prescribed by the law and it was decided on a case by case basis. However, a good practice was that some asylum seekers were allowed to stay in the centre even though they were not anymore entitled to accommodation. However with the LITP, practice has changed for applicants who are trying to lodge second subsequent applications, as they are not allowed to stay in Reception Centre.

²⁷⁴ Information provided by the Croatian Baptist Aid, 29 January 2018.

²⁷⁵ Information provided by the Rehabilitation centre for Stress and Trauma, 3 January 2018.

²⁷⁶ Information provided by the Ministry of Interior, 13 February 2018.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers?
❖ If yes, when do asylum seekers have access the labour market? ☒ Yes ☐ No 9 months
2. Does the law allow access to employment only following a labour market test? ☐ Yes ☒ No
3. Does the law only allow asylum seekers to work in specific sectors?
❖ If yes, specify which sectors: ☐ Yes ☒ No
4. Does the law limit asylum seekers' employment to a maximum working time?
❖ If yes, specify the number of days per year ☐ Yes ☒ No
5. Are there restrictions to accessing employment in practice? ☒ Yes ☐ No

Applicants have the right to work after 9 months from the day of lodging the application upon which the Ministry of Interior has not yet rendered any decision, if the procedure has not been completed due to no fault of the applicant.²⁷⁷ To this end, they do not need a residence or work permit, or a work registration certificate, until the decision on their application is final.²⁷⁸

The Ministry of Interior should issue a document at the request of an applicant to certify that the applicant has acquired the right to work. On the other side, if the applicant does not meet the conditions, the Ministry shall render a decision refusing to issue the certificate.²⁷⁹

However, it is quite difficult for them to find a job, due to the general difficulties resulting from their language skills, to the limited or no academic or professional background, as well as to the recession and the high national rates of unemployment. Asylum seekers do not have access to vocational training schemes.

Asylum seekers can work on a voluntary basis in both Reception Centres for Asylum Seekers.²⁸⁰ According to the Ordinance on the Realisation of Material Reception Conditions, asylum seekers accommodated in the Reception Centre for Asylum Seekers may, at their own request and with a signed statement, assist in activities related to the maintenance of the centre and housing such as cleaning landscaping, gardening, help in storehouse, washing, ironing, painting the walls, etc., and can be voluntarily involved in work for the benefit of local community or the work of humanitarian organisations.

Since the beginning of 2014, a Job Centre was opened within the Reception Centre in **Zagreb**. In exchange for their work i.e. cleaning the centre premises, cleaning the gym and helping with the cleaning in the restaurant, etc., asylum seekers receive additional clothes, shoes, items for personal hygiene and so forth.²⁸¹ According to information provided by Croatian Red Cross, the Job Centre is active twice a week in the Reception Centre in **Zagreb**, or more often when needed, for a duration of 90 minutes. Participation is voluntary and usually 5 to 20 persons participate in the activity.²⁸²

The Ministry of Interior does not collect data on how many certificates granting the right to work were issued in the course of 2017. According to provided information, 7 asylum seekers were employed at the

²⁷⁷ Article 61(1) LITP.

²⁷⁸ Article 61(5) LITP.

²⁷⁹ Article 61(2)-(3) LITP.

²⁸⁰ Article 19 Ordinance on the Realisation of Material Reception Conditions.

²⁸¹ Information provided by the Croatian Red Cross, 21 July 2014.

²⁸² Information provided by the Croatian Red Cross, 13 February 2017.

end of 2017.²⁸³ According to the data of the Croatian Employment Service, at the end of 2017, 3 applicants for international protection were registered in their records of unemployed persons.²⁸⁴

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

The right to education is a constitutional right for all children staying in Croatia. According to the LITP, only child applicants (i.e. those under 18) are entitled to primary and secondary education.²⁸⁵ Applicants who have begun to exercise the right to secondary education are allowed to continue secondary education even after they have turned 18.

According to the LITP, the right to primary and secondary education is granted to child applicants under the same conditions as for Croatian nationals, and children can access education within 30 days of lodging an application.²⁸⁶

There have been reported obstacles to accessing secondary education for asylum seeking children.²⁸⁷ The major problem when accessing school is still the language barrier, but there has been progress in the last few years, and children access the educational system more easily at the moment. According to information provided by the Croatian Red Cross, children in **Zagreb** attend individual classes of Croatian language organised by schools. There is a great need for interpreters.

As in Zagreb, the main problem in **Kutina** is also the language barrier. An agreement was made with the school in Kutina that during their first year children are only present to listen in the school in Kutina. Moreover, Croatian Red Cross employees working in Kutina have mentioned that no big obstacles exist when accessing secondary education if the child holds proof of education from the country of origin. The Rehabilitation Centre for Stress and Trauma²⁸⁸ reported that education was inaccessible to asylum seekers over the age of 18, especially secondary education. They mentioned the example of younger people who did not start or had not completed secondary education in their countries of origin because of war. For them, according to the Rehabilitation Centre for Stress and Trauma, it was virtually impossible to start or continue their education in a regular education system in Croatia.

According to the Ministry of Interior,²⁸⁹ some problems arose mainly relating to the organisation of preparatory Croatian classes, lack of documentation on previous education as well as in relation to the expansion of the so-called “e-matica” system (centralised system of the Ministry of science and Education with the data of the pupils), as asylum seekers do not have an individual identification number (OIB) required for registration in this system. According to the policy brief prepared by the Centre for Peace Studies, GOOD Initiative and Initiative Welcome, the problem with individual identification numbers required for registration in the so called “e-matica” has not been resolved.²⁹⁰ In addition they reported that according to available data from the Ministry of the Interior and the Ministry of Education and Science as well as from information gathered from asylum seekers at the Reception Centres in Zagreb and Kutina, children are enrolled in schools with delays of several months (three or more). JRS reported that children in Zagreb are enrolled in schools within 2 weeks of their arrival.²⁹¹

²⁸³ Information provided by the Ministry of Interior, 13 February 2018.

²⁸⁴ Information provided by Croatian Employment Service, 19 January 2018.

²⁸⁵ Article 58(1) LITP.

²⁸⁶ Article 58(3) LITP.

²⁸⁷ Information provided by the Croatian Red Cross, 13 February 2017.

²⁸⁸ Information provided by the Rehabilitation centre for Stress and Trauma, 3 January, 2018.

²⁸⁹ Information provided by the Ministry of Interior, 2 March 2017.

²⁹⁰ Available in Croatian at <https://bit.ly/2H8JwTX>.

²⁹¹ Meeting held with the representatives of JRS on 3 January 2018.

In addition, as mentioned in [Conditions in Reception Facilities](#), several organisations provide educational activities and language classes in the two centres.

It is hard to predict how the education system will address issues arising in the event of asylum-seeking children with special needs.

Child applicants are also entitled to special assistance to learn Croatian and to make up for the knowledge they might lack in some school subjects, in the form of preparatory and supplementary classes.²⁹² In November 2011, a Programme of Croatian for preparatory classes for primary and secondary school students who do not speak or speak Croatian insufficiently was adopted. This is an intensive 70-hour course of Croatian, spread over a maximum of one academic year.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
☒ Yes ☐ No
2. Do asylum seekers have adequate access to health care in practice?
☐ Yes ☒ Limited ☐ No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
☐ Yes ☐ Limited ☒ No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
☒ Yes ☐ Limited ☐ No

Applicants are entitled to health care. However, the LITP prescribes that health care includes emergency care and necessary treatment of illnesses and serious mental disorders.²⁹³

Medical assistance is available in the Reception Centre for Asylum Seekers in **Zagreb**, and when needed also in the Reception Centre in **Kutina**.

Many organisations, including UNICEF, Doctors of the World (Mdm), the Rehabilitation Centre for Stress and Trauma, the Croatian Red Cross, the Society for Psychological Assistance (SPA) and the Centre for Peace Studies, have reported great problems and major deficiencies in the health care system. Due to deficiencies in the system, many organisations have targeted their activities in that direction.

In the first eight months of 2016, organised health care in the Reception Centre in **Zagreb** did not adequately respond to the needs of asylum seekers,²⁹⁴ as a doctor was available two times per week but could not efficiently address the needs of all accommodated persons. As observed by the Croatian Red Cross staff, initial medical check-ups during that time were not always done in a timely manner. In the last few months of 2016, the situation improved, especially with engagement of Médecines du Monde (Mdm-BE).

In relation to the Reception Centre in **Kutina**, Croatian Red Cross staff reported that, after working hours, asylum seekers have to go to emergency care if there is any health care need. Problems were also reported in relation to dentist's services, as for asylum seekers accommodated in Kutina a dentist from **Glina** offered his services on voluntary basis, which is evidently not a sustainable practice. In addition, according to information provided by Croatian Red Cross staff, a doctor comes to Kutina on call or when a certain number of asylum seekers need medical services.

²⁹² Article 58(4) LITP; Article 43 Law on Education in Primary and Secondary Schools (Official Gazette 87/08, 86/09, 92/10, 90/11, 5/12, 16/12, 86/12, 126/12, 94/13).

²⁹³ Article 57(1) LITP.

²⁹⁴ Information provided by the Croatian Red Cross, 13 February 2017.

Complementary services by non-governmental organisations

MdM, the Rehabilitation Centre for Stress and Trauma, JRS as well as other NGOs reported deficiencies in the regular health care system as well as a narrow interpretation of the legislative framework.

MdM signed a memorandum of understanding with the Ministry of Interior in August 2016.

In 2017 the MdM team consisted from two general practitioners, one nurse and interpreter. The team carries out primary health care consultations in both Reception Centres, 4 days a week in Zagreb and 2 days a week in Kutina.²⁹⁵ The team also conducts official initial medical screening of newly arrived asylum seekers, 2 days a week in Zagreb and 2 days in Kutina. MdM's psychologist carries out individual consultations. Since April 2017, with the financial support of UNICEF, MDM has also employed external specialists i.e. a gynaecologist, a paediatrician, and a psychiatrist who visit the Reception centre in Zagreb twice a month. In 2017 the MdM team carried out 4318 medical consultations and 294 individual counselling sessions with a psychologist.

In addition, in the period from March 1 to July 31, the MdM team was the only provider of primary health care consultations for asylum seekers in the Reception centre in Zagreb. In August 2017, an ambulance for asylum seekers has begun operating in the health centre in Dugave. However, it has been shown that the existence of a continuous, individualized, linguistically adapted and culturally-based health care has a positive effect. Moreover, direct contact with users enables MdM team to recognize early crisis situations, and to have an individualised access to treatment and care for asylum seekers.

There are still difficulties when a drug is not on the basic list of the Croatian Health Insurance Fund or, in the case of a need for medicines that are not issued on a medical prescription (e.g. medicines for temperature). MdM, with UNICEF's financial support, managed to cover those needs.

In cooperation with UNICEF, funds were provided for the MdM team by the end of June 2018.

JRS²⁹⁶ reported problems in relation to the regular system, for example that there is a segregation of the asylum system, as there is a separate toilet for refugees and a waiting room on the other floor of the ambulance. Also, they have reported racist statements from the general practitioner in the ambulance near the Reception Centre in Zagreb in the regular system.

The lack of interpretation services when accessing medical services is still a problem. MdM provided interpreters while providing their services, but asylum seekers who approached doctors through the "regular" system have encountered this problem.

Other organisations have provided complementary support to health care activities.

Croatian Baptist Aid ²⁹⁷ provided dental support to 340 asylum seekers in Reception Centre for Asylum Seekers in Zagreb.

As regards psychological support during 2016, the huge increase in the numbers of asylum seekers in Croatia led to needs for additional psychological support. In that respect, psychological counselling and support were also provided by several other organisations during 2016:

- ❖ The Society for Psychological Assistance (SPA)²⁹⁸ provided psychological counselling ,mainly organised in their premises Information on their activities for clients are also available online.²⁹⁹

²⁹⁵ Information provided by MdM, 5 January 2018.

²⁹⁶ Meeting held with the representatives of JRS on 3 January 2018.

²⁹⁷ Information provided by the Croatian Baptist Aid, 29 January 2018

²⁹⁸ Information provided by the Society for Psychological Assistance, 5 January 2018

²⁹⁹ See: <http://bit.ly/2lr77E4>; <http://www.srcro.eu/>; <http://bit.ly/2m2IRVO>.

- ❖ The Croatian Law Centre provided psychological counselling through two projects to potential and recognised victims of torture among asylum seekers, discussed below.
- ❖ The Rehabilitation Centre for Stress and Trauma also provided psychological support through psychosocial workshops and group sessions. Within that period, 14 persons were included in individual psychological counselling and 58 in group counselling.³⁰⁰

Special health needs

Applicants who need special reception and/or procedural guarantees, especially victims of torture, rape or other serious forms of psychological, physical or sexual violence, shall be provided with the appropriate health care related to their specific condition or the consequences resulting from the mentioned acts.³⁰¹ However in practice this type of “extra” health care is not accessible on regular basis for those who have special needs. During 2016 and 2017 many asylum seekers who came to Croatia were in need of special guarantees but have not received appropriate health care and were simply referred to doctor present in the Reception Centre, as a system and mechanism for addressing special needs of asylum seekers has not been established.

MdM was informed by the Ministry of Health via letter that for asylum seekers accommodated in **Kutina** who are victims of torture, rape or other violence, as well as for asylum seekers with special needs, psychosocial support is made available at Neuropsychiatric hospital in **Popovača**.³⁰² The Ministry of Health also informed MdM that a contract was concluded with the aforementioned hospital for 2016, specifying that a psychiatrist would provide services 4 times a month in the Reception Centre in **Kutina** to mentioned categories of asylum seekers. However, employees of the Reception Centre in Kutina informed the Croatian Law Centre that due to lack of capacities, the psychiatrist would not be able to come to the Reception Centre in Kutina, but asylum seekers would be referred directly to hospital when needed.

Since 2010 the Croatian Law Centre has implemented the project “Protection of Victims of Torture among Vulnerable Groups of Migrants” (*Zaštita žrtava mučenja među ranjivim skupinama migranata*) funded by the UN Voluntary Fund for Victims of Torture (UNVFVT). The project will continue in 2018. Through the project, legal assistance provided by the Croatian Law Centre, psychosocial support provided by the Croatian Red Cross and psychological counselling provided by external experts – psychologists) are available to asylum seekers and refugees.

During 2016 and 2017 within the project “Access to early protection and rehabilitation services right on arrival in the EU” (ACESO),³⁰³ psychological counselling was also organised for torture victims among asylum seekers, however the project ended in May 2017. The Rehabilitation Centre for Stress and Trauma also provided psychological support to victims of torture.

JRS reported that due to the culturally oppressed position of women from certain countries, access to medical, a certain number of women are often deprived of psychological and legal assistance, which is why they created a special workshop aiming to support and empower women.³⁰⁴

³⁰⁰ Information provided by the Rehabilitation Centre for Stress and Trauma, 15 February 2017.

³⁰¹ Article 57(2) LITP.

³⁰² Letter from the Ministry of Health to MdM, dated 4 October 2016. This is also mentioned by the Croatian Dublin Unit in guarantees provided to other Member States prior to transfers: ECRE, *Balkan route reversed*, December 2016, Annex IV.

³⁰³ The Croatian Law Centre implemented the project “Protection of Victims of Torture among Vulnerable Groups of Migrants” funded by UNVFVT and “Access to early protection and rehabilitation services right on arrival in the EU” (ACESO) led by the Hungarian Helsinki Committee and funded by the European Commission.

³⁰⁴ Information provided by JRS, 16 February 2017.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
☐ Yes ☒ No

In the past, there were no special mechanisms laid down in the law to identify vulnerable persons for the purpose of addressing special reception needs.

The LITP enumerates as vulnerable persons: persons without legal capacity, children, unaccompanied children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence, such as victims of female genital mutilation.³⁰⁵ The LITP provides special procedural and reception guarantees (see section on [Special Procedural Guarantees](#)).

However, up until now the Ministry of Interior did not have a special unit dealing with vulnerable groups, but accommodated their needs in the general reception system. In the past, trainings on how to deal with vulnerable cases were organised for staff, but since then new civil servants were employed, so there is a need for the continuation of these trainings.

When accommodating applicants in the Reception Centre, gender, age, position of vulnerable groups, applicants with special reception needs and family unity shall be particularly taken into account.³⁰⁶ Those with special reception needs may be placed in an appropriate institution or can be accredited to accommodation in accordance with regulations on social welfare, accommodation appropriate for their needs cannot be provided if in the Reception Centre.³⁰⁷

The Ordinance on the Realisation of Material Reception Conditions prescribes that reception conditions should be adapted to the needs of asylum seekers, psychosocial support should be provided, and special care should be given to asylum seekers with special reception needs. The process of identifying asylum seekers with special reception needs should be conducted by professionals who provide psychosocial support in the Reception Centre, and if necessary, the competent Centre for Social Welfare can participate in the assessment. The Centre for Social Welfare involved in the procedure of identifying asylum seekers with special reception needs shall notify the Reception Centre of all measures and actions taken.³⁰⁸

Asylum seekers with special health care needs shall be provided a special diet, based on the recommendations of the physician.³⁰⁹

There is no monitoring mechanism in place with regards to measures for addressing special needs of asylum seekers accommodated in the centres. However, social workers of the Ministry of Interior and the Croatian Red Cross are available daily in the Reception Centres for Asylum Seekers and can provide support. In practice, during their regular work and communication with asylum seekers as well as on individual and group support, Croatian Red Cross employees can observe the needs of vulnerable groups and, where there is a need, can accordingly propose changes in the reception of particular asylum seekers to the Head of Reception Centre (for example, a person may need to be accommodated in a single room, or with other persons, or may need to be relocated to the Reception Centre for Asylum Seekers in **Kutina**, which is specifically designed for vulnerable asylum seekers). To the knowledge of the Croatian Law Centre those suggestions were taken into consideration. However with the increase in the numbers of asylum seekers, vulnerable asylum seekers who need single room may face difficulties as there are no available places so people can rarely be accommodate in single room.

³⁰⁵ Article 4(1)(14) LITP.

³⁰⁶ Article 56(4) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

³⁰⁷ Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

³⁰⁸ Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.

³⁰⁹ Article 20(2) Ordinance on the Realisation of Material Reception Conditions.

According to the Ministry of Interior, special reception needs are based on the recommendation of the doctor after the initial health check (such as special diet, psychosocial support, special accommodation).³¹⁰

Women and children

Separate premises are provided in the Reception Centre in **Kutina** for women and vulnerable groups. Families are kept together, while single women, unaccompanied children and traumatised applicants are accommodated in separate rooms.

UNICEF, in cooperation with their implementing partners Society for Psychological Assistance and JRS, have established a child friendly space in both Reception Centre which was functioning in 2017. However UNICEF is not planning to continue with the activity in the course of 2018.³¹¹ In addition, UNICEF in cooperation with the civil society organisation Roda (Parents in Action) organised activities for pregnant and nursing women, so in both Centres they were given the necessary support and advice about breastfeeding and feeding of children. This activity ended at the end of February 2017.

In order to prevent gender-based violence and protect children from adults, Croatian Red Cross employees working in the Reception Centres conduct workshops and also organise individual counselling to inform applicants about potential risks of exploitation, sexual violence and trafficking, with a specific focus on vulnerable groups.

Unaccompanied children

With regard to unaccompanied children, the LITP prescribes that the guardian of an unaccompanied child shall undertake all the necessary activities, including contact and cooperation with the competent ministries, other state and foreign bodies, and NGOs, in order to reunite the child with his or her family if this is in the best interests of the child.³¹²

Victims of torture, violence and trauma

No system for early identification of victims of torture or other forms of ill-treatment by competent authorities and professionals has yet been developed. According to the LITP, applicants who need special reception and/or procedural guarantees, especially victims of torture, rape or other serious forms of psychological, physical or sexual violence, shall be provided with the appropriate health care related to their specific condition or the consequences resulting from the mentioned acts.³¹³

However until today in practice the system for addressing the consequences of torture among applicants has not been established. It is also unclear who can get treatment and under which conditions, and who should provide such treatments. This is discussed in detail in [Health Care](#).

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

There are no specific rules for information to be provided to applicants on rights and obligations relating to reception conditions. The provisions in the LITP on information to applicants are formulated generally. The Ministry of Interior has to inform the applicants within 15 days of the expression of intention, about the procedure of approval of international protection, about rights and obligations they have in that

³¹⁰ Information provided by the Ministry of Interior, 2 March 2017.

³¹¹ Information provided by UNICEF, 27 December 2017.

³¹² Article 10(3) LITP.

³¹³ Article 57(2) LITP.

procedure, the possibility of contact representatives of UNHCR and other organisations who work to protect the rights of refugees, and the possibility of receiving free legal assistance.³¹⁴

In practice, according to the information available to the Croatian Law Centre, this information is given in writing during the submission of the asylum application.

Applicants are informed about the House Rules of the reception centres and these rules are also displayed in a visible place in the premises of both Reception Centres for Asylum seekers. According to information provided by the Croatian Red Cross, the House Rules are available in Croatian, English, French, Arabic and Farsi. The Ministry of Interior has also specified that House Rules are also available in Urdu, Pashtu, Somali and Hindi.³¹⁵

Upon their arrival in the Reception Centre for Asylum Seekers, applicants are also informed by social workers of the Croatian Red Cross about their rights and obligations, the House Rules and rules of conduct which must be adhered to while accommodated in the Reception Centre as well as other practical information e.g. the daily schedule of the distribution of linen, clothing and footwear, and hygiene items, laundry services, information on daily creative workshops and other activities available in the centre.

Information sheets are also available in the common rooms of the Reception Centre for Asylum Seekers in Zagreb, containing information on human trafficking, child marriages and gender-based violence, while a dedicated sheet on sexual orientation and gender identity was under preparation at the end of 2016.³¹⁶ It is unclear whether this was finalised in 2017.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
☒ Yes ☐ With limitations ☐ No

Relevant legislation does not contain any specific provisions on the access of third parties to the Reception Centres for Asylum Seekers, but in practice family members, legal advisors, UNHCR and NGOs have access to these centres.

Also, both Reception Centres for Asylum Seekers are open facilities and applicants may leave the centre according to the house rules and are able to meet anyone outside. According to the LITP, the Croatian Red Cross, UNHCR and other organisations involved in the protection of refugee rights or doing humanitarian work, may conduct pedagogical, educational and similar activities and provide other types of assistance at the reception centres, subject to prior authorisation by the Ministry of Interior.³¹⁷

The social workers of the Croatian Red Cross, based on a cooperation agreement with the Ministry of Interior, are present in both Reception Centres for Asylum Seekers.

In practice, access to the centres by UNHCR and other relevant NGOs does not seem to be problematic. The Croatian Law Centre and the Legal Clinic of the Law Faculty of Zagreb both have cooperation agreements with the Ministry of Interior for the provision of legal assistance. Both organisations should inform the Ministry of Interior of their visits in advance. Other organisations present in Reception Centres have cooperation agreements with the Ministry of Interior for the provision of their activities.

³¹⁴ Article 59(2) LITP.

³¹⁵ Information provided by the Ministry of Interior, 2 March 2017.

³¹⁶ ECRE, *Balkan route reversed*, December 2016, 24.

³¹⁷ Article 56 (2) LITP.

G. Differential treatment of specific nationalities in reception

There is no difference in treatment with respect to reception based on asylum seekers' nationality.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2017: ³¹⁸	134
2. Number of asylum seekers in detention at the end of 2017:	6
3. Number of detention centres:	3
4. Total capacity of detention centres: ³¹⁹	219

Detention reform has been one of the main elements brought about by the LITP adopted in July 2015. Under the previously applicable Law on Asylum, according to the Ministry of Interior, 16 asylum seekers were detained in Croatia in 2015, while in total 81 asylum seekers were detained in 2014.³²⁰ According to the Ministry of Interior, 50 asylum seekers were detained in 2016.³²¹ In 2017, 134 asylum seekers were detained in the Reception Centre for Foreigners located in Ježevo, including one child, 6 unaccompanied children and one victim of trafficking.³²² The average duration of detention for asylum seeking children is 1 month.³²³ However the total number of children detained in the mentioned centre is much higher. According to the Border Directorate in 2017, 68 children (20 female, 48 male) were detained in the Reception Centre for Foreigners, 5 of them unaccompanied.³²⁴ The average duration of detention for children in 2017 was 13 days and for unaccompanied children 44 days.³²⁵ In the Transit Reception Centre in Tovarnik during 2017, 27 children were detained (14 female, 13 male) while the average duration of detention was 24 hours.³²⁶ In Transit Reception Centre in Trilj during 2017, 5 children were detained (2 female, 3 male) while the average duration of detention was 12 days.³²⁷

During the asylum procedure, detention is possible under all types of procedures, where the conditions prescribed by the LITP are met. However, the majority of asylum seekers are not detained but are accommodated in open centres. In that sense, it is not likely that any category of applicants would spend the whole status determination procedure in detention. The main reasons for the detention of applicants are situations where they request international protection after having been issued with a deportation order and situations where they left or attempted to leave Croatia before the completion of the procedure for international protection.

At the moment Croatia has three detention centres, the Reception Centre for Foreigners located in Ježevo, with a total capacity of 95 places (27 places for vulnerable categories), the Transit Reception Centre in Trilj. with a total capacity of 62 places (12 places for vulnerable categories) and the Transit Reception Centre in Tovarnik. with a total capacity of 62 places (12 places for vulnerable categories).³²⁸

³¹⁸ Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

³¹⁹ Ministry of Interior, Border Directorate letter received received on 30 January 2018.

³²⁰ Letter from the Ministry of Interior dated 28 January 2015.

³²¹ Information provided by the Ministry of Interior, 2 March 2017.

³²² Information provided by the Ministry of Interior, 13 February 2018

³²³ Ibid.

³²⁴ Ministry of Interior, Border Directorate letter received received on 30 January 2018.

³²⁵ Ibid.

³²⁶ Ibid.

³²⁷ Ibid.

³²⁸ Ministry of Interior, Border Directorate letter received received on 30 January 2018.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

1. In practice, are most asylum seekers detained
 - ❖ on the territory: ☒ Yes ☐ No
 - ❖ at the border:³²⁹ ☐ Yes ☒ No
2. Are asylum seekers detained in practice during the Dublin procedure?
☐ Frequently ☒ Rarely ☐ Never
3. Are asylum seekers detained during a regular procedure in practice?
☐ Frequently ☒ Rarely ☐ Never

The LITP lays down the grounds for restricting the freedom of movement of applicants and foreigners under transfer, including through detention in a Reception Centre for Foreigners.³³⁰ Detention may be ordered for 4 reasons,³³¹ if it is established by individual assessment that other measures (see section on [Alternatives to Detention](#)) would not achieve the purpose of restriction of freedom of movement:

1. To establish the facts and circumstances of the application which cannot be determined without limitation on freedom of movement, in particular where there is a risk of absconding;
2. To establish and verify identity or nationality;
3. To protect national security or public order; or
4. To prevent abuse of procedure where, on the basis of objective criteria, which include the possibility of access to the procedure of approval of international protection, there is a well-founded suspicion that the intention to apply for international protection expressed during the procedure of forced return was aimed at preventing the procedure of removal.

In practice, however, detention is not used systematically. Although most applicants do not possess any identity documents, up to now this was rarely used as a ground to restrict their freedom of movement.

Moreover, Article 54(3) explicitly provides for the possibility to restrict freedom of movement or detain a foreigner for the purposes of transfer to another Member State under the Dublin Regulation only in cases where there is a “risk of absconding”. It should be noted that the LITP does not refer to a “*significant* risk of absconding” in accordance with Article 28(2) of the Dublin III Regulation, however.

The existence of a “risk of absconding” is determined on the basis of all the facts and circumstances of the concrete case, especially with regard to:³³²

- Previous attempts to abscond;
- Refusal to submit to verification and establishment of identity;
- Concealing or providing false information on the identity and/or nationality;
- Violation of the reception centre’s house rules;
- A Eurodac ‘hit’; and
- Opposition to a Dublin transfer.

In practice, however, detention is rarely used during the Dublin procedure. According to the Ministry of Interior, detention was not used during the Dublin procedure in the course of 2017.³³³

³²⁹ However, according to the reaction of the Ministry of Interior (available at: <https://bit.ly/2GTg2tc>), an unknown number of persons who applied for international protection in March 2018 are detained in the Transit Reception Centre in Tovarnik.

³³⁰ Article 54(5) LITP.

³³¹ Article 54(2) LITP.

³³² Article 54(4) LITP.

³³³ Information provided by the Ministry of Interior, 13 February 2018.

The LITP specifies that detention in Reception Centre for Foreigners may be imposed if, by individual assessment, it is established that other measures would not achieve the purpose of restriction of freedom of movement.³³⁴ Prior to the LITP, the majority of detention decisions were uniform and based on the same grounds (therefore no individual assessment had been done), while under the LITP individual assessment should be done when ordering detention. The decision can be rendered by the Ministry of Interior, the police administration or the police station and they can decide on a particular measure and its duration.³³⁵

According to the Ministry of Interior, the individual assessment requested for the purpose of the restriction of freedom of movement is done based on personal circumstances such as belonging to vulnerable group (unaccompanied child, person with disability, health problems, family relations) as well as based on behaviour of the asylum seeker and his or her attitude toward the House Rules of the Reception Centre for Asylum Seekers.³³⁶

In practice asylum seekers are usually detained where they request international protection after having been issued with a deportation order and situations where they have left or attempted to leave Croatia before the completion of the procedure for international protection.

Number of applicants detained per ground of detention: 2016-2017		
Ground for detention	2016	2017
To establish the facts and circumstances of the application which cannot be determined without limitation on freedom of movement, in particular where there is a risk of absconding: Article 54(2)(1) LITP	2	3
To protect national security or public order: Article 54(2)(3) LITP	6	9
To prevent abuse of procedure where, on the basis of objective criteria, which include the possibility of access to the procedure of approval of international protection, there is a well-founded suspicion that the intention to apply for international protection expressed during the procedure of forced return was aimed at preventing the procedure of removal: Article 54(2)(4) LITP	36	50
In cases where it was established by individual assessment, that other measures would not achieve the purpose of restriction of freedom of movement: Article 54(6) LITP	6	72
Total	50	134

Source: Ministry of Interior.

Where a person expresses the intention to apply for international protection from the detention centre, after having been detained on the basis of one of the immigration detention grounds as specified by law on foreigners in the Centre for Foreigners, he or she must either be released and transferred to an open centre (**Zagreb** or **Kutina**) or must be served with a new restriction of freedom of movement order on one of the grounds for asylum detention as specified by LITP. According to the Border Police Directorate, as soon as the expression of intention to apply for international protection is received, the Asylum Department is notified, if possible the same day. Depending on its workload, usually the Asylum Department carries out the initial interview with the applicant in the Centre for Foreigners within one week of notification. Release or restriction of movement on the basis of one of the asylum grounds is decided by the Asylum Department after the interview is conducted.³³⁷

This raises questions as to the legality of the detention during the period between the expression of the intention to apply for international protection and the initial interview carried out by the Asylum Department. According to the LTIP, a person who has expressed the intention to apply for international

³³⁴ Article 54(6) LITP.

³³⁵ Article 54(11) LITP.

³³⁶ Information provided by the Ministry of Interior, 2 March 2017.

³³⁷ ECRE, *Balkan route reversed*, December 2016, p.16.

protection is considered an applicant for international protection and is therefore entitled to all the rights under the EU asylum *acquis*.³³⁸ This includes the right to remain on the territory until a final decision on his or her application has been taken. In the case of *Suso Musa v. Malta*, the ECtHR has acknowledged that the asylum applicant's right to remain on the territory under EU law³³⁹ raises an issue as to the lawfulness of his or her detention under the first limb of Article 5(1)(f) ECHR as such detention cannot be said to serve the purpose of preventing "unauthorised entry".³⁴⁰ In any case, for the duration of the period between the expression of the intention to apply for international protection and the issuing of an order to further liberty deprivation on the basis of one of the asylum detention grounds, the person's detention in the Centre for Foreigners seems to lack a clear legal basis in national law. In such case, the person could no longer be detained on the basis of his or her irregular entry on the territory or the establishment of his or her identity for the purpose of removal while no individual decision stating the necessity and proportionality of the person's detention on the basis of one of the asylum detention grounds has been issued yet by the Asylum Department. This would render the deprivation of liberty arbitrary under Article 5 ECHR and Article 6 of the EU Charter of Fundamental Rights.

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
 - ☒ Reporting duties
 - ☒ Surrendering documents
 - ☐ Financial guarantee
 - ☒ Residence restrictions
 - ☐ Other
2. Are alternatives to detention used in practice? ☒ Yes ☐ No

Article 54(6) LITP explicitly states that detention is only permissible where less coercive alternatives cannot be applied.

The alternatives to detention are the other measures listed in Article 54(5) LITP for the restriction of asylum seekers' freedom of movement:

- (1) Prohibition of movement outside the Reception Centre for applicants;
- (2) Prohibition of movement outside a specific area;
- (3) Appearance in person at the Reception Centre for applicants at a specific time;
- (4) Handing over travel documents or tickets for deposit at the Reception Centre for applicants;

It remains to be seen how these alternatives would be used in practice. See also the section on [Freedom of Movement](#) for the implementation of restrictions. According to the Ministry of Interior, reporting obligations to the Reception Centre for Asylum Seekers at a specified times were applied as alternatives to detention in 7 cases in 2016.³⁴¹ In 2017, no alternatives to detention were applied.³⁴² According to the Ministry of Interior the reason behind this is that the Reception Centre for Asylum Seekers is an open centre where there are no possibilities to control the movement of asylum seekers.

³³⁸ Article 4(5) LITP.

³³⁹ See Article 9(1) recast Asylum Procedures Directive establishing the right of an applicant for international protection to remain in the Member State for the sole purpose of the procedure.

³⁴⁰ See ECtHR, *Suso Musa v Malta*, Application No 42337/12, Judgment of 23 July 2013, para 97; *O.M. v Hungary*, Application No 9912/15, para 47, Judgment of 5 October 2016.

³⁴¹ Information provided by the Ministry of Interior, 2 March 2017.

³⁴² Information provided by the Ministry of Interior, 13 February 2018.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☒ Rarely ☐ Never

❖ If frequently or rarely, are they only detained in border/transit zones? ☐ Yes ☒ No
2. Are asylum seeking children in families detained in practice?
☐ Frequently ☐ Rarely ☒ Never

The LITP allows for the detention of vulnerable applicants, if detention is suited to their special needs.³⁴³ Moreover, it provides for detention of unaccompanied children, although for as short a period as possible.³⁴⁴

In the past, asylum seeking children staying on the territory of Croatia with members of their family were placed in detention together with accompanying adults. To the knowledge of the Croatian Law Centre, this was not happening last few years. According to the Ministry of Interior vulnerable asylum seekers were not detained in 2016.³⁴⁵ However it seems that in 2017 the practice has changed as during 2017, one child and 6 unaccompanied children in the status of asylum seekers were detained in the Reception Centre for Foreigners.³⁴⁶ In addition one asylum seeker who is a victim of trafficking was also detained in the Reception Centre for Foreigners. According to the Ministry of Interior, her decision on restriction of movement was revoked immediately after it was found out that she was a victim of trafficking.³⁴⁷ However JRS reported that the system did not react properly, for example the lack of haste of the authorities in the aforementioned case as the girl spent a month in detention.³⁴⁸

In practice, up to now most unaccompanied foreign children were placed in children and young people's homes as an alternative to detention. Children under 14 years of age are accommodated in Children homes, while children above 14 years are accommodated in Residential Child Care Institutions. Although these are open facilities, they are not adapted to the needs of this category of children. Special concerns from various actors (such as JRS and the Rehabilitation Centre for Stress and Trauma) were raised in relation to accommodating children in Residential Child Care Institutions as its primary function is to treat children with behavioural difficulties, so the conditions of their stay cannot be considered suitable for this group, especially when taking into account the specific needs of these children, as well as unavailability of interpreters in those institutions. The Rehabilitation Centre for Stress and Trauma³⁴⁹ reported that the employees in those institution do not have the resources or capacity to provide these children with the care and support they need. They also reported that migrant children were being stigmatized and exposed to the hostility of other children accommodated in these institutions. In the last quarter of 2016, the Croatian Law Centre, as the implementing partner of UNHCR, has started visiting Residential Child Care Institutions in order to monitor the conditions and provide unaccompanied children and their guardians with legal information. When a child accommodated in Residential Child Care Institution expresses the intention to lodge an application for asylum, he or she was in the past transferred to the Reception Centre for Asylum Seekers and not to a detention centre. However, to the knowledge of the Croatian Law Centre, asylum seeking children are now accommodated in Children's Homes and in Residential Child Care Institutions even if they have applied for international protection.

³⁴³ Article 54(7) LITP.

³⁴⁴ Article 54(8) LITP.

³⁴⁵ Information provided by the Ministry of Interior, 2 March 2017.

³⁴⁶ Information provided by the Ministry of Interior, 13 February 2018.

³⁴⁷ *Ibid.*

³⁴⁸ Meeting held with the representatives of JRS on 3 January 2018.

³⁴⁹ Information provided by the Rehabilitation centre for Stress and Trauma, 3 January 2018.

4. Duration of detention

Indicators: Duration of Detention

- | | |
|--|----------|
| 1. What is the maximum detention period set in the law (incl. extensions): | 6 months |
| 2. In practice, how long in average are asylum seekers detained? | 1 month |

Article 54(9) LITP provides a maximum detention time limit of 3 months, which may be extended by another 3 months. Where detention is applied in a Dublin procedure, however, it cannot exceed 6 weeks from the establishment of the responsibility of another Member State of the European Economic Area. If an administrative dispute has been initiated, the time limit of 6 weeks shall be counted from the time the decision on dismissal becomes final.³⁵⁰

In practice up until now, detentions were usually ordered for 3 months (although the LITP prescribes “up to 3 months”) and were rarely prolonged for an additional 3 months. According to the Ministry of Interior the average duration of detention in 2017 was 1 month.³⁵¹

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

- | | | |
|--|------------------------------|--|
| 1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Applicants for international protection are detained in the same premises as irregular migrants.³⁵² There is a pre-removal detention in **Ježevo**, 30km from Zagreb, which has a total capacity of 95 places.³⁵³

A special wing for vulnerable groups in Ježevo was finalised at the end of 2015, with a total capacity of 27 places. This wing is aimed at detaining women, families and unaccompanied children. During 2017, the wing was used for detention of above mentioned vulnerable categories.

In addition to the existing detention centre, 2 transit centres for irregular migrants were opened in **Trilj** and **Tovarnik**, close to the Serbian and Bosnian borders. Both centres are considered as Reception Centres for Foreigners.³⁵⁴ The Ministry of Interior³⁵⁵ reported in February 2018 that no decision on the implementation of border procedure has been made from which information it was not clear whether these facilities would also be used for the detention of applicants for international protection in the border procedure. However according to available information from NGOs, but also from the reaction of the Ministry of Interior available at their web page³⁵⁶ it seems that from March 2018 facilities in Tovarnik are also used for the detention of applicants for international protection in the border procedure. Each centre can accommodate 62 migrants, and will include a separate wing for vulnerable groups (12 places).³⁵⁷

According to the Border Directorate³⁵⁸ places of deprivation of liberty for the accommodation of irregular migrants also include airport transit zones and premises in police stations. Special premises exist at the

³⁵⁰ Article 54(10) LITP.

³⁵¹ Information provided by the Ministry of Interior, 13 February 2018.

³⁵² Article 54(5)-(6) LITP.

³⁵³ Ministry of Interior, Border Directorate letter received received on 30 January 2018.

³⁵⁴ ECRE, *Balkan route reversed*, December 2016, 17.

³⁵⁵ Information provided by the Ministry of Interior, 13 February 2018.

³⁵⁶ Available at: <https://bit.ly/2GTg2tc>.

³⁵⁷ Ministry of Interior, Border Directorate letter received received on 30 January 2018.

³⁵⁸ *Ibid*.

airport in Zagreb (14 places) and at the airport in Dubrovnik (6 places), while at other airports, space for international departure is in use for these purposes. The total number of persons whose entry was refused at the airports in 2017 was 489. The total number of police stations at the end of 2017 was 181, while the total number of places where migrants can be detain in police stations is 235. In 2017, 387 migrants were deprived of liberty in police stations.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|-----------------------------|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it limited to emergency health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

The Border Police Directorate of the Ministry of Interior is in charge of the management of the detention centre and the staff working within the centre are mainly police officers. A total 63 staff members are involved in the management of the Reception Centre for Foreigners in Ježevo.³⁵⁹ There is a social worker working in the Centre. There is a need for continuous specialised training for the staff working at the Centre in order to better address the needs of those detained.

During legal counselling in February 2017, one person complained to the Croatian Law Centre's lawyer about the behaviour of the staff. Several complaints were also received in the first 3 months of 2018.

Conditions in the detention centre are satisfactory. Every person has his or her own bed and there is sufficient space and separation between beds, as well as sufficient space to store personal possessions. Men and women are separated. Detainees are provided with clothes although they are all dressed in identical tracksuits and cannot, in usual circumstances, use their clothes.

There is a so called library within the centre so detainees have access to books in a few languages. However, no internet access is available. The centre is cleaned on a regular basis and there are sufficient showers and toilets. There is a spacious common room with a TV available and migrants can spend most of the day there, watching TV or playing cards. There is also a facility for buying cigarettes and drinks. There are two public phones available to migrants at the Centre that can be used at their own cost. However, to the knowledge of the Croatian Law Centre, detained migrants are not allowed to use their mobile phones, which are seized upon admission to the Centre.

According to the Rules of Stay in the Reception Centre for Foreigners, during the stay there, foreign nationals are provided with urgent medical care and three meals a day, of which at least one must be a warm meal. Specific diets can be prepared upon request or when ordered by a doctor (for religious or other reasons, e.g. for pregnant women). Quality of food is generally reported to be of a satisfactory level. However recently, asylum seekers reported to Croatian Law Centre that the meal portions are not sufficient.

They are entitled to stay outdoors for at least two hours a day in a specially designated area within the Centre (there is a football playground serving as an outdoor exercise area). This does not always happen for example during bad weather conditions. Migrants are entitled to freedom of religion and one room is used for this purpose.

After being placed in the Centre, they are entitled to one free phone call with their country's diplomatic mission or consular office, and to another private phone call lasting up to 3 minutes. Aliens are allowed to receive visits at least twice a week, so there is no maximum limit to the number of visits. If an alien is in possession of any cash, it will be temporarily seized and safeguarded by an authorised officer. While staying in the Centre, aliens may use the seized cash, but may not have an amount exceeding HRK 300 (approximately €30) on them.

³⁵⁹ ECRE, *Balkan route reversed*, December 2016, 14.

The cost of accommodation of a foreigner in the Centre amounts to HRK 250 per day and these costs are borne by the foreigners themselves. According to the Decision on the Manner of Calculation of deportation costs, stay at the Centre will be charged also to applicants accommodated there.³⁶⁰ In the case of families, the costs are borne by the person who holds the funds. If they do not possess any funds to cover these expenses, the costs of their stay in the Centre are paid from the state budget.

There is no special mechanism in the detention centre to identify persons with special reception needs. Although vulnerable asylum seekers were rarely detained in the past few years, when that happened, vulnerable asylum seekers were usually transferred to open centres upon request from lawyers working in NGOs. However, within the Centre a special facility exists for vulnerable groups.

This facility is an integral part of the Reception Centre for Foreigners, which is an organisational unit of the Border Police Directorate. The facility has a capacity of 27 places. Beside rooms for accommodation, the facility has a living room and a playroom for children, and facilities for education, health care, isolation, psychologists and educators.³⁶¹

Foreigners in detention have access to emergency health care. However, to the knowledge of the Croatian Law Centre and according to information provided by the staff working within the Centre, although a doctor is present twice a week in the Centre, the level of health care provided is not satisfactory. Mental health issues cannot be addressed in the centre but in urgent cases, people can be transported to a hospital where they would receive the necessary care. The infirmary has basic medication available for detainees, which is provided by the staff of the centre in absence of the medical team of the Ministry of Health.³⁶²

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

- | | | | |
|-------------------|---|----------------------------------|-----------------------------|
| ❖ Lawyers: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ NGOs: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ UNHCR: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ Family members: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |

The Croatian Law Centre has access to the Centre for the purpose of assisting applicants for international protection.

However, asylum seekers and migrants detained contact the Croatian Law Centre by phone. Other NGOs working with migrants and asylum seekers, such as JRS and the Centre for Peace Studies, are also present at the Centre from time to time. JRS staff is present in the Centre twice a week providing psychosocial support to detained persons. The Centre for Peace Studies reported that they had informal agreement with the Ministry of Interior to visit the Centre 4 times per year.³⁶³ During these visits, they usually talk with detained persons as well, but at the end of 2016 they were not allowed to do so, and were told that they have to get permission by General Police Directorate. The Centre for Peace Studies did not encounter this problem in the course of 2017.

UNHCR and attorneys representing applicants also have access to the Centre. Media or politicians can also access the detention centre. However, every visit should be announced in advance.

³⁶⁰ Official Gazette 66/13. See also the standard form provided to foreigners for the collection of such costs: ECRE, *Balkan route reversed*, December 2016, Annex II.

³⁶¹ Information provided by the Border Police Directorate, 14 October 2015.

³⁶² ECRE, *Balkan route reversed*, December 2016, 17.

³⁶³ Information provided by the Centre for Peace Studies, 13 February 2017, confirmed via email on 7 January 2018.

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? ☐ Yes ☒ No
2. If yes, at what interval is the detention order reviewed?

Asylum seekers are informed orally by the staff of the Ministry of Interior about the reasons of their detention. In practice, the interpreter present at the delivery of the decision reads decision to them. As decisions are written in complex legal language, the majority of asylum seekers do not understand the reasons for their detention. The LITP does not provide for automatic review of the lawfulness of detention.

Applicants may lodge a complaint to the Administrative Court against a detention decision within 8 days after its delivery. The authority that has issued the decision i.e. Ministry of Interior, the police administration or the police station, shall submit the case file to the Administrative Court no later than within 8 days of the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall render a decision after a personal interview within 15 days from the day of receipt of the case file.

However, there are no legal consequences for not respecting the 15-day time limit prescribed by the relevant legislation. The complaint does not suspend the decision.

One attorney informed the Croatian Law Centre that the Administrative Court did not organise the hearing promptly in cases of detention, so a decision was issued only after 2 or even 3 months – while detention can last up to 3 months. The attorney specified that in cases represented in 2016, the fastest that Administrative Court organised a hearing was within one month period after detention was ordered, and the longest was when it was organised only 7 days before expected release from detention i.e. more than 2 and half months after detention was ordered.

In 2017, one attorney reported that in three cases she represented, the Administrative Court organized hearings at the end of the period for which detention was ordered.³⁶⁴

An additional objection mentioned by attorneys to the Croatian Law Centre is that the Administrative Court in detention cases usually has confirmed Ministry's decisions. In 2017 the Administrative Court in Zagreb received 58 cases of restriction of movement out of which the claim was accepted in 4 cases, the law suit was dismissed in one case, the administrative dispute was discontinued in 10 cases and the claim was rejected in 43 cases.³⁶⁵

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention? ☐ Yes ☒ No
2. Do asylum seekers have effective access to free legal assistance in practice? ☒ Yes ☐ No

In detention cases, applicants are entitled to free legal aid. However there seem to be obstacles in the previous years to access legal assistance in practice, as attorneys informed the Croatian Law Centre that the Administrative Court did not approve free legal aid in some cases of detention and consequently lawyers were not paid for their work. However, according to the knowledge of Croatian Law Centre based on information presented by some attorneys this is not the case anymore.

³⁶⁴ Information provided by the attorney at law, 3 January 2018.

³⁶⁵ Information provided by the Administrative Court of Zagreb, 23 February 2018.

Applicants often approach NGO lawyers for legal advice in relation to their detention. Lawyers and legal representatives can contact their clients easily and meet with them. In practice, during the first seven months of 2016, Croatian Law Centre lawyers were usually available once a month for legal counselling in the detention centre. However, with the decrease in the number of detained asylum seekers in the third quarter of 2016, lawyers have visited the Centre less often than once a month. In 2017, Croatian Law Centre lawyers were available once a month for legal counselling in the detention centre in Ježevo.

E. Differential treatment of specific nationalities in detention

There is no information suggesting that specific nationalities are being more susceptible to detention or systematically detained or that specific nationalities stay longer in detention in practice.

Content of International Protection

In relation to integration of refugees (“asylees”) and foreigners under subsidiary protection into Croatian society, as in previous years, the greatest problems still relate to learning the Croatian language, healthcare, employment, education and accommodation, as detailed in this Chapter.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?

❖ Refugee status	5 years
❖ Subsidiary protection	3 years

There is a difference in duration of residence permit issued to **recognised refugees** (“asylees”) and beneficiaries of **subsidiary protection**. A residence permit shall be issued to an asylee for a period of five years,³⁶⁶ and to foreigner under subsidiary protection for a period of 3 years.³⁶⁷

Both categories have the right to residence in the Republic of Croatia from the day of the delivery of the decision approving international protection, which is demonstrated by their residence permit. The right to residence in the Republic of Croatia shall be established by the decision approving international protection.³⁶⁸ The request for issuing residence permit should be submitted to the competent police administration,³⁶⁹ and the residence permit should be issued within 30 days from submitting the request.³⁷⁰

To the knowledge of the Croatian Law Centre, there are no problems in the issuance of the first residence permit. However according to the Ministry of Interior,³⁷¹ problems arise in relation to the renewal of residence permit, since the costs of issuing the first residence permit are covered by the state budget, while the cost of issuance of the following permits should be borne by beneficiaries of international protection.

However, the decision approving international protection shall be revoked in the part relating to approval of the right of residence in the Republic of Croatia if the asylee or foreigner under subsidiary protection moves out of the Republic of Croatia or resides continually abroad for longer than 6 months without previously informing the Ministry of Interior of this fact.³⁷²

2. Civil registration

According to the Law on State Register³⁷³, in the Republic of Croatia, the personal status of citizens (birth, marriage and death) and other information related to those facts are recorded in the State Register. The registration of a birth of child into the Birth Register is made on the basis of the oral registration or written applications to the registrar in a place where the child was born. If a child is born in a health institution, it is required that a health institution reports a birth. If a child is born outside a health institution, the father of the child is required to report the child's birth, or the person in whose place of residence the child was born or a mother when she is capable of it, or a midwife, or a doctor who participated in the childbirth.

When these persons are not present, or when they cannot report the birth, the person who finds out about the birth is obliged to report it. The birth of a child must be reported within 18 days of the birth.

³⁶⁶ Article 75(2) LITP.

³⁶⁷ Article 75(3) LITP.

³⁶⁸ Article 55(1)-(2) LITP.

³⁶⁹ Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

³⁷⁰ Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

³⁷¹ Information provided by the Ministry of Interior, 2 March 2017.

³⁷² Article 65(3) LITP.

³⁷³ Official Gazette 96/93, 76/13.

Marriage is regulated by the Family Law.³⁷⁴ Preconditions for marriage are divided into those needed for the existence of marriage and preconditions for the validity of marriage. For the existence of marriage it is necessary for the spouses to be opposite sexes, to have given their consent to enter into marriage and for a civil marriage to be contracted before a registrar or a religious marriage to be contracted in accordance with the relevant provision of Family Law. If at the time of entering into marriage any of the preconditions referred to above has not been fulfilled, no legal effects of marriage shall ensue.

For the validity of marriage a marriage may not be entered into by a person under the age of eighteen.

As an exception, the court may allow a sixteen year old person to enter into marriage, provided that the court finds the person mentally and physically mature enough to marry, and that there is a justifiable reason for marriage. In addition, a person incapable of discernment may not enter into marriage. Marriage may not be contracted between persons of lineal consanguinity or collateral consanguinity between a sister and a brother, a stepsister and a stepbrother, the child and its sister or stepsister or brother or stepbrother, or between the children of sisters and brothers or stepsisters and stepbrothers. This shall also apply to relationships established by adoption. A marriage may not be entered into by a person who is already married or is in a same-sex life partnership registered under the relevant legislation. A marriage that is contracted contrary to the provisions above is not valid and the provisions for annulment shall apply.

Family Law regulates civil marriage and religious marriage with the effects of a civil marriage. Civil marriage is contracted before a registrar, while religious marriage is contracted before an official of a religious community that has a regulated legal relationship thereof with the Republic of Croatia. The spouses must give notice of their intention to enter into a civil marriage in person to the registrar competent for the place where they wish to enter into marriage. They must enclose relevant documents at the registrar's request. Asylees and foreigners under subsidiary protection, when reporting their intention, have to provide the certificate that they have been granted asylum or subsidiary protection and adequate proof of non-existence of another marriage. Adequate proof is considered to be a statement made before a public notary or before a registrar where they announce their intention to marry.

The registrar shall verify, on the basis of the spouses' consent and by using other means, whether the preconditions for entering into marriage have been met. If a court decision is needed for entering into marriage to take place, the registrar shall ask the spouses to obtain one. After having verified that the preconditions for entering into marriage have been met, the registrar shall take a statement from the spouses on the choice of the surname.

The spouses shall confirm by their signatures that they understand their personal rights and responsibilities in marriage, as well as the possibility of determining property relations.

The registrar shall determine the date of marriage upon the agreement with the spouses who want to enter into a civil marriage usually in the period between the thirtieth and forty-fifth day since the day of giving the notice of the intention to enter into marriage.

A marriage is contracted in the presence of the spouses, the registrar and two witnesses who have to be of full age and have legal capacity. The spouses who want to enter into a religious marriage shall obtain from the registrar competent for the place where they wish to enter into marriage a certificate of having fulfilled all marriage preconditions.

The official of the religious community before whom the religious marriage has been contracted shall submit the registrar the document signed by the spouses, the witnesses and the religious community official which confirms that the marriage has been contracted. This document must be submitted to the registrar within five days of the date of the contraction of marriage. The registrar is obliged to record the religious marriage into a marriage register within three days of the day of receipt of the document. Immediately upon entering the records on the contracted marriage into a marriage register, the registrar

shall submit the marriage certificate to the spouses. The registrar shall inform the spouses that the marriage certificate from a national marriage register is a proof that the religious marriage they entered into is equal in effect to a civil marriage.

3. Long-term residence

Indicators: Long-Term Residence

- | | |
|---|---|
| 1. Number of long-term residence permits issued to beneficiaries in 2017: | 1 |
|---|---|

Permanent residence may be granted to a foreigner who, before the submission of the application for permanent residence in the Republic of Croatia, has had legal residence in an uninterrupted period of 5 years, including granted temporary residence, asylum or subsidiary protection.³⁷⁵ Uninterrupted residence in the Republic of Croatia means that within a period of 5 years, a foreigner was absent from the Republic of Croatia on multiple occasions up to 10 months in total, or up to 6 months in the case of a one-time absence.³⁷⁶

The 5 years' residence period required for the approval of permanent residence for asylees or foreigners with granted subsidiary protection, shall be calculated also to include the time before international protection was granted i.e. to include a half of the time from the day when application for international protection was submitted until the day when international protection was granted, or the entire period of time if it exceed 18 months.³⁷⁷

A beneficiary shall submit an application for the issuing of a permanent residence permit to the Police Administration or Police Station based on the place of his/her temporary residence. The Ministry of Interior decide on application for approval of permanent residence and an administrative dispute may be initiated against the Ministry's decision.³⁷⁸

Permanent residence shall be granted to any foreigner who, along with the above conditions:³⁷⁹

1. Has a valid foreign travel document;
2. Has means of supporting him or herself;
3. Has health insurance;
4. Knows the Croatian language and the Latin script,; and
5. Does not pose a danger for public order, national security or public health.

Asylees and foreigners under subsidiary protection are not obliged to meet the condition of having valid foreign travel document.³⁸⁰

Up to the beginning of 2018 in total 6 permanent residence permits were granted to asylees and 2 to foreigners under subsidiary protection, among which 1 was granted in 2017 to an asylee.³⁸¹

4. Naturalisation

Indicators: Naturalisation

- | | |
|---|---------|
| 1. What is the waiting period for obtaining citizenship? | 8 years |
| 2. Number of citizenship grants to beneficiaries in 2017: | 1 |

Requirements for the acquisition and termination of Croatian citizenship are regulated by the Law on Croatian Citizenship.³⁸²

³⁷⁵ Article 92(1) Law on Foreigners.

³⁷⁶ Article 92(2) Law on Foreigners.

³⁷⁷ Article 93(3) Law on Foreigners.

³⁷⁸ Article 95(1)(3) Law on Foreigners.

³⁷⁹ Article 96(1) Law on Foreigners

³⁸⁰ Article 93 (4) Law on Foreigners.

³⁸¹ Information provided by the Ministry of Interior, 13 February 2018

³⁸² Official Gazette 53/91, 70/91, 28/92, 113/93, 4/94, 130/11, 110/15

An application for Croatian citizenship on grounds of naturalisation should be submitted at the competent police administration or police station. Physically handicapped persons can submit the application via their legal representative or attorney. An application can also be submitted at diplomatic missions or consular offices of the Republic of Croatia abroad.³⁸³

A foreign citizen who submit application for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalisation if he or she:³⁸⁴

1. Has reached the age of eighteen years and that his or her legal capacity has not been taken away;
2. Has had his or her foreign citizenship revoked or he or she submits proof that he or she will get a revocation if admitted to Croatian citizenship;³⁸⁵
3. Before submitting application, he or she had a registered place of residence for a period of 8 years constantly on the territory of the Republic of Croatia and has been granted permanent residence permit;
4. Is proficient in the Croatian language and Latin script and is familiar with the Croatian culture and social system, following successful completion of a proficiency verification;³⁸⁶
5. Is deemed to respect the legal order and customs of the Republic of Croatia.

According to the LITP, if asylees or beneficiaries under subsidiary protection are not able for objective reasons to obtain official documents from their country of origin necessary to acquire Croatian citizenship, official documents of the Republic of Croatia shall be taken into account in the procedure to acquire Croatian citizenship, along with other documents they possess, on the basis of which it may be assessed whether they meet the conditions for the acquisition of Croatian citizenship.³⁸⁷ A decision to refuse an application for Croatian citizenship may not be based exclusively on the fact that the necessary official documents of the country of origin have not been submitted.

According to the Ministry of Interior, by the end of 2017 in total 6 persons were granted Croatian citizenship (5 asylees and 1 foreigner under subsidiary protection) out of which 1 asylee was granted citizenship in 2017.³⁸⁸

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☐ Yes ☐ No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

Cessation of international protection is regulated by LITP. **Asylum** shall be withdrawn if:³⁸⁹

1. The refugee ("asylee") voluntarily accepts the protection of the country of which he/she is a national;
2. The asylee acquires the citizenship of the country whose protection he or she may enjoy;

³⁸³ Article 24 (3)(4) Law on Croatian Citizenship.

³⁸⁴ Article 8(1)(5) Law on Croatian Citizenship.

³⁸⁵ This condition is deemed met if the application was submitted by a stateless person or person would lose his or her existing nationality by naturalisation in Croatia. If a foreign country does not permit dismissal from its citizenship or it places requirements or dismissal which cannot be fulfilled, a statement of the applicant who has submitted a request will be sufficient to renounce his foreign citizenship under the conditions of acquisition of Croatian citizenship.

³⁸⁶ Persons above the age of 60 are not required to fulfil this condition.

³⁸⁷ Article 77(1)(2) LITP.

³⁸⁸ Information provided by the Ministry of Interior, 13 February 2018.

³⁸⁹ Article 49(1) LITP.

3. The asylee voluntarily returns and resides in the country he or she left or outside of which he or she has resided due to fear of persecution;
4. The circumstances in the asylee's country of origin, on the basis of which international protection was approved, cease to exist;
5. The asylee voluntarily re-acquires the nationality of his or her country of origin, which he or she had previously lost.

Subsidiary protection shall be withdrawn if the circumstances on the basis of which it was granted cease to exist or are altered to such an extent that further protection is no longer necessary.³⁹⁰ After establishing that the circumstances related to the cessation of international protection referred have ceased to exist in a significant and permanent manner, the Ministry of Interior shall inform the asylee or foreigner under subsidiary protection accordingly and shall allow him or her to make an oral statement for the record.³⁹¹

The Ministry of Interior shall render a decision to revoke the decision approving international protection and a claim may be brought before the Administrative Court within 8 days of the day of delivery of the decision.

However only **asylees** in whose case the circumstances in the country of origin, on the basis of which international protection was approved, cease to exist have the right to free legal assistance, meaning that a legal representative can be paid from the state budget to submit an appeal and represent the beneficiary before the Administrative Court.³⁹²

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015, 2016 or 2017.³⁹³ However, the Ministry continuously examines whether the legal requirements for cessation are fulfilled. This provision applies without exception to all categories of foreigners who have previously been granted international protection.

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? ☐ Yes ☐ No
2. Does the law provide for an appeal against the withdrawal decision? ☒ Yes ☐ No
3. Do beneficiaries have access to free legal assistance at first instance in practice? ☐ Yes ☐ With difficulty ☒ No

According to the LITP, international protection shall be revoked if:³⁹⁴

1. Reasons for exclusion are subsequently established;
2. It is established that status was recognised on the basis of incorrectly presented or omitted facts, false presentation of important facts and circumstances, or the use of unreliable documents or other documents which were decisive for the approval of international protection; or
3. The person to whom international protection was granted represents a risk to the national security or public order of the Republic of Croatia.

After establishing that circumstances have arisen relating to the revocation of international protection, the Ministry of Interior shall inform the asylee or beneficiary of subsidiary protection of the reasons for revocation and shall allow him or her to make an oral statement about those circumstances for the record.

³⁹⁰ Article 49(2) LITP.

³⁹¹ Article 49(3) LITP.

³⁹² Article 72 LITP.

³⁹³ Information provided by the Ministry of Interior, 2 March 2017, confirmed by the letter received on February 13, 2018.

³⁹⁴ Article 50 LITP.

The Ministry of Interior renders a decision to revoke the decision approving international protection. An appeal may be brought before the Administrative Court against that decision within 8 days from the day the decision is delivered.

A third-country national or stateless person who represents a risk to the national security or public order of the Republic of Croatia as provided above, whilst in the Republic of Croatia, shall enjoy rights pursuant to the 1951 Convention, especially in relation to the prohibition of discrimination, freedom of religion, access to courts, education, non-punishment of illegal entry or stay, expulsion and respect of the *non-refoulement* principle.

In 2015 the Ministry of Interior revoked international protection from 5 persons as conditions laid down by LITP were fulfilled i.e. they represented a risk to the national security or public order of the Republic of Croatia.³⁹⁵ In addition the Ministry of Interior continuously examines whether legal requirements for revocation of international protection are fulfilled. This provision apply without exception to all categories of foreigners who have been previously granted international protection.

In 2017 the Ministry of Interior revoked international protection in the case of one foreigner under subsidiary protection as the person represented a risk to national security or public order of the Republic of Croatia.³⁹⁶

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?
☐ Yes ☒ No
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?
☐ Yes ☒ No
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

In Croatia, family reunification is regulated primarily by the LITP,³⁹⁷ as well as by the Law on Foreigners.³⁹⁸ At the moment, no requirements in relation to waiting periods before a beneficiary can apply for family reunification or a maximum time limit for applying for family reunification are prescribed by the legislation, nor is there a minimum income requirement.

Both refugees (“asylees”) and beneficiaries of subsidiary protection have the right to family reunification with following family members:

- the spouse or unmarried partner under the regulations of the Republic of Croatia, and persons who are in a union, which under the regulations of the Republic of Croatia may be deemed to be a life partnership or informal life partnership;
- the minor child of the marital or unmarried partners; their minor adopted child; the minor child and minor adopted child of a married, unmarried or life partner who exercises parental care of the child;
- the adult unmarried child of an asylee or beneficiary of subsidiary protection who, due to his or her state of health is not able to take care of his or her own needs;
- the parent or other legal representative of a minor;

³⁹⁵ Information provided by the Ministry of Interior, 2 March 2017.

³⁹⁶ Information provided by the Ministry of Interior, 13 February 2018.

³⁹⁷ Article 66 LITP.

³⁹⁸ Articles 47-61 Law on Foreigners.

- a relative of the first degree in a direct ascending blood line, with whom he or she lived in a shared household, if it is established that he or she is dependent on the care of asylee or foreigner under subsidiary protection.

A minor child of an asylee or beneficiary of subsidiary protection who has not formed their own family shall follow the legal status of their legal representative to whom international protection has been granted, on which the Ministry of Interior shall render a decision.

The family reunification procedure shall be initiated at the competent Diplomatic Mission or Consular Office of the Republic of Croatia. In practice, if some problems exist and family members cannot reach the competent Diplomatic Mission, some Diplomatic Missions or Consular Offices of the Republic of Croatia allow applications to be submitted at some other Croatian mission. In addition, the application may also be submitted via email or regular mail, but a person has to appear in person at the Mission once the procedure is over to make an application for a visa to enter Croatia. Once family reunification is granted, the person has to apply for visa to enter Croatia. According to the Ministry of Interior, the legal time limit for issuing the visa is 15 days, but if the Diplomatic Mission or Consular Office considers that the application for a visa should be resolved faster, they may enter the label of urgency and indicate when the application should be resolved.³⁹⁹

A family member for whom reasons exist for exclusion and for reasons of protection of the national security or public order of the Republic of Croatia shall not have the right of family reunification.⁴⁰⁰

In the case of family reunification of asylees and foreigners under subsidiary protection, for a person who is unable to obtain official documents to prove a specific family relationship, circumstances shall be taken into consideration on the basis of which it may be assessed whether or not such a relationship exists. A decision to refuse an application for family reunification cannot be based exclusively on the fact that no official document exists to prove a specific family relationship.⁴⁰¹

Other family members of asylees and foreigners under subsidiary protection shall regulate their residence pursuant to the provisions of the Law on Foreigners, which means that they should submit applications for temporary residence.

Family members of asylees and foreigners under subsidiary protection who regulate their residence pursuant to the provisions of the Law on Foreigners have to fulfil the following requirements:

- Justification of the purpose of temporary residence;
- Valid travel document;
- Entry and residence in the Republic of Croatia is not prohibited and does not pose a danger for public order, national security or public health.⁴⁰²

However, they do not have to have sufficient means of supporting themselves or have health insurance, as prescribed for other foreigners applying for temporary residence.⁴⁰³

A temporary residence permit shall be issued for the term of validity of up to one year and the validity of the travel document should be at least three months longer than the time period for which the temporary residence permit is issued.⁴⁰⁴

According to the Ministry of Interior, a temporary residence permit in order for family members to reunite with recognised **refugees** was granted to 3 persons, while temporary residence permit in order for family members to reunite with a beneficiary of **subsidiary protection** was granted to 8 persons during 2016.⁴⁰⁵

³⁹⁹ Information provided by the Ministry of Interior, 2 March 2017.

⁴⁰⁰ Article 66(5) LITP.

⁴⁰¹ Article 66(6) LITP.

⁴⁰² Article 54(1) Law on Foreigners.

⁴⁰³ Article 58 Law on Foreigners.

⁴⁰⁴ Article 52(1)-(2) Law on Foreigners.

⁴⁰⁵ Information provided by the Ministry of Interior, 2 March 2017.

However in February 2018, the Ministry reported that they do not collect this data and accordingly cannot provide information on temporary residence permits granted in 2017 in order for family members to reunite with beneficiaries of international protection.⁴⁰⁶

2. Status and rights of family members

A family member of an asylee or beneficiary of subsidiary protection who is legally resident in the Republic of Croatia obtains the same status and shall exercise the same rights as the beneficiary of international protection.⁴⁰⁷

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection have freedom of movement within the State and are not allocated to specific geographic regions within the country.

According to the LITP, asylees and beneficiaries of subsidiary protection have the right to social welfare pursuant to the regulations governing the domain of social welfare of Croatian citizens.⁴⁰⁸ However some rights from the social welfare system can vary depending on local self-administration and regional self-administration.

2. Travel documents

There is a difference in the type and duration of travel documents issued to **refugees** and **beneficiaries of subsidiary protection**. Asylees are issued a passport for refugees valid for 5 years,⁴⁰⁹ while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.⁴¹⁰

Recognised **refugees** can travel within the EU without a visa, while foreigners under **subsidiary protection** may be required to apply for a visa in order to travel to other EU countries.

According to the Ordinance on the Status and Work of Foreigners,⁴¹¹ a special travel document for foreigners may be issued to a foreigner who has been granted **subsidiary protection** and is unable to obtain a national travel document due to no fault of his or her own. Such a special travel document for foreigners shall for a 2-year period.

The request for both passport for refugees and special passport for foreigners should be submitted to the competent police administration or police station.

In 2017, 120 travel documents were issued to asylees and 14 to foreigners under subsidiary protection.⁴¹²

⁴⁰⁶ Information provided by the Ministry of Interior, 13 February 2018.

⁴⁰⁷ Article 66(4) LITP.

⁴⁰⁸ Article 73 LITP.

⁴⁰⁹ Article 75(6) LITP.

⁴¹⁰ Article 75(8) LITP; Article 6(3) Law on Foreigners.

⁴¹¹ Article 51a Ordinance on the Status and Work of Foreigners.

⁴¹² Information provided by the Ministry of Interior, 13 February 2018.

D. Housing

Indicators: Housing

- | | |
|--|---------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | Not regulated |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2017 | 87 |

Beneficiaries of international protection are allowed to stay in the Reception Centre for Asylum Seekers until appropriate accommodation (a flat) is found for them. At the end of 2017, a total of 87 beneficiaries were residing in the centres, namely 31 in **Zagreb** (29 asylees and 2 subsidiary protection beneficiaries) and 56 in **Kutina** (52 asylees and 4 subsidiary protection beneficiaries).⁴¹³

According to the amendments of the LITP adopted in December 2017, entered into force on 1 January 2018, asylees and foreigners under subsidiary protection have the right to accommodation if they do not possess the financial means or property to support themselves.⁴¹⁴

The procedure for recognising the right to accommodation is initiated by the submission of a request to the competent social welfare centre. The competent Centre is the centre in the place of domicile of the asylee and foreigner under subsidiary protection. The Centre renders a decision. An appeal may be lodged against the decision within 15 days of the date of delivery of the decision, but appeal does not delay enforcement of decision. The ministry responsible for social welfare renders a decision on the appeal, against which a law suit may be filed with the competent administrative court within eight days of the date of service of the decision. Asylees and foreigners under subsidiary protection have the right to accommodation for a maximum period of two years from the date on which the decision approving international protection is served. With the expiry of 2 years' time limit they have the right to accommodation pursuant to the legislation regulating the field of social welfare.

If the Centre establishes that the asylee or foreigner under subsidiary protection generates the financial means or owns property that could be used to generate funds to participate in the payment of accommodation costs, the decision recognising the right to accommodation shall state that the asylee or foreigner under subsidiary protection is to participate in the payment of accommodation costs by making a payment into the account of the Central State Office for Reconstruction and Housing Care.

If the Centre, in procedures within its remit, establishes, after the decision recognising the right to accommodation becomes enforceable, that the asylee or foreigner under subsidiary protection has the financial means or property to generate funds to participate in the payment of accommodation costs, it shall quash the decision and issue a new decision, recognising the right to accommodation of the asylee or foreigner under subsidiary protection and establishing the obligation to participate in the payment of accommodation costs. An appeal against the decision may be lodged within 15 days of the service of the decision but it does not delay its enforcement. The ministry responsible for social welfare renders a decision on the appeal, against which a claim may be filed with the competent administrative court within eight days of the date of service of the decision.

The right to accommodation of an asylee and foreigner under subsidiary protection shall cease in the following cases:

- upon the expiry of 2 years' time limit;
- upon personal request;
- if he or she refuses the accommodation provided without justified reason;
- if he or she fails without justified reason to reside at the registered address for a period longer than 30 days;
- if he or she does not meet the conditions for recognition of the right to accommodation;

⁴¹³ Information provided by the Ministry of Interior, 13 February 2018.

⁴¹⁴ Articles 67 and 67a LITP.

- if it is established that he or she fails to take due and responsible care of the accommodation provided;
- if it is established that he or she uses the accommodation provided contrary to its purpose.

Save in the case referred to in item 1 above, the Centre, after establishing in the prescribed procedure the conditions referred to in items 2 to 7 above, shall quash the decision and shall adopt a new decision establishing the termination of the right to accommodation, against which an appeal may be lodged within 15 days from the date on which the decision is served. The appeal does not delay the enforcement of the decision. The ministry responsible for social welfare shall render a decision on the appeal, against which a claim may be filed with the competent administrative court within eight days of the date of service of the decision.

Enforceable decisions shall be delivered to the Central State Office for Housing Care.

Pursuant to the decision recognising the right to accommodation, the Central State Office for Reconstruction and Housing Care shall secure to asylees and foreigners under subsidiary protection housing units that are the property of the Republic of Croatia or are at the disposal of the Central State Office as per lease agreements concluded with other natural persons.

The Central State Office for Reconstruction and Housing Care shall sign a contract on lease or sublease of the housing unit with the asylee and foreigner under subsidiary protection whose right to accommodation is recognised, for a maximum period of two years from the date on which the decision approving international protection becomes enforceable. The contract on the lease or sublease shall define mutual rights and obligations.

Funds for the costs of accommodation shall be earmarked in the State Budget of the Republic of Croatia under the item for the Central State Office for Reconstruction and Housing Care.

The provision of accommodation also include the process of finding, adapting, furnishing, maintaining, and the settlement of utility costs and leasing costs for the housing unit provided.

The Ministry of Interior in relation to 2017, when accommodation of beneficiaries was still under the competence of the Ministry for Demography, Family, Youth and Social Policy and Centres for Social Welfare, reported the problem of beneficiaries being accommodated in the Reception Centres for Asylum Seekers up to 3 months before appropriate accommodation (a flat) was provided to them.⁴¹⁵ This was also reported by the Rehabilitation centre for Stress and Trauma⁴¹⁶ and JRS.⁴¹⁷ JRS informed that there was a period in 2017 when 70 beneficiaries were waiting for flats. The Ministry also reported that landlords are reluctant to rent apartments to beneficiaries of international protection and were not prone to signing contracts with the Centres for Social Welfare.

JRS also expressed concern in relation to 2018 when approximately 70 beneficiaries will lose their right to accommodation due to the expiration of the 2-year period who are at the same time, due to other problems in integration (such as language courses and employment), unable to paid the rent, among whom are four single mothers.

⁴¹⁵ Information provided by the Ministry of Interior, 13 February 2018.

⁴¹⁶ Information provided by the Rehabilitation centre for Stress and Trauma, 3 January 2018.

⁴¹⁷ Meeting held with the representatives of JRS on 3 January 2018.

E. Employment and education

1. Access to the labour market

Beneficiaries of international protection have the right to work in the Republic of Croatia, without a residence and work permit or certificate of registration of work.⁴¹⁸ Both asylees and foreigners under subsidiary protection have access to the labour market, without distinction.

However, access to rights and their exercise in the practical life of each beneficiary is challenging. The main obstacle is still the language barrier, as there are still problems with official language course, which is main precondition for successful integration. No official language course was set up from 2011 until the beginning of June 2015, when the Ministry of Science, Education and Sports organised a language course, but only 12 people enrolled in the first course.

The Ministry of Interior⁴¹⁹ reported that the fact that language courses have not been carried out continuously for a number of years is one of the main problems in integration. On two occasions the course was held for a duration of 70 hours which, according to the Ministry of Interior, was not enough. The problem is the fact that for each semester the competent ministry of education announces public procurement, which affects the fact that the course is not being conducted on a continuous basis while, on the other hand, beneficiaries have to wait for a long period of time for the course to be held. The problem with language courses was also reported by JRS, Centar for Peace Studies, Croatian Red Cross and the Rehabilitation centre for Stress and Trauma. JRS has reported that for example they receive a lot of calls from employers who would like to hire beneficiaries of international protection, however they still expect at least basic knowledge of the Croatian language.

As mentioned in [Housing](#), asylees and foreigners under subsidiary protection have the right to accommodation if they do not hold financial resources or possessions of significant value, for no longer than 2 years from the day of the delivery of the decision approving international protection. It is expected that within this period, they would learn the language and find a job to support themselves.

However in practice, many of them after 2 years still do not know the Croatian language and accordingly have problems finding appropriate employment. According to information provided by the Croatian Red Cross, their social workers, in cooperation with the Integration Officer of the Ministry of Interior, provide support to all beneficiaries of international protection during this integration period.⁴²⁰

In relation to employment and education for the job market, they provide support in terms of:

- ❖ Establishment of contact with potential employers;
- ❖ Cooperation with relevant institutions and educational agencies, where beneficiaries are enrolled in the vocational training and qualification building programmes;
- ❖ Individual systematic support through mentorship, with encouragement of an active approach to job searching, building skills necessary in the labour market such as communication skills, presentation at job interview, enhancing self-esteem;
- ❖ Involving beneficiaries and interpreters and peer supporters in the Croatian Red Cross activities during the refugee / migrant reception response and activities in the reception centres;
- ❖ Brokering and involving beneficiaries of international protection into other NGOs' projects;

Within the framework of the one-year "Social inclusion of refugees through vocational training / Life Skills", run by the Croatian Red Cross and funded by the European Social Fund, 30 beneficiaries of international protection were included in the activities aimed at their empowerment and preparation for labour market.

The so-called "Integration House" arranged in the premises of the Croatian Red Cross serves as contact and drop-in centre for beneficiaries of international protection, and is run by Croatian Red Cross staff and

⁴¹⁸ Article 68(1) LITP.

⁴¹⁹ Information provided by the Ministry of Interior, 13 February 2018.

⁴²⁰ Information provided by the Croatian Red Cross, 13 February 2017.

volunteers. The Integration House is open every working day and offers activities targeting beneficiaries created and implemented by volunteers and persons granted international protection.

Many other NGOs such as JRS, Centre for Peace Studies, Rehabilitation Centre for Stress and Trauma also provide assistance during integration. In February 2018, JRS opened new premises i.e. has launched the Refugee integration centre “Sol” with the aim of providing support and guidance to individuals and families in the Republic of Croatia, who have been granted international protection, in their integration process. JRS⁴²¹ reported that that beside the lack of knowledge of Croatian language, the lack of documents on recognition of qualification from country of origin is the one of the main obstacles when accessing labour market. JRS also reported that only one employee of Croatian Employment Service is in charge for this category of people and all that without interpreter. In addition within the scope of measures of active employment policy, courses are also provided to beneficiaries of international protection, but without the translators they are not actually available in this category of users.

The Croatian Employment Service (CES) is responsible for the implementation of measures in the field of employment of foreigners, with particular emphasis on asylees and foreigners under subsidiary protection.

At the end of 2017,⁴²² a total 126 unemployed persons were registered in CES' records (122 asylees, 10 foreigners under subsidiary protection, 1 person with temporary residence and 3 asylum seekers). According to the figures of the CES, at the end of 2017, 179 persons were involved in individual counselling activities and 78 person were employed. CES also reported that the lack of knowledge of Croatian language is the main obstacle to better integration in labour market.

2. Access to education

According to the LITP, beneficiaries of international protection have the right to elementary, secondary and higher education under the same conditions as Croatian citizens, pursuant to separate regulations.⁴²³

Asylees and foreigners under subsidiary protection shall exercise the right to adult education as well as the right to recognition of foreign qualifications pursuant to the regulations on adult education under the same conditions as Croatian citizens.

For asylees and foreigners under subsidiary protection, who for justified reasons are not able to provide the necessary documentation to prove their foreign qualifications, an assessment shall be conducted of their prior learning. The assessment of the prior learning of beneficiaries of international protection shall be conducted by a competent body, pursuant to the regulations governing regulated professions and recognition of foreign vocational qualifications. However, according to the Croatian Red Cross, this is not happening in practice. The same problem was also reported by JRS.

A decision to refuse an application for recognition of foreign vocational qualifications cannot be based exclusively on the fact that no official documents exist to prove a specific foreign vocational qualification.

If an asylee or foreigner under subsidiary protection does not have sufficient financial resources available, the translation of foreign documents for the purpose of recognition of foreign qualifications shall be provided from the State Budget of the Republic of Croatia, under the item of the Ministry competent for education. However, the Croatian Law Centre approached the Ministry competent for education with a request for explanation of the process in order for clients to be informed on how to approach the Ministry for translation of foreign documents to be paid by the state for the purpose of recognition of foreign qualifications, but never received an answer.

⁴²¹ Meeting held with the representatives of JRS on 3 January 2018.

⁴²² Information provided by the Croatian Employment Service, 19 January 2018.

⁴²³ Article 70 LITP.

The Croatian Red Cross Reported that in Zagreb, no official language course has been provided since June 2017.

According to the Ombudswoman's report for 2015, children who are included in the education system only have support for learning Croatian, but not other subjects, and support is particularly lacking in raising awareness on cultural and social differences.⁴²⁴

Problems exist in the enrolment of asylees and foreigners under subsidiary protection in institutions of higher education,⁴²⁵ since the IT system divides candidates into Croatian and foreign citizens, so demands are sent out for payment of tuition fees for foreigners, or the results of the state *matura* examination are required, as they are for Croatian citizens. Children who are not Croatian citizens do not have a right to scholarships.

F. Social welfare

Asylees and foreigners under subsidiary protection have the right to social welfare pursuant to the regulations governing the domain of social welfare of Croatian citizens.⁴²⁶ The Law on Social Welfare regulates that asylees and foreigners under subsidiary protection beneficiaries as well as members of their family who legally reside in Republic of Croatia, have rights in social welfare system under the conditions set out in the law.⁴²⁷

Social welfare activities are performed by social welfare institutions, local and regional self-government units, associations, religious communities, other legal persons, craftsmen and other physical persons performing social welfare activities.

G. Health care

According to the LITP, asylees and foreigners under subsidiary protection shall exercise the right to health care pursuant to the regulations governing health insurance and health care of foreigners in the Republic of Croatia.⁴²⁸ The costs of health care shall be paid from the State Budget under the item of the Ministry competent for health care.

The Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia prescribes that asylees and foreigners under subsidiary protection are not health insured persons, but they have a right to health care,⁴²⁹ in the same scope as health insured persons under mandatory health insurance.⁴³⁰

However in practice beneficiaries of international protection face obstacles in accessing health care. Besides language barriers which are a main problem in the exercise of any right, the fact that they are not health insured persons but use medical services with their identity card is confusing for doctors who do not know how to identify beneficiaries in the system or records.

Amendments of the Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia, which entered into force in February 2018, stipulates that the right to health care is provided on the basis of a valid document issued by the Ministry of Interior.⁴³¹ The competent police administration or police station is obliged to notify the ministry competent for health that the asylum, subsidiary protection

⁴²⁴ Ombudswoman, *Annual Report 2015*, available at: <http://bit.ly/2lrBQkE>.

⁴²⁵ Croatian Law Centre, *The Croatian asylum system in 2015*, available at: <http://bit.ly/2l2j82d>.

⁴²⁶ Article 73 LITP.

⁴²⁷ Official Gazette 157/13, 152/14, 99/15, 52/16, 16/17, 130/17.

⁴²⁸ Article 69(1)-(2) LITP.

⁴²⁹ Article 17 Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁴³⁰ Article 21(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

⁴³¹ Article 21(2) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

or temporary stay was granted to foreigner, at the latest within eight days from the date when the decision on granted asylum, subsidiary protection or temporary residence became final.⁴³²

Although the costs of medical treatment for asylees and foreigners under subsidiary protection should be directly borne by the Ministry of Health, the doctors in health centres are frequently insufficiently informed about this, so many problems arise in practice. Problems in the health system were reported by Croatian Red Cross, JRS, the Rehabilitation Centre for Stress and Trauma and were also confirmed by the Ministry of Interior.⁴³³

⁴³² Article 21(3) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.
⁴³³ Information provided by the Ministry of Interior, 13 February 2018.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other measures transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	22 November 2013	Amendment to the Law on Asylum Official Gazette 79/07, 88/10, 143/13	http://bit.ly/1MRaQ5 (HR) http://bit.ly/1J7yrxu (HR) http://bit.ly/1logkxD (HR)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15, 127/2017	http://bit.ly/1hlaq3Q (HR) https://bit.ly/2pPntru (HR)