

# Country Report: Croatia



2016  
Update



## Acknowledgements & Methodology

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

This report draws on information gathered through the practice of the Croatian Law Centre, data and information provided by the Ministry of Interior, UNHCR, UNICEF and relevant organisations, including the Croatian Red Cross, the Centre for Peace Studies, the Jesuit Refugee Service and Doctors of the World.

The information in this report is up-to-date as of 31 December 2016, 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 20 countries. This includes 17 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, SE, 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](http://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.



This report is part of the Asylum Information Database (AIDA) funded by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations.



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## Glossary & List of Abbreviations

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

## Statistics

### Overview of statistical practice

Information on asylum statistics can be found on the website of the Ministry of Interior.<sup>1</sup> The Ministry of Interior also previously published quarterly statistics, up to the first quarter of 2016.

### Applications and granting of protection status at first instance: 2016

	Applicants in 2016	Pending applications in 2016	Refugee status	Subsidiary protection	Rejection	Refugee rate	Subs. Prot. rate	Rejection rate
<b>Total</b>	2,234	463	81	16	133	35.2%	7%	57.8%

Breakdown by countries of origin of the total numbers

Afghanistan	582	128	17	0	15	53.1%	0%	46.9%
Iraq	309	110	21	0	14	60%	0%	40%
Syria	311	131	21	15	5	51.2%	36.6%	12.2%
Pakistan	140	14	0	0	4	0%	0%	100%
Algeria	124	2	0	0	34	0%	0%	100%
Morocco	82	5	0	0	23	0%	0%	100%
Iran	133	62	7	0	8	46.6%	0%	53.4%
Turkey	68	12	2	0	0	100%	0%	0%
Libya	22	3	0	1	1	0%	50%	50%
Palestine	17	3	0	0	1	0%	0%	100%

Source: Ministry of Interior, 2 March, 2017. Nationality breakdown refers to applications, not applicants.

<sup>1</sup> Ministry of Interior, *Statistical report 2016*, available in Croatian at: <http://bit.ly/2mmiU4N>.

### Gender/age breakdown of the total number of applicants: 2016

	Number	Percentage
<b>Total number of applicants</b>	1,943	100%
Men	1,407	72.4%
Women	175	9%
Children	245	12.6%
Unaccompanied children	116	6%

Source: Ministry of Interior, 2 March, 2017. Breakdown refers to applications, not applicants.

### Comparison between first instance and appeal decision rates: 2016

	First instance		Appeal	
	Number	Percentage	Number	Percentage
<b>Total number of decisions</b>	1,480	100%	:	:
Positive decisions	99	6.7%	:	:
• <i>Refugee status</i>	83	5.6%	:	:
• <i>Subsidiary protection</i>	16	1.1%	:	:
Negative decisions	222	15%	:	:
• <i>Rejection on the merits</i>	133	9%	:	:
• <i>Dismissal (Dublin)</i>	42	2.8%	:	:
• <i>Dismissal (other grounds)</i>	47	3.2%	:	:
Discontinuation decisions	1,159	78.3%	:	:

Source: Ministry of Interior, 2 March 2017.



## Overview of the legal framework

### Main legislative acts relevant to asylum procedures, reception conditions and detention

Title (EN)	Original Title (HR)	Abbreviation	Web Link
Law on International and Temporary Protection Official Gazette 70/2015	Zakon o međunarodnoj i privremenoj zaštiti NN 70/2015	LITP	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR) <a href="http://bit.ly/2ln4y6c">http://bit.ly/2ln4y6c</a> (EN)
Law on General Administrative Procedure Official Gazette 143/13	Zakon o općem upravnom postupku NN 143/13	Law on General Administrative Procedure	<a href="http://bit.ly/1J7BRAh">http://bit.ly/1J7BRAh</a> (HR)
Law on Administrative Disputes Official Gazette 20/2010  <i>Amended:</i> Official Gazette 143/2012  <i>Amended:</i> Official Gazette 152/2014	Zakon o upravnim sporovima NN 20/2010, 143/2012, 152/2014	Law on Administrative Disputes	<a href="http://bit.ly/1Gm4uTj">http://bit.ly/1Gm4uTj</a> (HR)  <a href="http://bit.ly/1K1I8fv">http://bit.ly/1K1I8fv</a> (HR)  <a href="http://bit.ly/1Bs4ZiO">http://bit.ly/1Bs4ZiO</a> (HR)
Law on Foreigners Official Gazette 130/2011  <i>Amended:</i> Official Gazette 74/2013	Zakon o strancima NN 130/2011, 74/2013	Law on Foreigners	<a href="http://bit.ly/1RfI8Kg">http://bit.ly/1RfI8Kg</a> (HR)  <a href="http://bit.ly/1CgRDB8">http://bit.ly/1CgRDB8</a> (HR)
Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia Official Gazette 80/2013	Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj NN 80/2013	Law on Mandatory Health Insurance and Health Care	<a href="http://bit.ly/1Gm4KSp">http://bit.ly/1Gm4KSp</a> (HR)
Law on Free Legal Aid Official Gazette 143/2013	Zakon o besplatnoj pravnoj pomoći NN 143/2013	Law on Free Legal Aid	<a href="http://bit.ly/1lojGRf">http://bit.ly/1lojGRf</a> (HR)

## Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions and detention

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	<a href="http://bit.ly/2lndEjr">http://bit.ly/2lndEjr</a> (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	<a href="http://bit.ly/2lQKkmi">http://bit.ly/2lQKkmi</a> (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	<a href="http://bit.ly/2lYzIsM">http://bit.ly/2lYzIsM</a> (EN)
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	<a href="http://bit.ly/1K1l9zT">http://bit.ly/1K1l9zT</a> (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	<a href="http://bit.ly/1Gm5yGG">http://bit.ly/1Gm5yGG</a> (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	<a href="http://bit.ly/1SuZQLq">http://bit.ly/1SuZQLq</a> (HR)
Decision on the Programme of Croatian language, history and culture for asylees and foreigners under subsidiary protection for inclusion into Croatian Society Official Gazette 154/2014	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 Programme for Inclusion	<a href="http://bit.ly/1FXstO8">http://bit.ly/1FXstO8</a> (HR)
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	Odluka o nastavnom planu i programu hrvatskoga jezika za tražitelje azila, azilante i strance pod supsidijarnom zaštitom starije od 15 godina radi pristupa	Decision on Croatian Language Programme above the Age of 15	<a href="http://bit.ly/1yuPG7Y">http://bit.ly/1yuPG7Y</a> (HR)

the purpose of joining the secondary-school education system and the adult education system Official Gazette 100/2012	srednjoškolskom obrazovnom sustavu i sustavu obrazovanja odraslih NN 100/2012		
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	<a href="http://bit.ly/2kOXEmP">http://bit.ly/2kOXEmP</a> (HR)  <a href="http://bit.ly/2kvoBjf">http://bit.ly/2kvoBjf</a> (HR)
Decision on the costs of accommodation in the Reception Centre for Asylum Seekers Official Gazette 47/2016	Odluka o troškovima smještaja u Prihvatištu za tražitelje azila NN 47/2016	Decision on the Costs of Accommodation	<a href="http://bit.ly/2ITyx3i">http://bit.ly/2ITyx3i</a> (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	<a href="http://bit.ly/2kXPLhy">http://bit.ly/2kXPLhy</a> (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	<a href="http://bit.ly/2kDTnBH">http://bit.ly/2kDTnBH</a> (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	<a href="http://bit.ly/2IQNEgT">http://bit.ly/2IQNEgT</a> (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	<a href="http://bit.ly/2IYKJyO">http://bit.ly/2IYKJyO</a> (HR)

<p>Decision on determination of the price of residence permit for asylees and foreigners under subsidiary protection Official Gazette 98/2016</p> <p>Corrigendum Official Gazette 102/2016</p>	<p>Rješenje o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 98/2016</p> <p>Ispravak Rješenja o utvrđivanju cijene dozvole boravka za azilanta i stranca pod supsidijarnom zaštitom NN 102/2016</p>	<p>Decision on the Price of Residence Permits</p>	<p><a href="http://bit.ly/2kvB0Un">http://bit.ly/2kvB0Un</a> (HR)</p> <p><a href="http://bit.ly/2kXSmb6">http://bit.ly/2kXSmb6</a> (HR)</p>
<p>Decision on the list of safe countries of origin in the procedure of granting International Protection</p>	<p>Odluka o listi sigurnih zemalja podrijetla u postupku odobrenja međunarodne zaštite NN 45/2016</p>	<p>Decision on the List of Safe Countries of Origin</p>	<p><a href="http://bit.ly/2lcRePz">http://bit.ly/2lcRePz</a> (HR)</p>

## Overview of the main changes since the previous update

The report was previously updated in **December 2015**.

### *Asylum procedure*

- ❖ **Dublin:** The exponential rise in the number of asylum seekers entering Croatia compared to previous years has also led to a substantial increase in incoming Dublin requests and transfers, mainly from Austria, Switzerland and Germany.
- ❖ **Push backs:** A number of organisations, including ECRE, the “Welcome” Initiative, Are You Syrious, Human Rights Watch and Save the Children have reported that push backs from the Croatian territory to Serbia have occurred during 2016 and early 2017.
- ❖ **Safe countries of origin:** The Decision establishing a List of Safe Countries of Origin was adopted in May 2016 and contains 10 countries. In practice, the Ministry of Interior has applied the “safe country of origin” concept mainly with regard to nationals of Algeria and Morocco so far.
- ❖ **Legal assistance:** In April 2016, a call for expression of interest in providing legal aid in appeal procedures before the Administrative Courts was issued for NGOs for the first time. The Croatian Law Centre has accredited 3 lawyers to provide legal aid in appeals.

### *Reception conditions*

- ❖ **Accommodation:** Due to the increase in the number of arrivals, the Reception Centres for Asylum Seekers in Zagreb and Kutina have reached close to, or in the case of Kutina full, capacity. If the trend continues, reception capacities would be soon be full.
- ❖ **Health care:** Several 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 provision of health care for asylum seekers and refugees. Due to deficiencies in the system, many organisations have targeted their activities in that direction.

### *Detention of asylum seekers*

- ❖ **Place of detention:** The new wing of the Reception Centre for Foreigners in Ježevo for women and children has become operational, with a capacity of 28 places. However, at the end of November 2016, the facility was empty.
- ❖ The planned new centres in Trilj and Tovarnik, on the Bosnian and Serbian border respectively, have still not been completed.

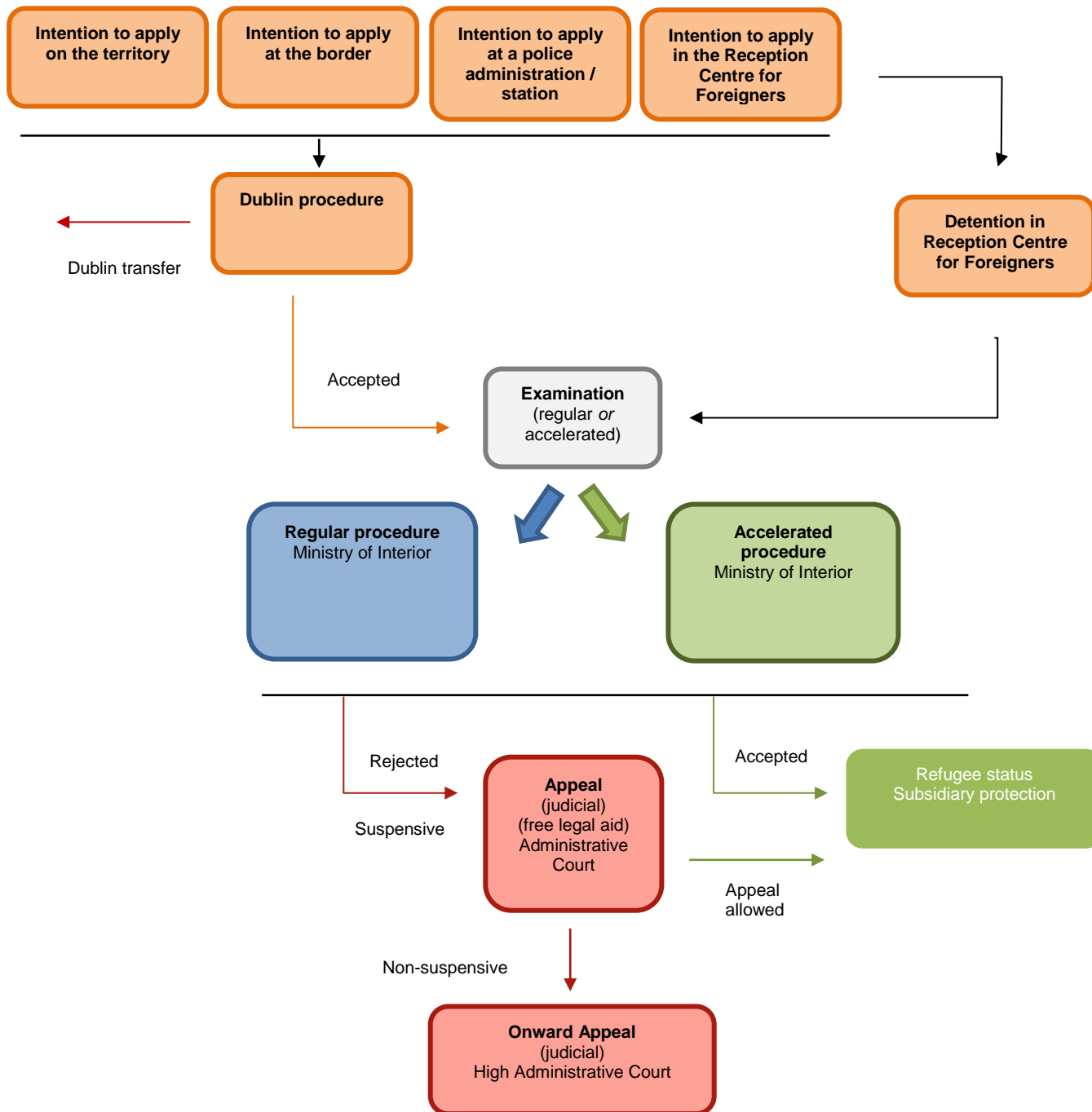
### *Content of international protection*

- ❖ **Education:** No language course has been organised throughout 2016.

# 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: <sup>2</sup> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Fast-track processing: <sup>3</sup>   | <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: <sup>4</sup>   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Other:                                | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |

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, it is still not clear when the border procedure would be implemented.<sup>5</sup>

## 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  ❖ On the territory	Border Police, Ministry of Interior  Police administration or Police station	Granična policija  Policajska uprava Policajska 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 ❖ Onward appeal	Administrative Court  High Administrative Court	Upravni sud  Visoki upravni sud
Subsequent application	Asylum Department, Ministry of Interior	Odjel za azil, Ministarstvo unutarnjih poslova

## 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	20	Ministry of Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Reception Centre for Asylum Seekers	25		

Source: Ministry of Interior, 2 March 2017.

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

<sup>3</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>4</sup> Albeit not labelled as "accelerated procedure" in national law. See Article 31(8) APD.

<sup>5</sup> Information provided by the Ministry of Interior, 2 March 2017.

## 5. Short overview of the asylum procedure

The asylum procedure in Croatia is an administrative procedure which, as of July 2015, is regulated by the Law on International and Temporary Protection (LITP). The LITP brought about a significant number of reforms, which govern applications lodged after 2 July 2015.

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.<sup>6</sup> 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.<sup>7</sup>

### 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.<sup>8</sup>

Border officers, the police administration/station 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.<sup>9</sup>

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.<sup>10</sup>

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.<sup>11</sup>

### First instance procedure

After the application has been lodged, the Ministry of Interior (i.e. the Asylum Department) shall, as soon as possible, arrange the personal interview with the applicant,<sup>12</sup> and shall issue a decision within 6 months of a duly completed application or a duly completed and admissible subsequent application.<sup>13</sup> 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.

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<sup>6</sup> Article 32(1) LITP.

<sup>7</sup> 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.

<sup>8</sup> Article 33(8) LITP.

<sup>9</sup> Article 33(9) LITP.

<sup>10</sup> Article 33(10) LITP.

<sup>11</sup> Article 34(2) LITP.

<sup>12</sup> Article 35(1) LITP.

<sup>13</sup> Article 40(1) LITP.



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.<sup>14</sup>

### **Border procedure**

Procedures at the border or in transit zones are regulated by the LITP. However, they are not applied in practice due to lack of appropriate centres and capacity at the borders.

### **Appeal**

Although the administrative dispute is the final instance decision on asylum applications, besides the possibility to lodge 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 therefore very difficult in practice to appeal against a negative decision from the Administrative Court on constitutional grounds.

## **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

In the past there were no reports of *refoulement* or push backs at the border. However, with the refugee crisis which started in September 2015, in November 2015 a new practice of separation of migrants who were not coming from war-torn countries has been introduced but only for a few days, so one can assume that there could had been a risk of a breach of the principle of *non-refoulement*. On the other side, during 2015 and since the begging of the crisis in September 2015, there were only a few intentions expressed to apply for international protection in Croatia, as the majority of persons have given up and decided not to apply for international protection.

During 2016 no border monitoring projects were implemented in Croatia i.e 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

<sup>14</sup> Article 41(5) and 51(1)(1) LITP.

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.<sup>15</sup>

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.<sup>16</sup> According to their report, people from Afghanistan, but also from Iraq, Pakistan, Syria and other countries, were not given access to asylum procedure, although some explicitly and repeatedly approached the Croatian police, expressing their wish to ask for international protection. Instead they were, according to the report, illegally expelled to Serbia from Croatian territory.<sup>17</sup> 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.<sup>18</sup>

According to the Ministry of Interior,<sup>19</sup> during 2016, 2,234 intentions to seek protection in Croatia were expressed, but only small number of intentions were expressed during border control on the border crossing with Serbia i.e. only 5 at the Border Police Station of **Bajakovo**. In addition, at the Police Station of **Tovarnik**, which is also near the Croatian-Serbian border, only 1 intention to seek international protection was expressed in 2016. Data shows that on the territory of Croatia near Serbia, i.e. in Slavonia, an additional 5 intentions were expressed at the Police Administration of **Osječko-Baranjska**, 5 at the Police Station of **Ilok**, 11 at the Police Station of **Donji Miholjac**, 2 at the Police Station of **Osijek** and 3 in the first Police Station of **Osijek**.

In order to strengthen professional capacities of the border police force with regard 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 three workshops for border officials (for land border police officers, for airport police officers and for maritime police officers) in 2016, at the Police Academy in Zagreb. The topics included: an introduction to a basic human rights; international standard of asylum protection; access to international protection; novelties in the system of international protection under the LITP; and a practical workshop on irregular migration and return.

## 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.

At the moment when a foreigner expresses the intention to seek protection during a border control at a border crossing point,<sup>20</sup> competent officials will refer him or her to the Reception Centre for Applicants for International Protection<sup>21</sup> and if necessary determine the time period within which he or she must report to the Reception Centre to lodge the application.

<sup>15</sup> ECRE, *Balkan route reversed: The return of asylum seekers to Croatia under the Dublin system*, December 2016, available at: <http://bit.ly/2kueKpB>.

<sup>16</sup> Welcome and Are You Syrious, *Report on illegal and violent expulsions of refugees from the territory of Republic of Croatia*, 24 January 2017, available in Croatian at: <http://bit.ly/2kXQ3Vy>.

<sup>17</sup> *Ibid*, 2.

<sup>18</sup> 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>.

<sup>19</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>20</sup> Article 33(1) LITP.

<sup>21</sup> 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.

In practice, a person may express such 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 taken on the application for international protection.

If after having expressed the intention foreigner does not report to the Reception Centre for Asylum Seekers without a justified reason, the provisions of the Law on Foreigners apply. In particular, that means that if a person did not report to the Reception Centre for Applicants for International Protection where they can officially lodge the application, they would be considered as irregular migrant and would be put in detention for the purpose of removal. The same applies in case the foreigner leaves the Reception Centre for Asylum Seekers for more than two days without obtaining consent from the Centre.

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 within 15 days from registration of his or her status in the records of the Ministry of Interior.<sup>22</sup>

The Reception Centre for Asylum Seekers (which is both an organisational unit<sup>23</sup> 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,<sup>24</sup> for example where he or she is detained in the Reception Centre for Foreigners (detention 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. However, such problems have not been reported recently.

The procedure for international protection is initiated by lodging the application. 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 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.<sup>25</sup>

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<sup>22</sup> Article 34(2) LITP.

<sup>23</sup> At the time of writing the official name of organisational unit is still Reception Centre for Asylum Seekers.

<sup>24</sup> Article 34(3) LITP.

<sup>25</sup> Article 62(1) LITP.

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.<sup>26</sup>

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](#)). To date, it is not clear how the Ministry of Interior would resolve this and (possible) 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? <sup>27</sup> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases as of 31 December 2016:  | 463   |

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 possibility for the asylum seeker to obtain the protection of his or her alleged country of nationality, are also considered when taking a decision.<sup>28</sup>

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.<sup>29</sup>

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

<sup>26</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>27</sup> With the exception of exclusion cases.

<sup>28</sup> Article 27 and 28 LITP.

<sup>29</sup> Article 29 LITP.

- 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.

The Ministry of Interior indicated in July 2016 that the duration of the asylum procedure is approximately 3-4 months.<sup>30</sup> 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.<sup>31</sup>

However 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 Asylum Department.<sup>32</sup>

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.

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.<sup>33</sup>

## **1.2. Prioritised examination and fast-track processing**

Applications by unaccompanied children are prioritised as specified by the LITP.<sup>34</sup> 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.<sup>35</sup>

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<sup>30</sup> Information provided by the Ministry of Interior, 21 July 2016.

<sup>31</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>32</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>33</sup> Article 40 LITP.

<sup>34</sup> Article 17(9) LITP.

<sup>35</sup> Information provided by the Ministry of Interior, 2 March 2017.

Additionally, an application which may be approved on the basis of the established facts also has priority in decision-making.<sup>36</sup> 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.

### 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?  Yes  No
  - ❖ If so, are interpreters available in practice, for interviews?  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 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, 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.<sup>37</sup>

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.<sup>38</sup>

The novelty introduced by the LITP is that 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.<sup>39</sup>

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. 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.<sup>40</sup> 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

<sup>36</sup> Article 38(2) LITP.

<sup>37</sup> Article 35(2) LITP.

<sup>38</sup> Article 35(8) LITP.

<sup>39</sup> Article 35(6) LITP.

<sup>40</sup> Article 14(2) LITP.

be signed between the Ministry of Interior and an interpreter.<sup>41</sup> 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;
- (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.

An additional novelty which entered into force with the LITP is that, 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.<sup>42</sup>

Up to now, interpreters were not professionally trained and interpretation is not done by accredited interpreters in the majority of cases. 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. For example, 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.<sup>43</sup> The LITP prescribes that interpretation can be provided by means of electronic telecommunications or audio-visual equipment.

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.

## 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: Not available

<sup>41</sup> Article 13 LITP.

<sup>42</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>43</sup> 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.

Decisions of the Ministry of Interior may be challenged before the Administrative Court.<sup>44</sup> 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.<sup>45</sup>

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 two-day seminar for judges of 4 administrative courts (in Osijek, Rijeka, Split and Zagreb) and High Administrative Court.

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

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 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.

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.<sup>46</sup> 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.

In practice, attorneys have informed the Croatian Law Centre that Administrative Courts in the majority of cases have confirmed the Ministry of Interior's decisions, both in international protection cases and [Judicial Review of Detention](#) cases

- The Administrative Court in **Rijeka** received only 2 asylum appeals in 2016 and both cases were rejected;<sup>47</sup>
- The Administrative Court in **Osijek** has not received any related case during 2016;<sup>48</sup>
- The Administrative Court in **Split** received 7 appeals and in 3 cases appeals were rejected, in 1 case accepted, while appeals were withdrawn in 3 cases;<sup>49</sup>
- At the time of writing no data have been received from the Administrative Court in **Zagreb** which has handled majority of cases.

### Onward appeal

Following the amendments to the Law on Administrative Disputes adopted in December 2014, applicants may lodge a further appeal against the Administrative Court decision before a High Administrative Court.

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<sup>44</sup> Article 32(2) LITP.

<sup>45</sup> Article 24(1) Law on Administrative Disputes.

<sup>46</sup> Article 33 Law on Administrative Disputes.

<sup>47</sup> Information provided by the Administrative Court of Rijeka, 15 February 2017.

<sup>48</sup> Information provided by the Administrative Court of Osijek, 1 February 2017.

<sup>49</sup> Information provided by the Administrative Court of Split, 1 March 2017.



This appeal, however, does *not* have suspensive effect.<sup>50</sup> There is no publicly available data on how this was functioning in practice.<sup>51</sup> According to information provided by High Administrative Court, during 2016 High Administrative Court received 29 asylum appeals and decided on 33 asylum cases:

High Administrative Court decisions on asylum appeals: 2016		
Decision	Number	Percentage
Positive decision	3	9.1%
Negative decision	26	78.8%
Dismissal	1	3%
Discontinuation	2	6%
Pending	1	3%
<b>Total</b>	<b>33</b>	<b>100%</b>

Source: High Administrative Court, 30 January 2017.

## 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 under the Law on Asylum was not available during the first instance asylum procedure, but only before the Administrative Court. However, with the entry into force of the LITP, this changed, not in terms of representation in the first instance procedure but in terms of possibility for legal information and counselling.<sup>52</sup> 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 February 2017, 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.

<sup>50</sup> Article 51(3) LITP.

<sup>51</sup> Article 19 Amendments to the Law on Administrative Disputes.

<sup>52</sup> Article 59(3)-(5) LITP.

Legal information and assistance are also provided by NGOs on a project basis, and primarily by the Croatian Law Centre as 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 or twice a month in the Reception Centre for Asylum Seekers in **Kutina**, and when needed 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 lawyer is available for legal counselling every second Wednesday in the Reception Centre for Asylum seekers in **Zagreb** and in **Kutina** when needed.<sup>53</sup>
- ❖ The JRS lawyer provides legal information once a week in the Reception Centre for Asylum Seekers in **Zagreb** and once a week in the Reception Centre for Asylum Seekers in **Kutina**.<sup>54</sup>
- ❖ 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.<sup>55</sup> 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,<sup>56</sup> 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.<sup>57</sup> Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.<sup>58</sup> 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.<sup>59</sup>

The Administrative Court shall decide on the right to free legal assistance, and the amount of costs of legal assistance.<sup>60</sup> 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

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<sup>53</sup> Information provided by the Centre for Peace Studies, 13 February 2017.

<sup>54</sup> Information provided by JRS, 16 February 2017.

<sup>55</sup> Information provided by the Legal Clinic of the Law Faculty of the University of Zagreb, 10 February 2017.

<sup>56</sup> Article 60(2) LITP.

<sup>57</sup> Article 60(1) LITP.

<sup>58</sup> Article 60(4) LITP.

<sup>59</sup> The Croatian Law Centre has applied only for the Administrative Court of Zagreb.

<sup>60</sup> Article 60(3) LITP.

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 was in the past considered problematic by attorneys representing applicants in the first instance administrative court disputes as in the past, practice has shown that in some cases where they represented applicants, filed a lawsuit and attended the hearing before Administrative Court, their costs were not reimbursed on the basis of the court's decision. It seems that this is not an issue any more, however the problem may arise when asylum seeker decides to withdraw the proceedings, as then the Ministry of Interior is not obliged to pay the provider of legal aid in that case,<sup>61</sup> even if the legal aid provider has already spent a great amount of time and taken certain legal actions for the case.

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 of the additional novelties in the LITP is 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.<sup>62</sup> 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.<sup>63</sup>

## 2. Dublin

### 2.1. General

#### Dublin statistics: 2016

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
<b>Total</b>	:	12	<b>Total</b>	:	601
Germany	:	9	Austria	:	368
Bulgaria	:	3	Switzerland	:	87
-	-	-	Germany	:	68

<sup>61</sup> Article 10(3) Ordinance on free legal aid in the procedure of granting international protection.

<sup>62</sup> Article 60(5) LITP; Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

<sup>63</sup> Article 11(8)-(9) Ordinance on free legal aid in the procedure of granting international protection.

Source: Ministry of Interior, 2 March 2017.

## 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 Article 2 and Article 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.<sup>64</sup> The Dublin procedure is applied whenever the criteria listed in the Dublin Regulation are met, except if the responsible country appears to be Greece. In those cases, Croatia accepts responsibility for examining asylum applications.

In practice, for outgoing requests, Article 18(1)(b) of the Dublin Regulation is frequently used. For incoming requests, the criterion of irregular entry under Article 13 is often used.<sup>65</sup>

During 2016, the number of transfers to Croatia significantly increased compared to previous years. Out of 601 persons transferred, 466 were female and 135 male. The main nationalities of persons transferred to Croatia were Afghanistan (178), Syria (146), Iraq (120) and Iran (63).<sup>66</sup>

## 2.2. Procedure

### Indicators: Dublin: Procedure

1. On average, how long does a transfer take after the responsible Member State has accepted responsibility? 45-60 days if decision is not appealed

Within the Asylum Department, 5 state officials working within the so called Dublin Unit conduct Eurodac and Dublin procedures.<sup>67</sup>

As there are only two LiveScan machines for taking fingerprints for Eurodac purposes, one in the Reception Centre for Asylum Seekers in **Zagreb**, and the other in the Reception Centre for Foreigners in **Ježevo**, classical fingerprinting is first done at the police station. It only then serves for back up purposes and it is delivered to the Reception Centre for Applicants, where all asylum seekers older than 14 are then systematically fingerprinted and checked in Eurodac. In cases where there is a hit in Eurodac, the fingerprints are sent to the Forensic Centre within the Ministry of Interior for an additional check. Where fingerprinting is temporarily impossible due to medical or some other reasons, fingerprints of an asylum seeker shall be taken as soon as those impediments cease to exist.<sup>68</sup>

As regards registration of people who passed through Croatia from the end of 2015 to early 2016,<sup>69</sup> 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.<sup>70</sup>

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.<sup>71</sup> This can also be a reason for the Ministry of Interior

<sup>64</sup> 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.

<sup>65</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>66</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>67</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>68</sup> Article 33(6) LITP.

<sup>69</sup> Croatian Law Centre, *The Croatian asylum system in 2015*, available at: <http://bit.ly/2m14Rk0>.

<sup>70</sup> 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>.

<sup>71</sup> Article 33(7) LITP.

to render a decision in an accelerated procedure (see section on [Accelerated Procedure](#)).<sup>72</sup> According to the Ministry of Interior, no problems with fingerprinting were reported in 2016.

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.<sup>73</sup> 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.

### Individualised guarantees

According to the Ministry of Interior, individualised guarantees were requested in few cases during 2016 by Austria.<sup>74</sup> 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. In practice, according to the Ministry of Interior, requests for guarantees were mainly related to reception conditions and possibilities for medical / health treatment.

### 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, if the appeal is not submitted against the Ministry of Interior's decision, from the day when another Member State accepts responsibility until the transfer approximately 45-60 days pass.<sup>75</sup>

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.<sup>76</sup>

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).<sup>77</sup>

## 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.

<sup>72</sup> Article 41(1)(10) LITP.

<sup>73</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>74</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>75</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>76</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>77</sup> Information provided by the Ministry of Interior, 2 March 2017.

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?

❖ If yes, is it

❖ If yes, is it suspensive

Yes

Judicial

Yes

No

Administrative

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.<sup>78</sup>

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.

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,<sup>79</sup> in 2016 the responsibility of another member state was established in 42 cases, while only 8 complaints were submitted to the Administrative Court; out of which 7 in 2016, 1 in 2017, In 2 cases Court rejected the complaint and appeals were lodged to 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

<sup>78</sup> Article 43(3) LITP.

<sup>79</sup> Information provided by the Ministry of Interior, 2 March 2017.

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,<sup>80</sup> 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? Greece

After entering the EU, Croatia suspended transfers of asylum seekers to **Greece**. Where there is no responsible Member State other than Greece, Croatia will take responsibility for the examination of the asylum application. There are no data or information available on Administrative Court rulings suspending Dublin transfers to other EU Member States or associated States. To the knowledge of the Croatian Law Centre, so far the Administrative Court has not suspended any transfer. One attorney informed the Croatian Law Centre that in one Dublin case the High Administrative Court overturned the decision of the Administrative Court.

## 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.<sup>81</sup>

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,<sup>82</sup> and another ruling of the District Court of the Hague in the Netherlands,<sup>83</sup> transfers to Croatia have not

<sup>80</sup> Article 60(2) LITP.

<sup>81</sup> ECRE, *Balkan route reversed*, December 2016, 30.

<sup>82</sup> Belgian Council of Alien Law Litigation, Judgment No 172 921, 8 August 2016.

<sup>83</sup> Dutch District Court of the Hague, Judgment No 17/2914, 7 March 2017.

been suspended by national courts on account of conditions facing returnees.<sup>84</sup> This has recently been echoed by the Court of Justice of the European Union (CJEU).<sup>85</sup>

### 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:<sup>86</sup>

- (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.

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,<sup>87</sup> 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.

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<sup>84</sup> 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.

<sup>85</sup> CJEU, Case C-578/16 PPU *C.K. v. Republic of Slovenia*, Judgment of 16 February 2017, para 71.

<sup>86</sup> Article 43(1) LITP.

<sup>87</sup> Article 47 LITP.



### 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.<sup>88</sup> 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
  - Judicial  Administrative
  - ❖ If yes, is it
    - Yes  No
  - ❖ If yes, is it suspensive
    - "First country of asylum"  Yes  No
    - Other grounds  Yes  No

While according to the Law on Asylum there were no major differences between the appeal system in the regular procedure and in the "dismissal" procedure, as the time limit for an asylum seeker to lodge an complaint to the Administrative Court was the same as in the regular procedure, 30 days after the delivery of the decision of the Ministry of Interior, according to the LITP the deadline is 8 days after the delivery of the decision of the Ministry of Interior.

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 country<sup>89</sup> or when the subsequent application was 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

<sup>88</sup> Article 35(8)(3) LITP.

<sup>89</sup> Article 51(1)(2) LITP, citing Article 43(1)(1)-(2) LITP.

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,<sup>90</sup> 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. At the moment, two centres for irregular migrants are being built, one in **Tovarnik** at the border with Serbia and another in **Trilj** near the border with Bosnia and Herzegovina.

At the moment it is not clear whether the border procedure provided under the law would take place in those two centres once they are finished, or whether those centres would only serve for the detention of irregular migrants in removal procedures. In addition, according to the Ministry of Interior it is still not clear when the implementation of the border procedure would start.<sup>91</sup> Also, at the moment it is not clear which authority under the Ministry of Interior would conduct the procedure (if it is to be conducted at the border) and take the decision on the asylum application once those centres will be functional, i.e. whether it would be Service for Aliens and Asylum (in particular the Asylum Department) or another authority such as the border police. 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.<sup>92</sup>

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.<sup>93</sup>

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.<sup>94</sup>

### 4.2. Personal interview

As there is no border procedure conducted at the moment due to the lack of accommodation centres and capacity at border crossing points, it is quite difficult to predict how a personal interview in such procedure will look in the future.

<sup>90</sup> Article 60 LITP.

<sup>91</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>92</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>93</sup> Article 42(1) LITP.

<sup>94</sup> Article 42(4)-(5) LITP.

### 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            | <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             |

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.<sup>95</sup>

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.<sup>96</sup>

### 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?
- |                                     |  |  |  |
|-------------------------------------|--|--|--|
| ❖ Does free legal assistance cover: | <input type="checkbox"/> Yes                         | <input type="checkbox"/> With difficulty | <input checked="" type="checkbox"/> No |
|                                     | <input type="checkbox"/> Representation in interview |  |  |
|                                     | <input type="checkbox"/> Legal advice                |  |  |
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
- |                                    |  |  |                             |
|------------------------------------|--|--|-----------------------------|
| ❖ Does free legal assistance cover | <input checked="" type="checkbox"/> Yes                      | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
|                                    | <input checked="" type="checkbox"/> Representation in courts |  |                             |
|                                    | <input checked="" type="checkbox"/> Legal advice             |  |                             |

During 2016 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. 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.<sup>97</sup>

## 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:<sup>98</sup>

<sup>95</sup> Article 42(6) LITP.

<sup>96</sup> Article 42(3) LITP.

<sup>97</sup> Article 42(3) LITP.

<sup>98</sup> Article 41(1) LITP.

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.

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.<sup>99</sup>

## 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.<sup>100</sup>

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

<sup>99</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>100</sup> Article 35(8) LITP.

### 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?
- |                            |  |   |
|----------------------------|--|---|
| ❖ 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 type="checkbox"/> Yes                 | <input checked="" type="checkbox"/> 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.<sup>101</sup>

Moreover, complaints against negative decisions in the accelerated procedures do *not* have suspensive effect.<sup>102</sup> 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 his or her intention to apply for international protection earlier *never* have suspensive effect i.e. there is no possibility to request suspensive effect.<sup>103</sup>

### 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?
- |                                     |  |  |  |
|-------------------------------------|--|--|--|
|                                     | <input type="checkbox"/> Yes                         | <input type="checkbox"/> With difficulty | <input checked="" type="checkbox"/> No |
| ❖ Does free legal assistance cover: | <input type="checkbox"/> Representation in interview |  |  |
|                                     | <input type="checkbox"/> Legal advice                |  |  |
2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
- |                                    |  |  |                             |
|------------------------------------|--|--|-----------------------------|
|                                    | <input checked="" type="checkbox"/> Yes                      | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| ❖ Does free legal assistance cover | <input checked="" type="checkbox"/> Representation in courts |  |                             |
|                                    | <input checked="" type="checkbox"/> 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](#)).

<sup>101</sup> Article 41(5) LITP.

<sup>102</sup> Article 51(1)(1) LITP.

<sup>103</sup> Article 51(1)(2) LITP, citing Article 41(1)(6) LITP.

## 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.<sup>104</sup>

The LITP has introduced special procedural and reception guarantees.<sup>105</sup> 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.

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.<sup>106</sup> To the knowledge of the Croatian Law Centre, before the entry into force of the LITP, it was quite difficult to assess to what extent vulnerability is identified systematically from the beginning of the asylum procedure, as generally this was something that depended on the officials in charge of the case.

According to the Ministry of Interior,<sup>107</sup> 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.<sup>108</sup>

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.<sup>109</sup> 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.<sup>110</sup>

<sup>104</sup> Article 4(1)(14) LITP.

<sup>105</sup> Article 15 LITP.

<sup>106</sup> 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).

<sup>107</sup> *Ibid.*

<sup>108</sup> ECRE, *Balkan route reversed*, December 2016, 26.

<sup>109</sup> *Ibid.*, 24.

<sup>110</sup> *Ibid.*, 26.

Moreover, 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.<sup>111</sup> 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.

### **Age assessment**

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.<sup>112</sup> 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 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.<sup>113</sup>

According to the Ministry of Interior, so far until March 2017, the age assessment procedure has not been conducted in any case.<sup>114</sup>

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

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<sup>111</sup> Article 52(2) LITP.

<sup>112</sup> Article 18 LITP.

<sup>113</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>114</sup> Information provided by the Ministry of Interior, 2 March 2017.

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.

To the knowledge of Croatian Law Centre, the Ministry of Interior has initiated the development of the new protocol on the treatment of unaccompanied children.

## 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:

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,<sup>115</sup> in particular the acts of persecution or serious harm already undergone.<sup>116</sup> 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;<sup>117</sup>
- To an interpreter of the same sex, if possible;<sup>118</sup>
- To be interviewed as soon as possible upon the submission of the application for asylum;<sup>119</sup>
- In cases where the interview is omitted,<sup>120</sup> 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;<sup>121</sup>
- In case of an application of an unaccompanied child, the application has priority in decision-making (see section on [Regular Procedure: Fast-Track Processing](#)).<sup>122</sup>

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.<sup>123</sup> Procedures at border crossings or in transit zones would not apply to cases of application lodged by an unaccompanied child.<sup>124</sup>

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.<sup>125</sup>

<sup>115</sup> Article 28(2)(3) LITP.

<sup>116</sup> Article 28(3) LITP.

<sup>117</sup> Article 35(5) LITP.

<sup>118</sup> Article 14(3) LITP.

<sup>119</sup> Article 35 LITP.

<sup>120</sup> Article 35(8)(2) LITP.

<sup>121</sup> Article 35(9) LITP.

<sup>122</sup> Article 17(9) LITP.

<sup>123</sup> Article 17(10) LITP.

<sup>124</sup> Article 10(11) LITP.

<sup>125</sup> Article 15(3) LITP.



### 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.<sup>126</sup>

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 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

During 2016, the number of unaccompanied children in Croatia increased, yet compared to other counties the number remains low. According to the Ministry of Interior, 116 unaccompanied children sought asylum in Croatia in 2016.<sup>127</sup> 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.<sup>128</sup>

#### Time of appointment

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.<sup>129</sup> 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

<sup>126</sup> Article 58(1) Law on General Administrative Procedure.

<sup>127</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>128</sup> Article 2(1)(17) LITP.

<sup>129</sup> Article 17(1) LITP.

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.

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 social workers of the Croatian Red Cross, problems with delays in the appointment of legal guardians in practice, do not exist in **Kutina**. In **Zagreb**, however, as reported by the Red Cross some children were waiting 4 weeks for guardians to be appointed.

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.<sup>130</sup>

### **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.<sup>131</sup>

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.<sup>132</sup> 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.<sup>133</sup>

Since November 2016, 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, has implemented a project on "Improving the protection of the rights of unaccompanied children".<sup>134</sup> The aim of this project is to improve the protection of unaccompanied children by:

- ❖ Informing unaccompanied children about their rights through information which would be available in electronic form and would be developed during 2017 and

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<sup>130</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>131</sup> Information provided by UNHCR, 17 January 2017.

<sup>132</sup> Information provided by UNICEF, 31 January 2017.

<sup>133</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>134</sup> The Project is financed by the Ministry of Demography, Family, Social Affairs and Youth of Republic of Croatia.

- ❖ Training special guardians from **Zagreb** and **Kutina** who work with unaccompanied children. The first training was organised for employees of Centres for Social Welfare in February 2017, while 4 additional trainings will be organised in the course of 2017.

In addition, due to increase in number of unaccompanied children, in the third quarter of 2016 the Croatian Law Centre, as implementing partner of UNHCR,<sup>135</sup> 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 that time in total, 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.

### 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,<sup>136</sup> 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.<sup>137</sup> Red Cross employees evaluated their appointment as guardians as a good practice, since they work on a daily basis in 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,<sup>138</sup> 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
- 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,<sup>139</sup> which can be understood that persons from the age of 16

<sup>135</sup> The project *Legal Services to Asylum Seekers* is implemented by the Croatian Law Centre from 1 February 2003, with the aim to provide free legal aid to asylum seekers and recognised refugees i.e. asylees and foreigners under subsidiary protection. Project is being implemented with financial support from and in close co-operation with UNHCR Representation in Croatia.

<sup>136</sup> This practice started before 2016.

<sup>137</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>138</sup> Article 10 LITP.

<sup>139</sup> Article 17(3) LITP.

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 not the case anymore.

## 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. Under the LITP, 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.<sup>140</sup>

If a person decides to submit subsequent application,<sup>141</sup> an explanation of the subsequent application should be submitted to the Reception Centre for Applicants 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 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 with the entry into force of the LITP, the interview for lodging of the subsequent application can be omitted when the admissibility of a subsequent application is being assessed.<sup>142</sup>

<sup>140</sup> Article 4(1)(13) LITP.

<sup>141</sup> Article 47 LITP.

<sup>142</sup> Article 35(8)(3) LITP.

Under the LITP,<sup>143</sup> 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,<sup>144</sup> and that in that case appeal to Administrative Court does not have a suspensive effect,<sup>145</sup> (which means that the decision is final)<sup>146</sup> 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.<sup>147</sup> 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.<sup>148</sup>

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.

## 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, before LITP, safe countries of origin and safe third countries' lists have never been adopted, although the concepts were prescribed by the previous Law on Asylum. Therefore, those concepts were not applied in practice. With the entry into force of the LITP, this has changed and in 2016 a Decision on the list of safe countries of origin has been 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.<sup>149</sup>

### 1. Safe country of origin

According to the LITP,<sup>150</sup> 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:

<sup>143</sup> Article 53(3)-(4) LITP.

<sup>144</sup> Article 43(2) LITP.

<sup>145</sup> Article 51(1)(3) LITP.

<sup>146</sup> Article 4(1)(21) LITP.

<sup>147</sup> Article 51(2) LITP.

<sup>148</sup> Article 53 LITP.

<sup>149</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>150</sup> Article 44 LITP.

- (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.

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](#)).<sup>151</sup> 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.<sup>152</sup> 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.<sup>153</sup> The majority of negative decisions issued in 2016 concerned nationals of Algeria (34) and Morocco (23), out of a total 133.<sup>154</sup>

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<sup>151</sup> Article 41(1)(9) LITP.

<sup>152</sup> Official Gazette 45/2016, available in Croatian at: <http://bit.ly/2lcRePz>.

<sup>153</sup> Information provided by the Asylum Department, 29 November 2016.

<sup>154</sup> ECRE, *Balkan route reversed*, December 2016, 19.

## 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.<sup>155</sup>

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.

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.

## 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.<sup>156</sup>

## G. Relocation

### Indicators: Relocation

1. Number of persons effectively relocated since the start of the scheme 19

### Relocation statistics: 2016

Relocation from Italy			Relocation from Greece		
	Received requests	Relocations		Received requests	Relocations
<b>Total</b>	9	9	<b>Total</b>	10	10
Eritrea	9	9	Syria	10	10

Source: Ministry of Interior, cited in ECRE, *Balkan route reversed*: <http://bit.ly/2kueKpB>.

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.<sup>157</sup> With the decision on relocation and resettlement Croatia has pledged to accept in total 550 persons, 150 of whom would be accepted through resettlement and 400 persons would be accept through relocation. However, Croatia is

<sup>155</sup> Article 45 LITP.

<sup>156</sup> Article 43(1)(2) LITP.

<sup>157</sup> Official Gazette 78/2015, available at: <http://bit.ly/2kDTnBH> and <http://bit.ly/2lQNEgT>.

required to relocate 1,617 asylum seekers from Greece and Italy until September 2017 to honour its commitments under the Relocation Decisions.<sup>158</sup>

On 23 May 2016, the Ministry of Interior issued a press release,<sup>159</sup> 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.<sup>160</sup> 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.<sup>161</sup> 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.<sup>162</sup>

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 international protection was granted took approximately 45-65 days. The procedure was identical, regardless of whether relocation concerned Italy or Greece. Beside the fact that relocated cases were channelled into prioritised procedures, where they received a positive decision within one month, they followed the same process as the regular procedure.<sup>163</sup>

## 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.<sup>164</sup> 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.<sup>165</sup> 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.<sup>166</sup>

<sup>158</sup> Council Decisions (EU) 2015/1523 of 14 September 2015 and 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ 2015 L239/146 and L248/80.

<sup>159</sup> Ministry of Interior, 'The liaison officers go to Italy and Greece', 23 May 2016, available in Croatian at: <http://bit.ly/2lqJU2>.

<sup>160</sup> Deutsche Welle, 'Vlaho Orepic: The Balkan route is formally closed', 12 February 2017, available at: <http://bit.ly/2lSoyyt>.

<sup>161</sup> ECRE, *Balkan route reversed*, December 2016, 28.

<sup>162</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>163</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>164</sup> Article 59(2) LITP.

<sup>165</sup> Article 14 LITP.

<sup>166</sup> Article 59(1) LITP.



## Official information on the procedure

In practice, prior the entry into force of the LITP, this information was given in writing during the process of lodging of the asylum application. The paper with information was available in the main languages spoken by persons seeking asylum in Croatia (i.e. in Arabic, English, French, Farsi, Russian, Turkish and Somali), and should be in a language the asylum seeker can reasonably be expected to understand. According to the Croatian Law Centre, this information was written in a rather legalistic manner and might therefore not be understood by the majority of asylum seekers. This information is general information given to everyone rather than tailored to asylum seekers. When the person is illiterate or where there is no written information in some particular language, the information was read to the asylum seeker by an interpreter present at the asylum application interview. 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.<sup>167</sup> An information sheet is available in English, Arabic, French, Urdu, Pashtu, Farsi, Somali and Hindu.

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, an updated leaflet was prepared by the Croatian Law Centre and UNHCR in cooperation with the Ministry of Interior during 2016. The leaflet contains basic information on the procedure and rights and obligations during the procedure and is available on the Croatian Law Centres' website 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.<sup>168</sup>

The Centre for Peace Studies, an NGO dealing with the integration of beneficiaries of international protection, has issued different leaflets dealing 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.<sup>169</sup>

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".<sup>170</sup> 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

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<sup>167</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>168</sup> The leaflet may be found at: [www.hpc.hr/page.aspx?PageID=33](http://www.hpc.hr/page.aspx?PageID=33).

<sup>169</sup> According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

<sup>170</sup> Information provided by the Croatian Red Cross, 1 February 2017.

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.

### 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.<sup>171</sup>

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.<sup>172</sup>

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.

<sup>171</sup> Article 59(1) LITP.

<sup>172</sup> ECRE, *Balkan route reversed*, December 2016, 11-12.

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 Applicants in Kutina once or twice a month and in Porin once a week. Until the summer of 2016, Croatian Law Centre lawyers were also present in the Reception Centre for Foreigners at least once a month. However due to the change in practice and significant decrease in the detention of the asylum seekers, the Croatian Law Centre is not present in the detention centre on regular basis at the moment, but depending on needs.

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 once a week, while Centre for Peace Studies' lawyer is available once a week in Reception Centre in Zagreb and in Kutina according to the needs.

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.

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.<sup>173</sup>

## 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?<sup>174</sup>  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) and in case they are still in Croatia by the end of the procedure, they are granted asylum or subsidiary protection.

<sup>173</sup> Article 42(3) LITP.

<sup>174</sup> 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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions            | <input 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?  Yes  No

Before the entry into force of the LITP, according to the previous Law on Asylum, asylum seekers in Croatia were entitled to the same level of material reception conditions during all asylum procedures and during both the first instance procedure and the appeal stage. However, this has changed with the LITP, 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.<sup>175</sup> 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.<sup>176</sup>

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,<sup>177</sup> 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.<sup>178</sup> The amount of financial assistance should be established by the decision of the Minister of Interior.<sup>179</sup> 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,<sup>180</sup> 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.<sup>181</sup>

Asylum seekers are entitled to financial support if, in the month for which they support, they have been accommodated in the Reception Centre for Asylum Seekers for at least 25 consecutive days.<sup>182</sup> The only exception from this rule in relation to continuous accommodation is the situation when 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.<sup>183</sup>

<sup>175</sup> Article 55(4) LITP.

<sup>176</sup> Article 7(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>177</sup> Article 55 (1) LITP.

<sup>178</sup> Article 55(2) LITP.

<sup>179</sup> Article 55(3) LITP.

<sup>180</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>181</sup> Article 23(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>182</sup> Article 24(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>183</sup> Article 24(3) Ordinance on the Realisation of Material Reception Conditions.

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.<sup>184</sup>

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.<sup>185</sup> 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.<sup>186</sup> According to the information available to the Croatian Law Centre, there were no delays in issuing the identity card.

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. If the trend continues, the maximum capacity would be reached soon. According to Ministry of Interior, in both Reception Centres altogether 2,002 asylum seekers were placed in accommodation during the course of 2016.<sup>187</sup>

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.<sup>188</sup>

A good practice observed in the past was that in a few cases asylum seekers were allowed to stay in the centre even though their asylum procedure had finished and therefore the period during which they were entitled to accommodation had ceased. Unfortunately with the entry into force of the LITP, which restricted the right to accommodation of those applicants who lodge a second subsequent application, the practice has changed and people are no longer allowed to stay in the Centre.

## 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 2016 (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.<sup>189</sup>

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.

<sup>184</sup> Article 3(7) Ordinance on the Realisation of Material Reception Conditions.

<sup>185</sup> Article 7(6) Ordinance on the Realisation of Material Reception Conditions.

<sup>186</sup> Article 62(1) LITP.

<sup>187</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>188</sup> Article 25(1)-(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>189</sup> Article 55(1) LITP and Article 1(2) Ordinance on the Realisation of Material Reception Conditions.

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.<sup>190</sup>

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).<sup>191</sup>

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,<sup>192</sup> and accommodation in the Reception Centre for Foreigners should be considered as the adequate standard of living is secured.<sup>193</sup>

### 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.<sup>194</sup>

<sup>190</sup> Article 55(5) LITP and Article 4(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>191</sup> Article 55(6)-(9) LITP.

<sup>192</sup> Article 3(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>193</sup> Article 3(4) Ordinance on the Realisation of Material Reception Conditions.

<sup>194</sup> Article 10(2) Ordinance on the Realisation of Material Reception Conditions.

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:<sup>195</sup>

- (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):<sup>196</sup>

- (a) 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;
- (b) To establish or verify identity or nationality;
- (c) To protect national security or public order; or
- (d) 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.

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: <sup>197</sup>	2
2. Total number of places in the reception centres:	682
3. Total number of places in private accommodation:	N/A
4. Type of accommodation most frequently used in a regular procedure:	
<input checked="" type="checkbox"/> Reception centre	<input type="checkbox"/> Hotel or hostel
<input type="checkbox"/> Emergency shelter	<input type="checkbox"/> Private housing
<input type="checkbox"/> Other	
5. Type of accommodation most frequently used in an accelerated procedure:	
<input checked="" type="checkbox"/> Reception centre	<input type="checkbox"/> Hotel or hostel
<input type="checkbox"/> Emergency shelter	<input type="checkbox"/> Private housing
<input type="checkbox"/> 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: 29 November 2016

<sup>195</sup> Article 54(5) LITP.

<sup>196</sup> Article 54(2) LITP.

<sup>197</sup> Both permanent and for first arrivals.

Hotel Porin	City of Zagreb	600	550
Kutina	80km from Zagreb	82	82
<b>Total</b>		<b>682</b>	<b>632</b>

Source: ECRE, *Balkan route reversed*, December 2016.

Both reception centres are managed directly by the Ministry of Interior. The centre in Kutina is aimed at the accommodation of vulnerable applicants. During 2015, no problems of overcrowding were reported in these centres, but in the second half of 2016 there was a dramatic increase in the numbers of asylum seekers compared to the previous years. If the trend continues, the capacities would be soon be full.

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 are foreseen 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.

## 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 months
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 beginning of 2017.

### 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.<sup>198</sup>

#### 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.<sup>199</sup> 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.<sup>200</sup> 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.

<sup>198</sup> Article 56(6) LITP.

<sup>199</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>200</sup> Information provided by the Croatian Red Cross, 13 February 2017.



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, but a new security system which is expected to be introduced soon would hopefully solve that problem.

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:

- ❖ Arranging indoors playroom for children in the Reception Centre Kutina and Zagreb
- ❖ Equipping outdoors 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 shared kitchenette
- ❖ Other necessary supplies such as hygiene items and clothes.

### Food and religious practice

In both centres, residents get three meals per day and pregnant women, recent mothers and children up to 16 years shall be also provided by an afternoon snack.<sup>201</sup> 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**, but it is expected that two kitchenettes would be opened in Reception centre in **Zagreb** by the end of February 2017.<sup>202</sup> If needed, for example in case of medical prescription, children and pregnant women or due to religious reasons, specific dietary arrangements are available. However, it seems that during the 2016 some asylum seekers encountered problems and were not provided with specific diet.<sup>203</sup>

No problems were reported in connection to the possibility to practice 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, and since there is also lack of space in Reception Centre in Kutina due to increase in accommodated asylum seekers.

## 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.

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<sup>201</sup> Article 20 Ordinance on the Realisation of Material Reception Conditions.

<sup>202</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>203</sup> For example, the Croatian Law Centre repeatedly informed the Ministry of Interior of the needs of an asylum seeker with diabetes but the person was not provided with special diet.

According to information received from the Croatian Red Cross,<sup>204</sup> social workers provide daily psychosocial support and organise social and educational activities with asylum seekers accommodated in **Zagreb** (Monday-Saturday) 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 has also set up a computer room with 9 computers available in the Reception Centre of **Zagreb**.<sup>205</sup> 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.

During 2016, many international and non-governmental organisations such as IOM,<sup>206</sup> 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.

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.

In the Reception Centre for Asylum Seekers in **Kutina**, Centre for Peace Studies' volunteers are present once a week (Monday) in two terms (afternoon and in evening). Volunteers have implemented psychosocial assistance activities for asylum seekers in the Reception Centre for Asylum Seekers in **Zagreb** since February 2014 (information on asylum system, Croatian culture and history, psychosocial support, learning Croatian language). Volunteers attend trainings which include lectures on international migration and asylum, the asylum system in the Republic of Croatia, work ethic, experience in working with asylum seekers, the importance of psychosocial support and solving conflicts. They are present in the Centre in Zagreb on Mondays and Wednesdays from 6.30 pm until 9.00 pm and on Saturday from 3.00 pm until

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<sup>204</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>205</sup> Information provided by JRS, 16 February 2017.

<sup>206</sup> 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.

6.00 pm. The Ministry of Interior allows them to use one room for teaching asylum seekers Croatian language. One of the reasons for these activities to be carried out in the evening is that daily activities are provided by the Croatian Red Cross, and the intention of the Centre for Peace Studies is to complement their activities. Centre for Peace Studies volunteers are not professional teachers of Croatian language, therefore they use alternative methods that prove to be effective for learning the Croatian language (such as posters, flipchart, cards, boards, scripts created by volunteers, pantomime, interpretation etc.) Also, besides language courses, Centre for Peace Studies volunteers together with asylum seekers and people who were granted protection in Croatia organise sightseeing tours of Zagreb, presentations about different countries from which people come from and sensitisation workshops for the public e.g. high school students, local community.<sup>207</sup>

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, counselling was mainly organised in their premises and support was provided by 6 educated counsellors and psychotherapists and 4 interpreters (Russian, Turkish, French, Arabic). 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.

### 2.3. Duration of stay in the centres

According to the Ministry of Interior, the average length of stay in the reception centres in 90% of the cases is 3 months, in 7% of cases more than 3 months, and in 3 % cases 6 to 12 months.<sup>208</sup> 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 appeal). 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.

## 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?<br>❖ If yes, when do asylum seekers have access the labour market? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>9 months |
| 2. Does the law allow access to employment only following a labour market test?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No             |
| 3. Does the law only allow asylum seekers to work in specific sectors?<br>❖ If yes, specify which sectors:                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No             |
| 4. Does the law limit asylum seekers' employment to a maximum working time?<br>❖ If yes, specify the number of days per year                 | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No             |
| 5. Are there restrictions to accessing employment in practice?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No             |

<sup>207</sup> Information provided by the Centre for Peace Studies, 14 February 2017.

<sup>208</sup> Information provided by the Ministry of Interior, 2 March 2017.

As of July 2015, applicants have the right to work after 9 months from the day of lodging the application, if the procedure has not been completed due to no fault of the applicant.<sup>209</sup> 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.<sup>210</sup>

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.<sup>211</sup>

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.<sup>212</sup> 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.<sup>213</sup> 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.<sup>214</sup> During 2016, 90 persons participated in job centre in Reception centre in **Zagreb**. A Job Centre also operates in **Kutina**.

## 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. under 18) are entitled to primary and secondary education.<sup>215</sup> Applicants who have begun to exercise the right to secondary education are allowed to continue secondary education even after they 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.<sup>216</sup>

There have been reported obstacles to accessing secondary education for asylum seeking children.<sup>217</sup> 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

<sup>209</sup> Article 61(6) LITP.

<sup>210</sup> Article 61(5) LITP.

<sup>211</sup> Article 61(2)-(3) LITP.

<sup>212</sup> Article 19 Ordinance on the Realisation of Material Reception Conditions.

<sup>213</sup> Information provided by the Croatian Red Cross, 21 July 2014.

<sup>214</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>215</sup> Article 58(1) LITP.

<sup>216</sup> Article 58(3) LITP.

<sup>217</sup> Information provided by the Croatian Red Cross, 13 February 2017.

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.

According to the Ministry of Interior,<sup>218</sup> 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.

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 would address issues arising in case 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.<sup>219</sup> 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?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
2. Do asylum seekers have adequate access to health care in practice?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?	<input type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input checked="" type="checkbox"/> No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No

Applicants are entitled to health care. However, the LITP which entered into force in July 2015 prescribes that health care includes emergency care and necessary treatment of illnesses and serious mental disorders.<sup>220</sup>

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.

<sup>218</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>219</sup> 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).

<sup>220</sup> Article 57(1) LITP.

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,<sup>221</sup> 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 MdM.

According to the Ministry of Interior, the doctor from the Health Centre is available daily from Monday to Friday in the Reception Centre in **Zagreb** from 1:30pm until 3:30pm.<sup>222</sup>

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.

### **Complementary services by non-governmental organisations**

In mid-August 2016, an MdM team consisting of 2 doctors and nurse started work in both Reception Centres and were present in **Zagreb** from Monday to Friday and in **Kutina** few times a week.<sup>223</sup> Besides the medical team, 2 psychologists were also employed by MdM for the implementation of activities of psychosocial support and individual counselling.

In the period between 18 August 2016 and 21 December 2016, the MdM medical team carried out 1,311 medical consultations and health checks and more than 200 initial medical check-ups as prescribed by relevant legislation. In the same period, MdM psychologists conducted 215 individual psychological counselling sessions, out of which 67 initial check-ups.<sup>224</sup>

MdM identified three key priorities and needs which have not yet been systematically resolved:

- (1) Medical monitoring of pregnancy and regular gynaecological examinations of women
- (2) Vaccination of children and regular paediatric examinations
- (3) Mental health and lack of availability of psychiatric services

From the beginning of 2017 until the end of March 2017, MdM team has a reduced team of only a doctor and nurse, but no psychologist, and is present only in **Zagreb**, not in **Kutina**. At this point, it is not known whether they will have opportunities to continue the implementation of their activities beyond that date.

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. JRS reported that during 2016 their staff assisted daily to general practitioner present in the Reception Centre in **Zagreb**, through interpreters at his disposal and assistance in record-keeping keeping.<sup>225</sup> JRS supplied the necessary medicines and distributed them to patients. It also organised and paid for specialist examinations for asylum seekers, purchased orthopaedic equipment, glasses and other medical supplies and necessities. In addition JRS coordinated communication between doctors of the Health Centre and the MdM. On a daily basis, JRS staff assisted approximately 20 asylum seekers in need of medical attention.

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<sup>221</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>222</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>223</sup> Information provided by MdM, 31 January 2017.

<sup>224</sup> *Ibid.*

<sup>225</sup> Information provided by JRS, 16 February 2017.

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) provided psychological counselling in Russian, Turkish, Arabic and French. Counselling was mainly organised in their premises and included 17 persons in psychological counselling.<sup>226</sup> Information on their activities for clients are also available online.<sup>227</sup> SPA plans to continue providing counselling in 2017.
- ❖ 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, 11 persons were included in individual psychological counselling, which were organised in total 34 times.<sup>228</sup>

### 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.<sup>229</sup> However in practice this type of “extra” health care is not accessible on regular basis for those who have special needs. During 2016 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**.<sup>230</sup> 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 2017, but funding will not be enough to cover the needs which have increased with the growing numbers of asylum seekers in 2016. 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.

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<sup>226</sup> Information provided by SPA, 8 and 14 February 2017.

<sup>227</sup> See: <http://bit.ly/2lr77E4>, <http://www.srcro.eu/>, <http://bit.ly/2m2IRVO>.

<sup>228</sup> Information provided by the Rehabilitation Centre for Stress and Trauma, 15 February 2017.

<sup>229</sup> Article 57(2) LITP.

<sup>230</sup> 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.

During 2016 within the project “Access to early protection and rehabilitation services right on arrival in the EU” (ACESO),<sup>231</sup> psychological counselling was also organised for torture victims among asylum seekers, however the project will end in March 2017.

During 2016, 28 persons were assisted and psychological 140 counselling sessions were organised by the Croatian Law Centre in total. As specified above, many NGOs were present in the Reception Centres during 2016, yet project-based activities could not cover all the needs which were much greater than available capacity. It also not clear how many NGOs would continue their activities in 2017.

JRS reported that due to the culturally oppressed position of women from certain countries, access to medical, psychological and legal assistance is often deprived to a certain number of women which is why they created special workshop aiming to support and empower women.<sup>232</sup>

## 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.<sup>233</sup> 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 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 such 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.<sup>234</sup> 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.<sup>235</sup>

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.<sup>236</sup>

<sup>231</sup> The Croatian Law Centre implemented Project “Protection of Victims of Torture among Vulnerable Groups of Migrants” funded by UNVFT and “Access to early protection and rehabilitation services right on arrival in the EU” (ACESO) led by Hungarian Helsinki Committee and funded by the European Commission.

<sup>232</sup> Information provided by JRS, 16 February 2017.

<sup>233</sup> Article 4(1)(14) LITP.

<sup>234</sup> Article 56(4) LITP; Article 6(1) Ordinance on the Realisation of Material Reception Conditions.

<sup>235</sup> Article 7(3) Ordinance on the Realisation of Material Reception Conditions.

<sup>236</sup> Article 12(1)-(3) Ordinance on the Realisation of Material Reception Conditions.



Asylum seekers with special health care needs shall be provided a special diet, based on the recommendations of the physician.<sup>237</sup>

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.

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).<sup>238</sup>

### **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 partner Society for Psychological Assistance, have established a child friendly space in both Reception Centre.<sup>239</sup> 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.

Roda, as implementing partner of UNICEF during the second half of 2016, was present in the Reception Centre in **Kutina** 3 times a week and twice a week in the Reception Centre in **Zagreb**.<sup>240</sup> Besides counselling, education and support for pregnant and nursing women as mentioned above, their activities were aimed at preparing children for kindergarten and school, for instance through learning Croatian language, improvement of concentration. However Roda informed the Croatian Law Centre that they do not have planned activities for 2017, as their project finished at the end of January 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

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<sup>237</sup> Article 20(2) Ordinance on the Realisation of Material Reception Conditions.

<sup>238</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>239</sup> Information provided by UNICEF, 31 January 2017.

<sup>240</sup> Information provided by Roda, 28 January 2017.

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.<sup>241</sup>

## 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.<sup>242</sup>

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 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.<sup>243</sup>

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.<sup>244</sup>

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.<sup>245</sup>

### 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

<sup>241</sup> Article 10(3) LITP.

<sup>242</sup> Article 57(2) LITP.

<sup>243</sup> Article 59(2) LITP.

<sup>244</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>245</sup> ECRE, *Balkan route reversed*, December 2016, 24.

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.<sup>246</sup>

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.

## **G. Differential treatment of specific nationalities in reception**

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

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<sup>246</sup> Article 56 (2) LITP.

## Detention of Asylum Seekers

### A. General

#### Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2016: <sup>247</sup>	50
2. Number of asylum seekers in detention at the end of November 2016: <sup>248</sup>	5
3. Number of detention centres:	1
4. Total capacity of detention centres:	84

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.<sup>249</sup> According to the Ministry of Interior, 50 asylum seekers were detained in 2016.<sup>250</sup>

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 1 detention centre, the Reception Centre for Foreigners located in **Ježevo**, with a total capacity of 84 places.

### B. Legal framework of detention

#### 1. Grounds for detention

#### Indicators: Grounds for Detention

- In practice, are most asylum seekers detained
  - ❖ on the territory:  Yes  No
  - ❖ at the border:  Yes  No
- Are asylum seekers detained in practice during the Dublin procedure?  Frequently  Rarely  Never
- 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.<sup>251</sup> Detention may be ordered for 4 reasons,<sup>252</sup> 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:

<sup>247</sup> Including *both* applicants detained in the course of the asylum procedure and persons lodging an application from detention.

<sup>248</sup> ECRE, *Balkan route reversed*, December 2016, 14.

<sup>249</sup> Letter from the Ministry of Interior dated 28 January 2015.

<sup>250</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>251</sup> Article 54(5) LITP.

<sup>252</sup> Article 54(2) LITP.

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:<sup>253</sup>

- 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.

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.<sup>254</sup> Until 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.<sup>255</sup>

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.<sup>256</sup>

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	
Ground for detention	Detentions
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

<sup>253</sup> Article 54(4) LITP.

<sup>254</sup> Article 54(6) LITP.

<sup>255</sup> Article 54(11) LITP.

<sup>256</sup> Information provided by the Ministry of Interior, 2 March 2017.

To protect national security or public order: Article 54(2)(3) LITP	6
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
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
<b>Total</b>	<b>50</b>

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

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 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.<sup>257</sup>

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 protection is considered an applicant for international protection and is therefore entitled to all the rights under the EU asylum *acquis*.<sup>258</sup> 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 law<sup>259</sup> 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".<sup>260</sup> 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

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

<sup>257</sup> ECRE, *Balkan route reversed*, December 2016, 16.

<sup>258</sup> Article 4(5) LITP.

<sup>259</sup> 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.

<sup>260</sup> 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.

Whereas there was no requirement under the Law on Asylum that detention be applied as a measure of last resort, 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.<sup>261</sup>

### 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.<sup>262</sup> Moreover, it provides for detention of unaccompanied children, although for as short a period as possible.<sup>263</sup>

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, although a facility for the accommodation of children and other vulnerable groups of irregular migrants within the detention centre was built in **Ježevo**. According to the Ministry of Interior vulnerable asylum seekers were not detained in 2016.<sup>264</sup>

In practice, up to now most unaccompanied foreign children were placed in children and young people's homes as an alternative to detention. Although this is an open facility, 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. In the last quarter of 2016, the Croatian Law Centre, as 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 is transferred to the Reception Centre for Asylum Seekers and not to a detention centre.

<sup>261</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>262</sup> Article 54(7) LITP.

<sup>263</sup> Article 54(8) LITP.

<sup>264</sup> Information provided by the Ministry of Interior, 2 March 2017.

## 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.<sup>265</sup>

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 2016 was 1 month.<sup>266</sup>

## 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.<sup>267</sup> There is one pre-removal detention in **Ježevo**, 30km from Zagreb, which has a total capacity of 84 persons.<sup>268</sup>

A special wing for vulnerable groups in Ježevo was finalised at the end of 2015, with a total capacity of 28 places. This wing is aimed at detaining women, families and soon unaccompanied children. The building was completely empty at the end of November 2016.<sup>269</sup>

In addition to the existing detention centre, 2 transit centres for irregular migrants are expected to be opened soon in **Trilj** and **Tovarnik**, close to the Serbian and Bosnian borders. At the moment, it is not clear whether these facilities would also be used for the detention of applicants for international protection in the border procedure, but both centres are considered as Reception Centres for Foreigners.<sup>270</sup> Each centre would accommodate 62 migrants, and will include a separate wing for vulnerable groups.<sup>271</sup>

The completion of construction was according to the previous information provided by the Ministry of Interior planned by the end of 2015. However at the end of 2016 the centres have not started operations.

### 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 |

<sup>265</sup> Article 54(10) LITP.

<sup>266</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>267</sup> Article 54(5)-(6) LITP.

<sup>268</sup> ECRE, *Balkan route reversed*, December 2016, 14.

<sup>269</sup> *Ibid.*

<sup>270</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>271</sup> *Ibid.*



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 centre.<sup>272</sup> 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.

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 under police supervision, 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.

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.<sup>273</sup> 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.

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<sup>272</sup> *Ibid*, 14.

<sup>273</sup> 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.

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 28 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.<sup>274</sup>

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.<sup>275</sup>

### 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 unlimited 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 on a daily basis. Other NGOs working with migrants and asylum seekers, such as the Croatian Red Cross, 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.<sup>276</sup> 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.

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

## 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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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

<sup>274</sup> Information provided by the Border Police Directorate, 14 October 2015.

<sup>275</sup> ECRE, *Balkan route reversed*, December 2016, 17.

<sup>276</sup> Information provided by the Centre for Peace Studies, 13 February 2017.

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.

Additional objection is that some of attorneys informed Croatian Law Centre, that Administrative Court in detention cases usually has confirmed Ministry's decisions. No statistics are available from the Administrative Court of Zagreb at the time of writing.

Detention does not impair the quality and effectiveness of the asylum procedure, as it does not have an impact on the organisation of the personal interview, the availability of interpretation or the speed of the procedure.

## 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.

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.

## 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,<sup>277</sup> and to foreigner under subsidiary protection for a period of 3 years.<sup>278</sup>

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.<sup>279</sup> The request for issuing residence permit should be submitted to the competent police administration,<sup>280</sup> and the residence permit should be issued within 30 days from submitting the request.<sup>281</sup>

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,<sup>282</sup> 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.<sup>283</sup> According to the Ministry of Interior, no such cases have occurred in 2015 and 2016.

#### 2. Long-term residence

##### Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2016: Not available

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.<sup>284</sup> Uninterrupted residence in the Republic of Croatia means that within a period of 5 years, a foreigner was absent from the Republic

<sup>277</sup> Article 75(2) LITP.

<sup>278</sup> Article 75(3) LITP.

<sup>279</sup> Article 55(1)-(2) LITP.

<sup>280</sup> Article 75(1) LITP; Article 10(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>281</sup> Article 12(1) Ordinance on the Forms and Data Collections in the Procedure for International and Temporary Protection.

<sup>282</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>283</sup> Article 65(3) LITP.

<sup>284</sup> Article 92(1) Law on Foreigners.

of Croatia on multiple occasions up to 10 months in total, or up to 6 months in the case of a one-time absence.<sup>285</sup>

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 exceeded 18 months.<sup>286</sup>

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.<sup>287</sup>

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

1. Has a valid foreign travel document;<sup>288</sup>
2. Has means of supporting him or herself;
3. Has health insurance;
4. Knows the Croatian language and the Latin script, and who has knowledge of the Croatian culture and the social system; and
5. Does not pose a danger for public order, national security or public health.

### 3. Naturalisation

#### Indicators: Naturalisation

- |   |               |
|---|---------------|
| 1. What is the waiting period for obtaining citizenship?  | 8 years       |
| 2. Number of citizenship grants to beneficiaries in 2016: | Not available |

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

An application for Croatian citizenship on grounds of naturalisation should be submitted at the competent police administration at regional level, or police station at local level. 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.<sup>289</sup>

A foreign citizen who submit application for acquiring Croatian citizenship shall acquire Croatian citizenship by naturalisation if he or she:<sup>290</sup>

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;<sup>291</sup>
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;

<sup>285</sup> Article 92(2) Law on Foreigners.

<sup>286</sup> Article 93(3) Law on Foreigners.

<sup>287</sup> Article 95(1)(3) Law on Foreigners.

<sup>288</sup> Article 93(4) Law on Foreigners.

<sup>289</sup> Article 24(4) Law on Croatian Citizenship.

<sup>290</sup> Article 8(1)(5) Law on Croatian Citizenship.

<sup>291</sup> This condition is deemed met if the 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.

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;<sup>292</sup>
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.<sup>293</sup> 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.

#### 4. 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:<sup>294</sup>

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;
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.<sup>295</sup> 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.<sup>296</sup>

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.<sup>297</sup>

<sup>292</sup> Persons above the age of 60 are not required to fulfil this condition.

<sup>293</sup> Article 77(1)(2) LITP.

<sup>294</sup> Article 49(1) LITP.

<sup>295</sup> Article 49(2) LITP.

<sup>296</sup> Article 49(3) LITP.

<sup>297</sup> Article 72 LITP.

According to the Ministry of Interior, there were no cases of cessation of international protection in 2015 and 2016,<sup>298</sup> however the Ministry continuously examines whether legal requirements for cessation are fulfilled. This provision apply without exception to all categories of foreigners who have been previously granted international protection.

## 5. 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:<sup>299</sup>

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.

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.<sup>300</sup> 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.

<sup>298</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>299</sup> Article 50 LITP.

<sup>300</sup> Information provided by the Ministry of Interior, 2 March 2017.

## 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,<sup>301</sup> as well as by the Law on Foreigners.<sup>302</sup> 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;
- 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.<sup>303</sup>

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.<sup>304</sup>

<sup>301</sup> Article 66 LITP.

<sup>302</sup> Articles 47-61 Law on Foreigners.

<sup>303</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>304</sup> Article 66(5) LITP.



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.<sup>305</sup>

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.<sup>306</sup>

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.<sup>307</sup>

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.<sup>308</sup>

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.<sup>309</sup> The Ministry keeps records only in relation to successful applications, so no data are available on the total number of submitted applications for temporary residence permit for the purpose of family reunification.

## 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 shall exercise the same rights as the beneficiary of international protection.<sup>310</sup>

### 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.<sup>311</sup> However some rights from the social welfare system can vary depending on local self-administration and regional self-administration.

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<sup>305</sup> Article 66(6) LITP.

<sup>306</sup> Article 54(1) Law on Foreigners.

<sup>307</sup> Article 58 Law on Foreigners.

<sup>308</sup> Article 52(1)-(2) Law on Foreigners.

<sup>309</sup> Information provided by the Ministry of Interior, 2 March 2017.

<sup>310</sup> Article 66(4) LITP.

<sup>311</sup> Article 73 LITP.

## 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,<sup>312</sup> while foreigners under subsidiary protection are issued special passport for foreigners, valid for 2 years.<sup>313</sup>

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,<sup>314</sup> 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.

## 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 2016 | Not available |

Beneficiaries of international protection are allowed to stay in the Reception Centre for Asylum Seekers until appropriate accommodation (a flat) is found for them. According to Article 2 of the Ordinance on the manner and conditions for 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,<sup>315</sup> if beneficiary of international protection does not apply for accommodation within 3 days from registration of residence without justified reason, he or she would lose the right to accommodation in the Reception Centre for Asylum Seekers.

If, while accommodated in the Reception Centre for Asylum Seekers, a beneficiary of international protection is absent from the Reception Centre for more than 8 days without previously informing the Ministry of Interior, he or she would also lose the right to accommodation in the Reception Centre.

According to the LITP, asylees and foreigners under subsidiary protection have the right to accommodation in an apartment / flat if they do not have financial resources or possessions of significant value.<sup>316</sup> The right to accommodation shall be exercised on the basis of a request by the asylee or the foreigner under subsidiary protection. The Centre for Social Welfare, according to the place of residence of the asylee or foreigner under subsidiary protection, renders a decision on the request. An appeal is permitted against that decision. The Ministry competent for social welfare shall decide on the appeal.

The Ministry competent for social welfare affairs is obliged to provide asylees and foreigners under subsidiary protection with accommodation for no longer than 2 years from the day of the delivery of the decision approving international protection. Asylees or foreigners under subsidiary protection who refuse the accommodation provided shall lose the right to accommodation.

<sup>312</sup> Article 75(6) LITP.

<sup>313</sup> Article 75(8) LITP; Article 6(3) Law on Foreigners.

<sup>314</sup> Article 51a Ordinance on the Status and Work of Foreigners.

<sup>315</sup> Official Gazette 3/2016, available in Croatian at: <http://bit.ly/2IYKJyO>.

<sup>316</sup> Article 67 LITP.

After the end of the 2-year period, the asylee or foreigner under subsidiary protection has the right to accommodation pursuant to the regulations governing the domain of social welfare of Croatian citizens. The funds for the costs of accommodation shall be provided from the State Budget of the Republic of Croatia, under the item for the Ministry competent for social welfare.

If the Centre for Social Welfare establishes that the asylee or foreigner under subsidiary protection has income, possesses property or is supported by another person, an order shall be issued by the decision on recognition of the right to accommodation that the asylee or foreigner under subsidiary protection shall participate in the costs of the accommodation, by payment of money into the giro account of the Centre for Social Welfare in whose territory he or she is accommodated.

It is expected that within this 2-year period, beneficiaries would learn the language and find a job to support themselves. However, after the right to accommodation for 2 years at the expense of the state budget expires, they very often do not have any possibility of finding and paying for accommodation independently. Single adults in this situation find a place in accommodation for the homeless, provided there are vacancies there. The livelihood of families with children, after the right to accommodation has expired, is generally threatened.<sup>317</sup>

## 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.<sup>318</sup> 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 is still no official language course provide by the competent authorities during the integration period, 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.

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.<sup>319</sup>

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;

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<sup>317</sup> Croatian Law Centre, *The Croatian asylum system in 2015*, available at: <http://bit.ly/2l2j82d>.

<sup>318</sup> Article 68(1) LITP.

<sup>319</sup> Information provided by the Croatian Red Cross, 13 February 2017.

- ❖ 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 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.

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. According to information and figures of CES,<sup>320</sup> a total 75 unemployed persons with granted international protection were registered in their records in 2016. Out of whose, 48 were men and 27 women. The largest number was reported in Zagreb (67), followed by Kutina (6), then Sisak (1) and Split (1). According to the figures of the CES, 22 persons were involved in individual counselling activities and 1 person was employed in public work.

## 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.<sup>321</sup>

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.

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.

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<sup>320</sup> Information provided by the Croatian Employment Service, 6 February 2017.

<sup>321</sup> Article 70 LITP.

During 2016, no official language course has been provided.<sup>322</sup> Beneficiaries who started and finished the beginners' course of Croatian language with a duration of 70 hours during 2015 are still waiting for the continuation of the course for an additional 70 hours, but after a long break it would be problematic for them to continue the course, if and when the course would be available.

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.<sup>323</sup>

Problems exist in the enrolment of asylees and foreigners under subsidiary protection in institutions of higher education,<sup>324</sup> 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. 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.<sup>325</sup> 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,<sup>326</sup> in the same scope as health insured persons under mandatory health insurance.<sup>327</sup>

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.

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 also confirmed by the Ministry of Interior.

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<sup>322</sup> Information provided by the Croatian Red Cross, 13 February 2017.

<sup>323</sup> Ombudswoman, *Annual Report 2015*, available at: <http://bit.ly/2lrBQkE>.

<sup>324</sup> Croatian Law Centre, *The Croatian asylum system in 2015*, available at: <http://bit.ly/2l2j82d>.

<sup>325</sup> Article 69(1)-(2) LITP.

<sup>326</sup> Article 17 Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

<sup>327</sup> Article 21(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

## 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
<b>Directive 2011/95/EU</b> Recast Qualification Directive	21 December 2013	22 November 2013	Amendment to the Law on Asylum Official Gazette 79/07, 88/10, 143/13	<a href="http://bit.ly/1MRraQ5">http://bit.ly/1MRraQ5</a> (HR) <a href="http://bit.ly/1J7yrxu">http://bit.ly/1J7yrxu</a> (HR) <a href="http://bit.ly/1logkxD">http://bit.ly/1logkxD</a> (HR)
<b>Directive 2013/32/EU</b> 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	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR)
<b>Directive 2013/33/EU</b> Recast Reception Conditions Directive	20 July 2015	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR)
<b>Regulation (EU) No 604/2013</b> Dublin III Regulation	Directly applicable 20 July 2013	2 July 2015	Law on International and Temporary Protection Official Gazette 70/15	<a href="http://bit.ly/1hlaq3Q">http://bit.ly/1hlaq3Q</a> (HR)