

ACT ON AMENDMENTS TO THE ASYLUM ACT¹

Title I

GENERAL PROVISIONS

Article 1

This Act stipulates the principles, conditions and the procedure for granting asylum, subsidiary protection, temporary protection, the status, rights and obligations of asylum seekers, asylees, foreigners under subsidiary protection, foreigners under temporary protection, as well as the conditions and the procedure for revocation and cessation of the asylee status, subsidiary and temporary protection.

By this Act the following Directives of the European Union shall be transferred into the legal order of the Republic of Croatia:

- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (SL L 212, 7.8.2001.);
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (SL L 31, 6.2.2003.);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (SL L 251, 3.10.2003.);
- Council Directive 2005/85/EC of 01 December 2005 on minimum standards on procedure in Member States for granting and withdrawing refugee status (SL L 326, 13.12.2005.);
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (SL L 337, 20.12.2011.).

Implementation of the following European Union Regulations has been regulated by this Act:

- Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (SL L 316, 15.12.2000.) (hereinafter referred to as: Regulation (EC) No. 2725/2000);
- Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (SL L 50, 25.02.2003.) (hereinafter referred to as: Regulation (EC) No 343/2003);

¹ Official Gazette, NN [79/07](#), [88/10](#), [143/13](#), consolidated version.

- Commission Regulation (EC) No. 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (SL L 222, 5.9.2003.);
- Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (SL L 180, 29.6.2013.).

Meaning of terms used in this Act

Article 2

Particular terms used in this Act shall have the following meanings:

Foreigner means a third country national who is not a Croatian national and a stateless person.

Refugee means a foreigner who is outside the country of his/her nationality, and owing to a well-founded fear of being persecuted for reasons of his/her race, religion, nationality, membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country, or a stateless person who is outside his/her country of habitual residence, and who is unable or, owing to a well-founded fear, is unwilling to return to that country.

Asylum seeker means a foreigner who has applied for asylum, regarding which an enforceable decision has not yet been made.

Asylee means a refugee who fulfils conditions laid down in Article 4 of this Act.

Foreigner under subsidiary protection means a third country national or a stateless person who was granted protection under Article 7 of this Act.

Foreigner under temporary protection means a third country national or a stateless person who was granted protection under Article 83 of this Act.

Asylum means protection by which the constitutional provision on giving refuge to a refugee in the Republic of Croatia, on the basis of the competent authority decision on fulfillment of conditions laid down in Article 4 of this Act, has been realized.

Subsidiary protection means protection granted to a foreigner pursuant to the provision laid down in Article 7 of this Act and who does not fulfill conditions for asylum.

Temporary protection means protection granted to a foreigner pursuant to the provision laid down in Article 83 of this Act.

Intention to lodge an asylum application means will of a foreigner, expressed orally or in a written form, before bodies and institutions of the Republic of Croatia competent for receiving asylum applications.

Application for asylum means the application by which a foreigner seeks protection within the meaning of Article 4 and Article 7 of this Act.

Dublin procedure means a procedure by which the Regulation (EC) 343/2003 is being implemented.

Unaccompanied minor means a foreigner below the age of eighteen who arrives to the Republic of Croatia unaccompanied by an adult responsible for him/her whether by law or by custom, and for as long as he/she is not effectively taken into the care of such a person, including a minor who is left unaccompanied after he/she has entered the Republic of Croatia.

Family member, provided that the family already existed in the country of origin of the asylum seeker, asylee, foreigner under subsidiary protection and foreigner under temporary protection, is deemed to be:

- a spouse or common law partner, as defined by the valid regulations of the Republic of Croatia, as well as persons living in durable relations which may be proved by having common residence at the same address for at least three years and where intention of continuous common relation is evident,
- a minor child of a married couple or common law parents, their minor adopted child or minor child of each of them and who has not formed a family of his own,
- a parent or a legal representative of a minor asylum seeker, asylee, foreigner under subsidiary protection and foreigner under temporary protection;
- a relative in a direct line, if it has been established that he/she had lived in the same household with the asylum seeker, asylee, foreigner under subsidiary protection or foreigner under temporary protection,

Vulnerable groups means adults without legal competence, minors, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking in persons, as well as victims of torture, rape or other forms of psychological, physical and sexual violence.

Domicile means the place and address in the Republic of Croatia where the person has settled down in order to acquire rights and obligations related to his/her life interests, such as family, professional, economic, social, cultural and other interests.

Residence means a place and address in the Republic of Croatia where the person resides temporary, and has not settled there permanently.

Reception centre for asylum seekers (hereinafter referred to as: the Reception Centre) means a facility which is used for collective accommodation of asylum seekers.

Travel document for an asylee is a travel document for refugees, as prescribed by the Convention related to the Status of Refugees of 1951 (hereinafter referred to as: the 1951 Convention).

Country of origin means the country of a foreigner's nationality or the country in which a stateless person had his/her former habitual residence. If a foreigner has more than one nationality, the country of origin shall be each of the countries whose national he/she is.

Race shall in particular include the color of skin, origin, or membership of a particular ethnic group.

Religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from formal private or public worship, either alone or in a community with other persons, other religious acts or expressions of views, or forms of personal or communal conduct based on any religious belief or emerged from such beliefs.

Nationality shall in particular include affiliation to a particular group which has been determined according to its cultural, ethnical or linguistic identity, common geographical or political origin or its relationship with the population of another state, and it may also include citizenship.

Political opinion shall in particular include the holding of an opinion, thought or belief on a matter related to the potential agents of persecution referred to in Article 10 of this Act and to their policies or methods, whether or not an asylum seeker has been acted upon that opinion, thought or belief.

Particular social group in particular includes members sharing innate characteristics or a common background that can not be changed, or characteristics or beliefs that are so fundamental to identity or conscience that a person should not be forced to renounce it. Such group should have a distinct identity in the relevant country, as being perceived different by the surrounding society. Depending on circumstances in the country of origin, a particular social group may also mean a group based on common characteristics of sexual orientation. Sexual orientation cannot be understood to include acts that are considered to be criminal acts pursuant to the legislation of the Republic of Croatia. Characteristics related to sex, **including gender identity, must be taken into consideration when affiliation of particular social group and characteristics of such a group are to be determined**, but they shall not by themselves alone create a presumption of **existence** of reasons of persecution pursuant to Article 4 of this Act.

Serious harm means threat by death penalty or execution, torture, inhuman or degrading treatment or punishment, and a serious and individual threat to life **to civilians**, by reason of arbitrary violence in situations of international or internal armed conflict.

Safe country of origin means the country where a foreigner resided prior to his/her arrival to the Republic of Croatia as a national of that country, a stateless person with his/her last habitual residence in that country, provided that, based on the legal situation, the application of the law within the democratic system, and general political circumstances, it follows that there is generally and consistently no persecution as defined in Article 5 of this Act and that there is no suffering from serious harm within meaning of **Subparagraph 26 of this Paragraph**.

Safe third country means the country where a foreigner resided prior to his/her arrival to the Republic of Croatia, provided that he/she is safe from persecution there, under the reasons stated in Article 4 of this Act, and from suffering a serious harm, including respect of the principle stated in Article 3 of this Act and that he/she has possibility to be granted asylum in that country.

In making the assessment whether a country is considered a safe third country, apart from conditions referred to in Paragraph 2, Points 1 to 4 of this Article, the existence of an effective asylum system in that country shall also be taken into account.

The Government of the Republic of Croatia shall determine the list of safe countries of origin and safe third countries, and shall publish them in the "Official Gazette".

The Government of the Republic of Croatia shall review the aforementioned lists, when the conditions which determine a country as a safe country of origin or a safe third country have changed.

Prohibition of expulsion or return ("refoulement")

Article 3

It is not allowed to expel or return a foreigner in any manner whatsoever into a country where his/her life or freedom would be threatened on account of his/her race, religion or nationality, membership of a particular social group or political opinion, or to a country where he/she could be exposed to torture, inhuman or degrading treatment or punishment.

A foreigner who was granted asylum or subsidiary protection can be expelled or returned to the other country if he/she poses a threat to national security or was, by a legally valid judgement, convicted for serious crime, if he/she poses a threat to public order and by which the principle from Paragraph 1 of this Article shall not be infringed.

Asylum

Article 4

The Republic of Croatia shall grant asylum to a foreigner who is outside the country of his/her nationality, or to a stateless person who is outside the country of his/her habitual residence, and who, owing to a well-founded fear of being persecuted for reasons of his/her race, religion, nationality or membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country.

Acts of persecution

Article 5

Acts of persecution, within meaning of article 4 of this Act, must be:

1. sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the rights which can not be limited under Article 15, Paragraph 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
2. accumulation of various measures, including violations of human rights, which are sufficiently severe to, in the whole, affect an individual in the manner as set out in Point 1 of this Paragraph.

The acts of persecution referred to in Paragraph 1 of this Article may, *inter alia*, take the form of:

1. physical or mental violence, including sexual violence;
2. legal, administrative, police and/or judicial measures which are in themselves discriminatory, or which are implemented in a discriminatory manner;
3. judicial prosecution or punishment which is disproportionate or discriminatory;
4. denial of judicial redress;
5. judicial prosecution or punishment for refusal to perform military service during a conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in Articles 6 and 8 of this Act;
6. acts of a gender-specific or child-specific nature.

There must be a connection between acts of persecution and reasons for persecution, as well as lack of protection against such acts.

When assessing if an asylum seeker has a well-founded fear of being persecuted, it is immaterial whether he/she actually possesses the racial, religious, national, social or political characteristics which cause the persecution, if such characteristics are attributed to the asylum seeker by the agent of persecution.

Reasons for exclusion

Article 6

Asylum shall not be granted to a foreigner if there are serious reasons for considering that he/she has committed, encouraged or in any other way participated in committing:

1. a crime against peace, a war crime or a crime against humanity as defined by provisions of the international instruments,
2. a serious non-political crime outside the Republic of Croatia, before his/her arrival to the Republic of Croatia, also including particularly cruel acts, even if committed with an allegedly political objective,
3. acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

Asylum shall not be granted to a foreigner at present receiving protection or assistance from organs or agencies of the United Nations, other than the UNHCR.

If the protection or assistance referred to in Paragraph 2 of this Article has ceased for any reason over which he/she had no control, a foreigner shall be granted asylum.

Asylum shall not be granted to a foreigner whom the competent bodies of the Republic of Croatia have granted equal rights and obligations as a national of the Republic of Croatia.

For the purpose of protection of the national security, in cases where a reasonable suspicion exists and which indicates that the acts referred to in Paragraph 1 of this Article

have been committed, the competent security-intelligence service shall interview the asylum seeker and deliver its opinion to the Ministry.

Subsidiary protection

Article 7

Subsidiary protection shall be granted to a foreigner who does not fulfill conditions for being granted asylum, but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his/her country of origin, would face a real risk of suffering serious harm and who is unable, or, owing to such risk, is unwilling to avail himself/herself of the protection of that country.

Reasons for exclusion from subsidiary protection

Article 8

Subsidiary protection shall not be granted to a foreigner if:

1. there are serious reasons for considering that he/she has committed, encouraged or in any other way participated in committing:
 - a crime against peace, a war crime or a crime against humanity as defined by provisions of the international instruments,
 - a serious crime,
 - acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations,
2. he/she represents a danger to **legal order and national security** of the Republic of Croatia.

A serious crime from Paragraph 1, Point 1, and Subparagraph 2 of this Article means a crime which is, pursuant to legislation of the Republic of Croatia, punishable by imprisonment of five years or more.

Subsidiary protection shall not be granted to a foreigner who has committed a crime prior to his/her entry into the Republic of Croatia, for which crime an imprisonment is prescribed in the Republic of Croatia, and who left his/her country of origin with the sole aim of avoiding sanctions prescribed in that country.

For the purpose of protection of the national security, in cases where a reasonable suspicion exists, and which indicates that the **acts** referred to in Paragraph 1 of this Article have been committed, the competent security-intelligence agency shall interview the asylum seeker and shall deliver its opinion to the Ministry.

Principle „sur place“

Article 9

A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on:

- events which have taken place after an asylum seeker had left the country of origin,
- activities of an asylum seeker which have taken place after he had left the country of origin, in particular where it is established that such activities constitute expression and continuation of beliefs or orientation he/she has held in the country of origin.

Agents of persecution or serious harm

Article 10

Persecution, within the meaning of Article 4 of this Act, or serious harm may be performed by:

- State bodies,
- parties or organizations which control the State or a substantial part of the State territory,
- non-State actors, if it has been proved that the State or parties or organizations which control a substantial part of the State territory, including the international organizations, are not able or are unwilling to provide protection from persecution or serious harm.

Actors of protection in the country of origin

Article 11

Protection from persecution within the meaning of Article 4 of this Act and from suffering serious harm may in the country of origin, provided that they are prepared and capable, be granted by:

- State bodies,
- parties and national or international organizations which control the State or a substantial part of the State territory.

Provision of the protection referred to in Paragraph 1 of this Article shall imply undertaking appropriate measures aiming at preventing persecution or suffering serious harm, *inter alia*, by implementing an effective legal system for detection, prosecution and punishment of acts constituting persecution or serious harm, and enabling an asylum seeker to have access to such protection.

Provision of the protection referred to in Paragraph 2 of this Article must be efficient and durable.

Bodies competent to decide on asylum applications

Article 12

The Ministry of Interior (hereinafter referred to as: the Ministry) shall decide on an application for asylum.

An administrative dispute against the decision of the Ministry may be initiated in front of the Administrative Court.

Articles 13 - 19

Ceased to have effect on 31 March 2012

Lodging an application for asylum

Article 20

An application for asylum shall be lodged at the Reception Centre, except in the case referred to in Article 20 a and Article 67 of this Act.

An intention to lodge an application for asylum may be expressed by a foreigner during border control at a border crossing.

If a foreigner already stays at the territory of the Republic of Croatia he/she may express intention to lodge an application for asylum at a police administration or a police station.

Provisions of the Foreigners Act shall be applied to a foreigner who, after having expressed his/her intention to lodge an application for asylum, does not report to the Reception Centre, without any justified reason and within the deadline determined by the competent body or who leaves the Reception Centre without informing the Ministry accordingly or obtaining consent of the Ministry to leave the Reception Centre.

A foreigner against whom a European warrant of arrest was issued or international search was launched or a foreigner serving a prison sentence shall express his/her intention to lodge an asylum application in front of the court conducting the procedure or in the accommodation institution.

Court or an institution where a foreigner is being accommodated shall be obliged to, within the shortest possible time, inform the Ministry on a foreigner's expressed intention to lodge an asylum application referred to in Paragraph 5 of this Article.

The Ministry shall inform the competent judicial body on a lodged asylum application of a foreigner referred to in Paragraph 5 of this Article, within 3 days from lodging of an application.

Article 20. a

Asylum procedure of an asylum seeker against whom a European warrant of arrest was issued and a decision on extradition/return was passed, shall not prevent extradition/return to other Member State or to the International Criminal Court

Asylum procedure of an asylum seeker against whom an international search was launched and a decision on extradition was passed, shall not prevent extradition/return to a third country, provided that a decision on extradition does not violate prohibition of expulsion or return. („refoulement“).

Extradition/return procedure of an asylum seeker for whom international search was launched and a decision on extradition/return to a country of origin was passed, shall be suspended until a decision on asylum become legally valid.

Illegal entry into Republic of Croatia

Article 21

A foreigner who has illegally entered the Republic of Croatia, coming directly from the territory where he/she was persecuted in the sense of Articles 4 and 7 of this Act, shall not be punished for his/her illegal entry or stay if he/she lodges an application for asylum without delay and shows a good cause for his/her illegal entry or stay.

Assistance to an asylum seeker

Article 22

A foreigner who expresses his intention to lodge an application for asylum shall be enabled to lodge it as soon as possible.

The Ministry shall, within 15 days from the day of lodging of an application, inform an asylum seeker about the procedure for granting asylum, about rights and obligations he/she shall be entitled to in the procedure, about possibility to get free legal aid and to get into contact with UNHCR representatives and representatives of other organizations dealing with the protection of refugees' rights, in his/her own language or the language for which it can be reasonably supposed that he/she would be able to communicate on.

Cooperation with the UNHCR Office

Article 23

With respect to issues related to asylum seekers, asylees, foreigners under subsidiary protection and foreigners under temporary protection, the competent state bodies cooperate with the UNHCR Office.

The Ministry shall, at the request of the UNHCR Office, provide UNHCR with data concerning:

1. asylum seekers, asylees, foreigners under subsidiary protection and foreigners under temporary protection in the Republic of Croatia,
2. implementation of the 1951 Convention and other international documents relating to refugees,
3. laws and other regulations related to refugees, which are being implemented or are under drafting process.

The Ministry shall, subject to submitted consent of the asylum seeker, enable the UNHCR to access information on individual asylum applications, the course of the asylum procedure and the decisions made in that procedure.

Language used in the procedure

Article 24

If an asylum seeker does not understand the language in which the procedure is conducted, he/she shall be provided an interpreter for the language he/she is reasonably supposed to understand and be able to communicate on.

The asylum seeker shall be provided with an interpreter of his/her sex at his/her request or in cases where there is a specific reason, if possible.

The interpreter shall be obliged to keep the information revealed during the asylum procedure as classified, pursuant to regulations related to data protection.

Minors

Article 25

An application for asylum on behalf of a minor shall be lodged by the legal representative.

As an exception from the provision of Paragraph 1 of this Article, a minor over 16 years of age may lodge his/her own application for asylum.

The implementation of the provisions of this Act shall be conducted in the best interest of a minor.

Unaccompanied minors

Article 26

The competent body for social welfare shall appoint a guardian to an unaccompanied minor seeking asylum and unaccompanied minor who has been granted protection pursuant to the provisions of this Act.

As an exception from the provision of Paragraph 1 of this Article, a guardian shall not be appointed to an unaccompanied minor who is over 16 years of age and is married.

The Ministry shall take necessary steps in order to find the parents of a minor. An application for asylum of an unaccompanied minor shall be decided upon within the shortest term possible.

Inability to independently participate in a procedure

Article 27

The competent body for social welfare shall, following the proposal of a competent authority conducting the procedure and on basis of a medical documentation, appoint a guardian to a foreigner who expresses intention to lodge an asylum application or an asylum seeker who is not capable of understanding the meaning of procedure, due to temporary or permanent mental disorder or illness.

Collecting personal data

Article 28

The Ministry and the Administrative Court may, for the needs of implementation of this Act, collect personal data from asylum seekers.

The Ministry and the Administrative Court may also, without consent of the asylum seeker, collect data referred to in Paragraph 1 of this Article from public authorities, legal entities and natural persons in the Republic of Croatia, if it is:

- in the interest of the asylum seeker,
- allowed by laws or other regulations, or
- necessary for verification of the data on the asylum seeker.

The bodies and persons referred to in Paragraph 2 of this Article, that dispose of the data related to the asylum seeker, shall be obliged to provide the Ministry and the Administrative Court with such data, at their request.

Competent authority shall not collect any information on the asylum seeker from his/her country of origin, if collection of such data could jeopardize physical integrity of the asylum seeker and of his/her family members who have applied for asylum together with the asylum seeker, or which could jeopardize liberty and safety of the asylum seeker's family members still living in the country of origin.

Personal and other data collected during the asylum procedure, in particular the fact that application for asylum has been lodged, shall represent a classified data and shall not be delivered to the country of origin of the asylum seeker or to other bodies not participating in the procedure.

As an exception from Paragraph 5 of this Article, the following data on the foreigner whose asylum application has been negatively completed, may be revealed to the country of origin or another country accepting to admit him/her: first and last name, date of birth, sex, nationality, data about family members, data about documents issued by the country of origin and the last address in that country; along with his/her fingerprints and photographs.

Collecting and using the data referred to in this Article shall be carried out in accordance with regulations regulating the protection of personal data.

Data on the asylum seeker can be exchanged with Member States of the European Economic Area, for the purpose of implementing the Council Regulation (EC) No 343/2003 and Council Regulation (EC) No 2725/2000.

Title II

RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS, ASYLEES AND FOREIGNERS UNDER SUBSIDIARY PROTECTION

RIGHTS AND OBLIGATIONS OF AN ASYLUM SEEKER

Article 29

An asylum seeker shall be entitled to:

- residence and freedom of movement in the Republic of Croatia,

- provision of adequate material living and accommodation conditions,
- health care,
- primary and secondary education,
- free legal aid,
- humanitarian assistance,
- freedom of religion and religious upbringing of his/her children,
- work.

Adequate material living and accommodation conditions shall include accommodation pursuant to Article 38 of this Act, food and clothing provided in kind and financial support pursuant to Article 33 of this Act.

An asylum seeker shall also be entitled to information on rights, obligations and the asylum procedure pursuant to Article 22 of this Act and to documents, pursuant to Article 76 of this Act.

The specific needs of vulnerable groups of asylum seekers, if established by an individual evaluation, shall be taken into account when rights enlisted in Paragraph 1 of this Article are exercised.

A foreigner, who was issued an enforceable decision within the Council Regulation (EC) No 343/2003, shall be entitled to rights from this Article until transfer to responsible Member State of the European Economic Area takes place.

Asylum seeker's right to residence and freedom of movement

Article 30

An asylum seeker has the right to residence in the Republic of Croatia from the day of lodging of the application for asylum until the enforceability of the decision by which his/her application is being resolved.

Family members of an asylum seeker, who have arrived to the Republic of Croatia together with an asylum seeker, have the right to residence in accordance with Paragraph 1 of this Article.

An asylum seeker has a freedom of movement in the Republic of Croatia, except when his/her movement is restricted due to reasons listed in Article 74, Paragraph 1 of this Act.

Health Care

Article 31

Health care of an asylum seeker shall include emergency care.

An asylum seeker who was exposed to torture, rape or other forms of serious violence and an asylum seeker with special needs shall be provided with a necessary

treatment in connection with his/her specific condition and the consequences resulting from the mentioned acts.

An asylum seeker shall be provided with health care referred to in Paragraphs 1 and 2 of this Article in accordance with regulations on health care of foreigners in the Republic of Croatia.

Costs of health care referred to in Paragraph 1 of this Article shall be covered by the State Budget, from the Ministry competent for health issues line.

Education of a minor asylum seeker

Article 32

A minor asylum seeker shall be entitled to primary and secondary education under the same conditions as a Croatian national.

The right from Paragraph 1 of this Article shall be made available to an asylum seeker within three months from the day of lodging of the application for asylum or within one year if it is established, by an individual evaluation of a professional school team, that an asylum seeker does not speak Croatian language sufficiently, to be able to attend classes.

Educational programmes for asylum seekers may also be organized at the Reception Centre.

Financial support

Article 33

An asylum seeker shall be entitled to financial support, except when he/she is employed and his/her income is sufficient to ensure an adequate standard of living, or when he/she possesses financial means or such financial means are provided to him/her in some other way.

The amount of the financial support shall be determined by the competent body for social welfare.

Free legal aid to asylum seekers

Article 34

Free legal aid shall include:

- assistance in preparation of a complaint, and
- representation before the Administrative Court

The aid referred to in Paragraph 1 of this Article may be provided by Attorneys at Law and lawyers from associations registered for providing legal aid with the Ministry competent for justice.

An asylum seeker who does not possess sufficient financial means or valuable properties shall be entitled to free legal aid.

If an asylum seeker possesses sufficient financial means or valuable properties, the Administrative Court shall, by its Ruling, determine that the costs of legal aid are to be borne by an asylum seeker.

The legal aid referred to in Paragraph 1 of this Article shall be provided upon the request of an asylum seeker. The cost of free legal aid which is provided pursuant to the provisions of this Act shall be borne by the Ministry.

The Minister competent for internal affairs shall regulate the procedure of acquiring free legal aid and payment of free legal aid costs, and the tariffs of the provided services of legal aid stipulated by the provisions of this Act.

Humanitarian aid

Article 35

An asylum seeker shall be entitled to various forms of humanitarian assistance.

Work of an asylum seeker

Article 36

An asylum seeker shall acquire the right to work after expiration of one year from the day of his/her lodging of the application for asylum, if the asylum procedure has not been completed.

An asylum seeker referred to in Paragraph 1 of this Article shall be entitled to work in the Republic of Croatia without a residence and work permit, or a work registration certificate until enforceability of the decision by which the asylum application is being resolved.

Obligations of an asylum seeker

Article 37

An asylum seeker and a foreigner, whom an enforceable decision in the sense of Resolution (EC) 343/2003, has been passed, shall be obliged to:

- observe the Constitution, laws and other regulations of the Republic of Croatia,
- observe the Reception Centre House Rules,
- cooperate with competent state bodies of the Republic of Croatia and comply with their measures and instructions,
- answer the calls of the Ministry and cooperate throughout the asylum procedure,
- report to the Ministry any change of his/her residence within three days of such a change,
- comply with instructions and measures of the Ministry regarding any restriction of the freedom of movement,

- undergo medical check-up, audio-recording of interviews, fingerprinting, photographing, and other identity verification measures,
- stay at the territory of the Republic of Croatia for the duration of the asylum procedure,
- give for a check objects and items that he/she takes into the Reception Centre.

For the purpose of establishing identity and implementing Regulation (EC) No 343/2003 and Regulation (EC) 2725/2000, a foreigner who has expressed intention to lodge an asylum application, shall be obliged to undergo fingerprinting and photographing. In the case of a foreigner's refusal of fingerprinting and photographing, provisions of the Foreigner Act shall be applied.

In the case where fingerprinting is temporary impossible due to medical or some other reasons, fingerprints of an asylum seeker shall be taken subsequently, when such reasons cease to exist.

Accommodation of an asylum seeker

Article 38

An asylum seeker shall be entitled to accommodation at the Reception Centre during of the asylum procedure.

An asylum seeker is allowed to stay at his/her own cost at any address in the Republic of Croatia, subject to prior approval by the Ministry.

An asylum seeker who is in possession of financial means to support him/her, or is employed and who does not cover accommodation costs at the Reception Centre, shall lose the accommodation right referred to in Paragraph 1 of this Article.

The rate of accommodation costs at the Reception Centre shall be determined by a decision of the Minister competent for internal affairs.

Reception Centre for Asylum Seekers

Article 39

The Reception Centre is established by the Regulation on the Internal Organization of the Ministry.

The Croatian Red Cross, UNHCR and other organizations dealing with the protection of refugees' rights or with humanitarian work, may conduct pedagogical, educational and similar programmes and provide other types of assistance at the Reception Centre, subject to prior approval by the Ministry.

Asylum seekers accommodated at the Reception Centre shall be provided with food and basic hygiene supplies.

The rules for staying at the Reception Centre shall be regulated by the House Rules.

The House Rules of the Reception Centre shall be passed by the Minister competent for internal affairs.

RIGHTS AND OBLIGATIONS OF AN ASYLEE AND A FOREIGNER UNDER SUBSIDIARY PROTECTION

Article 40

The status of an asylee or a foreigner under subsidiary protection shall be acquired on the date when the decision on granting asylum or subsidiary protection is delivered.

An asylee and a foreigner under subsidiary protection shall be entitled to:

- residence in the Republic of Croatia,
- accommodation,
- work,
- health care,
- education,
- freedom of religion and religious upbringing of his/her children,
- free legal aid,
- social welfare,
- family reunification,
- family unity,
- assistance with his/her integration into society.

The Ministry shall provide general information on the rights and obligations arising from granting of asylum and subsidiary protection to an asylee or a foreigner under subsidiary protection, within 15 days from granting the status, in the language for which it can be reasonably supposed that he/she would be able to communicate on.

Right to residence

Article 41

Right to residence in the Republic of Croatia shall be established by a decision on granting asylum, or on granting subsidiary protection and shall be proved by a residence permit of an asylee or a foreigner under subsidiary protection.

If an asylee or a foreigner under subsidiary protection moves out of the Republic of Croatia or stays abroad for a period longer than a year without interruption, provided that he/she did not inform the Ministry accordingly, decision referred to in Paragraph 1 of this Article shall be cancelled, in the part referring to right to residence in the Republic of Croatia in accordance with provisions of the Administrative Procedure Act.

Right to accommodation

Article 42

An asylee and a foreigner under subsidiary protection shall be provided accommodation for the longest period of two years from the enforcement of the decision by which asylum or subsidiary protection has been granted.

An asylee or a foreigner under subsidiary protection shall no longer have the right to accommodation if he/she refuses the accommodation referred to in Paragraph 1 of this Article.

After expiration of period from Paragraph 1 of this Article, an asylee and a foreigner under subsidiary protection shall have access to accommodation under equal conditions as any other foreigner who has been authorized to stay in the Republic of Croatia, in accordance with regulations stipulating stay of foreigners in the Republic of Croatia.

Costs of accommodation referred to in Paragraph 1 of this Article shall be covered by the State Budget, from the Ministry competent for health issues line.

Right to work

Article 43

An asylee and a foreigner under subsidiary protection shall have the right to work in the Republic of Croatia **without a residence and work permit, or a work registration certificate.**

An asylee and a foreigner under subsidiary protection shall be entitled to right to education opportunities for adults related to employment, vocational training and acquiring of working experience, under equal conditions as a Croatian national.

Right to health care

Article 44

An asylees and a foreigner under subsidiary protection shall be entitled to health care to the same extent as a person insured under mandatory health insurance in the Republic of Croatia.

Costs of health care for the persons referred to in Paragraph 1 of this Article shall be covered by the State Budget, from the Ministry competent for health care line.

Right to education

Article 45

An asylee and a foreigner under subsidiary protection shall be entitled to a primary, secondary and university education, under the same conditions as a Croatian national, in accordance with special regulations.

An asylee and a foreigner under subsidiary protection shall be entitled to adult education under the same conditions as a Croatian national, pursuant to legislation governing adult education.

An asylee and a foreigner under subsidiary protection shall be entitled to recognition of foreign educational qualifications under the same conditions as a Croatian national.

Evaluation of previously achieved competencies shall be made for an asylee and a foreigner under subsidiary protection who, for justified reasons are not able to submit necessary documentation proving their foreign qualifications („prior learning“). Evaluation of previously achieved competencies of an asylee and a foreigner under subsidiary protection shall be made by the competent bodies, pursuant to the Act on Regulated Professions and Recognition of Foreign Professional Qualifications.

A decision on denial of an application for recognition of foreign qualifications can not be based exclusively on the fact that official documents proving certain international qualification do not exist.

Right to freedom of religion

Article 46

An asylee and a foreigner under subsidiary protection shall be guaranteed freedom of living and of upbringing their children in accordance with their religious beliefs.

Free legal aid

Article 47

Free legal aid for an asylee and a foreigner under subsidiary protection shall include:

- assistance in preparation of a complaint, and
- representation before the Administrative Court in the case that the asylum or subsidiary protection has ceased or has been revoked.

An asylee or a foreigner under subsidiary protection who does not possess sufficient financial means or valuable properties, shall be entitled to free legal aid referred to in Paragraph 1 of this Article.

The aid referred to in Paragraph 1 of this Article may be provided by Attorneys at Law and lawyers from associations registered for providing legal aid with the Ministry competent for justice.

Right to family reunification

Article 48

Minor children of an asylee who do not have families of their own shall have the legal position of their legal representative who has been granted asylum.

Family members of an asylee, other than those referred to in Paragraph 1 of this Article, shall have their residence regulated pursuant to the provisions of the Foreigners Act.

The right to family reunification of an asylee and his/her spouse shall be granted if the marriage was contracted or the common law marriage existed before applying for asylum in the Republic of Croatia.

Residence for the purpose of family reunification of a foreigner under subsidiary protection shall be granted to a family member who has come to the Republic of Croatia

together with a foreigner under subsidiary protection, and who has not lodged an asylum application or who has not been granted protection.

A child of a foreigner under subsidiary protection, born at the territory of the Republic of Croatia, shall have the legal position of his/her legal representative.

A family member for who the reasons for exclusion pursuant to Articles 6 and 8 of this Act exist, and for the reason of protecting the national security and legal order of the Republic of Croatia, shall not be entitled to family reunification referred to in Paragraphs 1 to 4 of this Article.

The competent body deciding on asylum application shall pass a decision on granting asylum referred to in Paragraph 1 of this Article, or on subsidiary protection referred to in Paragraph 5 of this Article.

In the case of family reunification of an asylee and a foreigner under subsidiary protection, implemented in accordance with provisions of the Asylum Act and the Foreigners Act, and where a person does not have possibility to collect official documents which would prove a particular family relation, circumstances, based on which such relation could be evaluated, shall be taken into consideration. The decision on denial of request for family reunification can not be based exclusively on the fact that official documents proving a particular family relation, do not exist.

Right to social welfare

Article 49

An asylee and a foreigner under subsidiary protection shall be entitled to social welfare in accordance with legal provisions regulating social welfare of the Croatian nationals.

Assistance with integration into society

Article 50

Learning of Croatian language, history and culture, for the purpose of facilitating integration into Croatian society, shall be provided for an asylee and a foreigner under subsidiary protection.

Program of learning of Croatian language, history and culture for asylees and foreigners under subsidiary protection for the purpose of facilitating integration into Croatian society, and modality of and conditions for their implementation shall be passed by the Minister competent for education.

An asylee and a foreigner under subsidiary protection shall be obliged to attend a course of learning Croatian language, history and culture, which he/she has enrolled to.

An asylee and a foreigner under subsidiary protection shall reimburse costs of the course, if not fulfilling obligation from Paragraph 3 of this Article.

Costs of activities referred to in Paragraph 1 of this Article shall be covered by the State Budget, from the Ministry competent for education line.

Family unity and rights of members of the family of an asylee and a foreigner under subsidiary protection

Article 51

Family unity of an asylee and a foreigner under subsidiary protection and their family members legally residing in the Republic of Croatia shall be ensured.

A member of the family of an asylee and a foreigner under subsidiary protection legally residing in the Republic of Croatia shall enjoy the same rights as an asylee and a foreigner under subsidiary protection, in accordance with Articles 41 through 50 of this Act.

Obligations of an asylee and a foreigner under subsidiary protection

Article 52

An asylee and a foreigner under subsidiary protection shall be **obliged to:**

- comply with the Constitution, laws and other regulations of the Republic of Croatia,
- **report his/her domicile or residence within 15 days.**

Title III

ASYLUM PROCEDURE

Initiation of the procedure

Article 53

The asylum procedure shall be initiated by lodging of an application for asylum.

An application for asylum shall be given orally for the record, taking into consideration provisions of Article 54 of this Act.

Interview with an asylum seeker

Article 54

When the application for asylum has been lodged, the Ministry shall, as soon as possible, interview the asylum seeker.

During the interview, an asylum seeker shall be obliged to present all circumstances relevant to his/her application, truthfully answer all questions, and submit all available evidence to support his/her application, i.e. give credible and convincing explanations of all the reasons, which his/her application is based on.

The asylum seeker shall be obliged to be physically present during the interview, regardless whether he/she has a legal representative or an authorized agent.

The Ministry shall conduct the interview with the asylum seeker in the absence of the authorized agent who has not provided justification for his/her absence.

The Ministry may interview the asylum seeker more than once for the purpose of establishing the facts of the case.

The person in charge of conducting the procedure shall, whenever possible, be of the same sex as the asylum seeker.

The information gathered during the interview shall represent classified information.

The minutes shall be taken during the interview, and if the interview was audio-recorded, while listening to the record, the asylum seeker may insert his/her corrections or minor supplements into the audio-record.

An interview may be omitted:

- when a positive decision on an asylum claim may be passed on the basis of the available evidence;
- in cases where interview shall not be feasible due to objective reasons, in particular, when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his/her control;
- when, on basis of complete examination of all information provided by an asylum seeker, it is established that the circumstances from Article 61, Paragraph 1, Points 2, 5 and 8 of this Act exist, for which reason the application shall be considered unfounded.

In case of Paragraph 9, Subparagraph 2, of this Article, an asylum seeker or his/her relatives shall be allowed to lodge further proofs and information.

Assessment of facts and circumstances

Article 55

An asylum seeker shall enclose all available documentation and present all information relating to his/her age, family, identity, nationality, the countries of former residence, previous applications for asylum, traveling directions, identification and travel documents and grounds for seeking protection.

While deciding competently on the application, even in the case when the interview has been omitted, the Ministry shall consider all the relevant facts and circumstances, especially taking into account:

1. the facts as they relate to the country of origin at the time of making decision on the application, including laws and regulations of that country and the manner in which they are applied;
2. the relevant statements and evidence presented by the asylum seeker, including information on whether he/she has been or could be subject to persecution or serious harm;
3. the position and personal circumstances of the asylum seeker, including his/her sex and age, so as to assess whether, on the basis of asylum seeker's personal circumstances, the acts to which the asylum seeker has been or could be exposed would amount to persecution or serious harm;

4. whether asylum seeker's activities since leaving the country of origin have been directed to creating the necessary conditions for lodging the asylum application, so as to assess whether these activities might expose the asylum seeker to persecution or serious harm, if he/she would return to that country;
5. whether the asylum seeker would be able to get an effective protection in another part of his/her country of origin where he/she would not have well-founded fear of being persecuted, or would not be exposed to real risk of suffering serious harm; whether asylum seeker has access to and can safely travel to that part of the country and where he/she can reasonably be expected to stay in there,
6. whether the asylum seeker could receive protection of another country where he/she would be able to prove his/her nationality.

The fact that an asylum seeker has already been subject to persecution or serious harm or to threats of such persecution or such harm shall be a serious indication of asylum seeker's well-founded fear of persecution or suffering serious harm, unless there are justified reasons to believe that such persecution or serious harm will not be repeated.

Accelerated procedure

Article 56

The Ministry may pass a decision in an accelerated procedure, on the basis of facts and circumstances established in the procedure if:

1. a positive decision may be passed on the basis of the available evidence,
2. there are grounds listed in Article 61 of this Act.

An appeal against a decision passed in an accelerated procedure, shall not be permitted and the asylum seeker may lodge a complaint to the Administrative Court, within 8 days of the day of the decision delivery.

The Administrative Court shall pass a decision on the complaint within 15 days from the day of delivery of the case file.

The provisions under Paragraph 1, Point 2 of this Article shall not apply if the asylum application has been lodged by an unaccompanied minor or a person with psychological disability.

First instance decision

Article 57

The Ministry shall pass a decision by which it:

1. grants asylum,
2. rejects an asylum application,
3. rejects asylum and grants subsidiary protection,
4. dismisses an asylum application,
5. suspends the procedure,

6. determines cessation of asylum,
7. determines cessation of subsidiary protection,
8. revokes the asylee status,
9. revokes the status of a foreigner under subsidiary protection,
10. restricts the asylum seeker's movement, and
11. cancels the right to accommodation at the Reception Centre.

If the Ministry shall not be able to decide upon the application for asylum within six months of its lodging, it shall inform the asylum seeker of the time frame in which a decision may be expected.

Rejection of an application on asylum

Article 58

An application for asylum shall be rejected if:

1. the asylum seeker does not fulfill the conditions for granting asylum, pursuant to Article 4 and the conditions for granting subsidiary protection, pursuant to Article 7 of this Act,
2. any of the reasons listed in Article 6 and Article 8 of this Act exists.

The Ministry shall, *ex officio*, determine the existence of conditions for granting subsidiary protection, if conditions for granting asylum pursuant to Article 4 of this Act are not met.

Article 59

Article 59 shall be deleted.

Dismissal of an asylum application

Article 60

An asylum application shall be dismissed by a decision if:

1. the asylum seeker has been granted asylum or similar protection in another state, including benefits which result from observation of the principle referred to in Article 3 of this Act, provided that he/she will again be accepted in that state,
2. the asylum seeker is a national of a third country, whose protection he/she did not request, unless he/she stated justified reasons for persecution in that country,
3. after individual assessment it is established that the asylum seeker is arriving from a safe third country, where there is a relationship between the asylum seeker and that country, and therefore it would be reasonable to expect him/her to return to that country.,

4. the asylum seeker, following enforceability of a decision on dismissal of his/her asylum application, lodged a new asylum application without specifying new relevant facts and circumstances,
5. responsibility of another European Economic Area Member State has been established, pursuant to Regulation (EC) No 343/2003.

The Ministry shall issue a certificate to an asylum seeker whose asylum application has been dismissed, because he had arrived from a safe third country, by which state bodies of the third country shall be informed, in a language of that country, that the asylum application has not been considered in its essence.

If the safe third country does not accept a foreigner, the asylum application shall be decided upon pursuant to the provisions of this Act.

In the case referred to in Paragraph 1, Point 3 of this Article, an asylum seeker can challenge application of the safe third country concept, on the grounds that he/she would be subject to torture, cruel, inhuman or degrading treatment or punishment.

When, following enforceability of a decision on dismissal, a new asylum application has been lodged, it shall be decided whether it was well-founded, only if an asylum seeker would submit new evidence or indicate new circumstances. New evidence and circumstances would mean evidence and circumstances appeared upon enforceability of a decision passed in the previous procedure, or which an asylum seeker, for justified reasons, has not submitted in the previous procedure.

An appeal shall not be permissible against the decision on dismissal of the asylum application referred to in Paragraph 1, Point 5 of this Act; however a complaint before Administrative Court may be lodged within 8 days from delivery of the decision. The Administrative Court shall pass a decision about the complaint within 15 days from delivery of the case file.

Manifestly unfounded application

Article 61

Unfounded asylum application shall be rejected in an accelerated procedure as manifestly unfounded if:

1. the asylum seeker, when lodging the application, has not, without any justified reasons, stated the data on his/her identity, age, family relationships, former residence, traveling directions, identification documents, reasons for seeking protection, and former applications for asylum,
2. the asylum seeker has stated only the information which are irrelevant or are of a minimal importance for the result of the procedure,
3. the asylum seeker has misled the Ministry, by stating false information which are important for the result of the procedure, presenting unreliable documents, withholding relevant information, or destroying documents for establishing his/her identity and/or nationality with mal intent, and which could have a negative impact on the decision,
4. the asylum seeker conceals that he/she had previously lodged an application for asylum stating different personal data,

5. the asylum seeker has stated inconsistent, contradictory, impossible or insufficient facts which make his/her application unconvincing,
6. the asylum seeker has refused to be fingerprinted,
7. the asylum seeker has been staying in the territory of the Republic of Croatia for a longer period of time and has not, without justified reason, previously lodged an asylum application,
8. the asylum seeker lodges the application with an obvious intention of postponing or preventing the implementation of the decision which would result in his/her expulsion from the Republic of Croatia,
9. the asylum seeker represents a threat for the national security and public order of the Republic of Croatia,
10. the asylum seeker has arrived from a safe country of origin and he/she has not indicated any serious grounds for considering that country as not to be a safe country of origin in his/her particular circumstances and, taking into account his/her fulfillment of conditions from Article 4 of this Act.

Suspension of the procedure

Article 62

An asylum procedure shall be suspended if:

1. the asylum seeker withdraws the asylum application,
2. the asylum seeker does not appear at the interview and does not justify the absence within 24 hours from the scheduled interview,
3. the asylum seeker avoids the delivery of the summon,
4. the asylum seeker leaves the Republic of Croatia during the procedure,
5. the asylum seeker leaves the Reception Centre or the place of residence for a period longer than three days, without having informed the Ministry about it or having acquired the permission from the Ministry.

If an asylum procedure is suspended under Paragraph 1 of this Article, and a foreigner lodges a new application for asylum, in the procedure related to the new application, facts and circumstances determined in the suspended procedure shall also be used.

If an asylum procedure is suspended under Paragraph 1, Point 4 of this Article and a foreigner shall be returned to the Republic of Croatia, he/she shall be enabled to lodge a new application for asylum or to give a written statement that he/she does not want to lodge a new application.

Cessation of asylum

Article 63

Asylum shall cease if the asylee:

- voluntarily avails himself/herself of the protection of the country of his/her nationality,
- acquires nationality of a country whose protection he/she may enjoy,
- voluntarily return and re-establishes himself/herself in the country which he/she has left or outside which he/she remained due to fear or persecution,
- if the circumstances in the country of origin, on the basis of which he/she has been granted asylum, have ceased to exist,
- having lost his nationality has voluntarily reacquired it.

In the case referred to in Paragraph 1, Subparagraph 4 of this Article, the Ministry shall determine whether the change of circumstances is considerable and permanent, so that the fear of persecution can no longer be considered grounded. Fear of persecution shall be considered grounded, if the asylee shall be able to invoke compelling reasons arising out of previous persecution for refusing to avail him/her of the protection of the country of origin.

Before issuing a decision on cessation of asylum, the competent authority shall inform the asylee on the reasons for cessation of the status, and the asylee shall be enabled to state, orally or in writing, his/her reasons why the status should not cease to have effect.

Revocation of asylum

Article 64

The decision on granting asylum shall be revoked if:

- the existence of the reasons referred to in Article 6 of this Act is subsequently established,
- it is established that the asylum status has been granted on the basis of wrongly presented or missing facts, falsely presented crucial facts and circumstances, usage of forged identification papers and other documents, which were crucial for granting asylum,
- the asylee represents a threat for **the legal order and national** security of the Republic of Croatia.

Prior to revocation of asylum, the competent authority shall inform the asylee on the reasons for revocation of the status, and enable him/her to, orally or in writing, present reasons for which his/her status should not be revoked.

A person to whom Paragraph 1, Subparagraph 3 of this Article is being applied and who is present in the Republic of Croatia, shall enjoy rights on the basis of the Geneva Convention, particularly, the right to non-discrimination, freedom of religious belief, access to courts, education, non punishment for illegal entry or residence, prohibition of expulsion and respecting the principle of "non- refoulment".

Cessation of subsidiary protection

Article 65

Subsidiary protection shall cease to have effect when the circumstances which led to granting of subsidiary protection have ceased to exist or have changed to such a degree that protection is no longer required.

In applying Paragraph 1 of this Article the competent body shall have regard to whether the change of circumstances is of such a significant and permanent nature that the person eligible for subsidiary protection no longer faces a real risk of suffering from serious harm.

Revocation of subsidiary protection

Article 66

Subsidiary protection shall be revoked if:

- the existence of the reasons referred to in Article 8 of this Act is subsequently determined,
- it is determined that protection has been granted based on wrongly presented or missing facts, falsely presented crucial facts and circumstances, usage of false identification papers and other documents, which were crucial for the granting the status.

Procedures at border crossing points or in transit zones

Article 67

The foreigner who expresses his/her intention of lodging an application for asylum at a border crossing point or in a transit zone of an airport, sea port or internal water port and does not fulfill the conditions for entering the Republic of Croatia stipulated by provisions of the Foreigners Act, shall not be allowed the entry, if the following conditions are met:

- the foreigner is provided adequate accommodation and food at the border crossing point or in the transit zone,
- the foreigner's stay at the transit zone does not exceed the deadline of 28 days from the day of lodging the application for asylum,
- the application is manifestly unfounded or can be decided upon in the accelerated procedure.

If a decision concerning the application is not issued within the period referred to in Paragraph 1, Subparagraph 2 of this Article, the asylum seeker shall be permitted the entry into the Republic of Croatia with a view to conducting of the asylum procedure.

The asylum application lodged by the foreigner referred to in Paragraph 1 of this Article shall be received as soon as possible, and the interview shall be carried out immediately

A complaint to the Administrative Court against a decision made in the procedure which is implemented in terms of this Article, may be lodged within 5 days from the day of the receipt of the decision.

A decision on the complaint shall be passed by the Administrative Court within 5 days from the day of the receipt of the file of the case.

Following the request of the Administrative Court, the Ministry shall deliver the file of the case, within one day from the day of the receipt of the request.

The asylum seeker from Paragraph 3 of this Article shall be provided with health care, interpreter, a guardian to an unaccompanied minor, and the right to general information on his/her rights and obligations during the procedure.

Access by an authorized agent or a representative of an organization engaged in the protection of refugee rights, other than the UNHCR, may be temporarily restricted to the asylum seeker, when it is necessary for the protection of national security and legal order of the Republic of Croatia.

Article 68

Ceased to have effect on 31 March 2012

Delivery of writs

Article 69

If the Ministry does not know where the asylum seeker is, and he/she does not have a legal representative or an authorized agent, delivery of writs shall be done through the notification board of the Reception Centre.

Delivery is deemed to be executed by expiration of three days after the writ was put on the notification board.

Procedure before the Administrative Court

Article 70

Lodging of complaints and the procedure before the Administrative Court shall be governed by the provisions of the Act on Administrative Disputes, unless otherwise provided by this Act.

A complaint lodged with the Administrative Court shall postpone the enforcement of the decision, except in the case referred to in Article 74 and Article 74 a of this Act.

The Administrative Court shall notify the Ministry of the date of delivery of the decision issued against the decision of the Ministry.

Article 70 a

An asylum seeker, asylee, foreigner under subsidiary protection and foreigner under temporary protection shall be exempt from the payment of the costs of the administrative dispute.

Benefit of the doubt

Article 71

If an asylum seeker has not supported a certain fact or circumstance by evidence, the party's statement shall be deemed credible in that part, if:

- the asylum seeker has made a genuine effort to substantiate his/her application by evidence,
- all the relevant elements available to him/her have been presented, with a satisfactory explanation regarding shortcomings of other relevant elements,
- it has been established that the asylum seeker's statements are coherent and plausible and are not contrary to otherwise available specific and general information relevant to the case,
- the asylum seeker has requested asylum in the shortest possible period of time, or has given a justified reason for not doing so,
- it has been determined that the asylum seeker's statement is generally credible.

Application of other regulations

Article 72

Provisions of the General Administrative Procedure Act, unless otherwise provided by this Act, shall be applied in the asylum procedure.

Provisions of the Foreigners Act shall be applied accordingly to asylum seekers, asylees, foreigners under subsidiary protection and foreigners under temporary protection, in the part which has not been provided otherwise by this Act.

During asylum procedure, an asylum seeker shall not be entitled to submit an application for granting residence, pursuant to the provisions of the Foreigners Act.

Participation of other persons in the asylum procedure

Article 73

The asylum procedure shall be closed to the public.

As an exception from Paragraph 1 of this Article, if the asylum seeker does not object, an UNHCR representative or a representative of another organization dealing with protection of human rights or refugees' rights may also participate at the interview.

Restriction of movement

Article 74

The movement of an asylum seeker may be restricted for the following reasons:

1. reasons stipulated in Article 6 and Article 8 of this Act,
2. determining his/her identity,
3. preventing the spread of infectious diseases,

4. suspecting that lodging of the application for asylum represents a fraud and misuse of the asylum procedure,
5. his/her leaving or attempting to leave the Republic of Croatia before the completion of the procedure,
6. preventing situations where lives and possessions of other persons are put in danger,
7. protecting the national security and legal order of the Republic of Croatia,
8. lodging of an application for asylum during the expulsion procedure, with an intention to prevent further progress of the expulsion procedure,
9. temporary impossibility of taking fingerprints caused by intentionally damaged papillary lines.

Preventing further progress of the expulsion procedure referred to in Paragraph 1, Point 8 of this Article shall be considered a situation where the asylum seeker lodges an application with the obvious intention of postponing his/her expulsion.

The movement may be restricted by:

1. the prohibition to move outside the Reception Centre,
2. the prohibition to move outside a specific area, or
3. the prohibition to leave a specific address.

The movement of the asylum seeker referred to in Paragraph 1, Points 5, 6, 7, 8 and 9 of this Article and of the asylum seeker who does not comply with the provisions of this Article referring to the restriction of movement, shall be restricted by accommodating the asylum seeker into the Reception Centre for Foreigners.

Restriction of movement in the form of accommodation in the Reception Centre for Foreigners, in the cases referred to in Paragraph 1, Points 5 and 8 of this Article shall not apply to vulnerable groups of asylum seekers.

The movement may be restricted for a period of up to 3 months, and due to justified reasons, it may be extended by another 3 month period.

The movement restricted for the reasons referred to in Paragraph 1, Point 9 of this Act, shall be restricted until the time when fingerprinting shall be possible and up to three months, at the latest.

As an exception from Paragraph 6 of this Article, the restriction of movement for the reasons referred to in Paragraph 1, Point 3 of this Article shall be valid as long as reasons for the restriction exist.

The Ministry shall determine the restriction of movement by a decision.

An asylum seeker may lodge a complaint to the Administrative Court against a decision from Paragraph 9 of this Article.

The **Administrative** Court shall issue a decision concerning the complaint on the restriction of movement after having an oral hearing, within 15 days from the day of delivery of the file of the case.

The complaint does not postpone the enforcement of the decision.

Article 74 a

During the transfer of a foreigner to another European Economic Area Member State, pursuant to Regulation (EC) No 343/2003, and for purpose of securing the transfer, the following obligations of a foreigner may be determined by a decision:

1. the prohibition to leave a specific address,
2. to report to the Police Station or the Reception Center at a specific time,
3. to deposit his/her travel documents and tickets.

If a foreigner under the transfer to another European Economic Area Member State, fails to respect obligations referred to in Paragraph 1 of this Article, his/her freedom of movement may be, by a decision, restricted and he/she could be accommodated in the Reception Center for Foreigners.

Movement of a foreigner shall be restricted until the transfer shall be carried out, and 60 days from implementation of a decision on restriction of movement, at the latest.

A complaint may be lodged before Administrative Court against the decision referred to in Paragraph 3 of this Article, within 8 days from delivery of the decision.

The Administrative Court shall decide about the complaint, following an oral hearing, within 15 days from delivery of the case file.

Return

Article 75

Upon the completion of an asylum procedure in which the asylum application has been rejected, dismissed or the procedure has been suspended, and upon the cessation or revocation of the asylum or subsidiary or temporary protection, the measures securing return pursuant to provisions of the Foreigners Act shall be implemented.

During implementation of measures securing return, referred in Paragraph 1 of this Article, voluntary return shall be given the preference.

Title IV

CERTIFICATES AND DOCUMENTS

Article 76

The Ministry shall issue the identity card to an asylum seeker, while the residence permit and travel document shall be issued to an asylee and a foreigner under subsidiary protection, upon their request.

The persons referred to in Paragraph 1 of this Article may be issued the *laissez-passer* for a foreigner, pursuant to provisions of the Foreigners Act.

The Ministry shall be authorized to issue the *laissez-passer* for the purpose of carrying out the transfer of a foreigner to a responsible European Economic Area Member State, following implementation of the Regulation (EC) No 343/2003.

Temporary retention of foreign documents

Article 77

The Ministry may retain a travel document or other identification document of an asylum seeker until the completion of the procedure, if required so by the reasons of protection of the national security or legal order of the Republic of Croatia.

A certificate on the temporary retention of documents referred to in Paragraph 1 of this Article shall be issued.

Identity card of an asylum seeker

Article 78

The identity card of an asylum seeker shall be issued within three days from the day of lodging the application for asylum and it shall serve as a residence permit in the Republic of Croatia until the completion of the procedure.

The identity card of an asylum seeker shall also be issued to members of his/her family, pursuant to Article 30, Paragraph 2 of this Act.

Residence permits for an asylee and a foreigner under subsidiary protection

Article 79

The residence permit shall be issued to an asylee for a period of five years.

The residence permit shall be issued to a foreigner under subsidiary protection for a period of three years.

An application for issuance of the permit referred to in Paragraphs 1 and 2 of this Act shall be submitted by an asylee and/or a foreigner under subsidiary protection who is over 16 years of age, while, on behalf of the asylee and/or a foreigner under subsidiary protection under 16 years of age, the application shall be submitted by his/her legal representative.

Travel document for an asylee and a foreigner under subsidiary protection

Article 80

The travel document for an asylee shall be issued for a period of five years in the form set out in the Annex of the 1951 Convention.

An application for issuance of the travel document for a minor asylee or an asylee who is partially or fully deprived of legal competence shall be on his/her behalf, submitted by a legal representative.

A travel document for a foreigner may be issued to a foreigner under subsidiary protection, pursuant to the provisions of the Foreigners Act.

Issuance of a travel document to an asylee or a foreigner under subsidiary protection shall be rejected if:

1. a criminal procedure is being initiated against an asylee or a foreigner under subsidiary protection,
2. an asylee or a foreigner under subsidiary protection avoids execution of the sentence pronounced in the criminal procedure,
3. for the reasons of national security and protection of legal order.

An asylee and a foreigner under subsidiary protection shall have their travel documents revoked for the reasons referred to in Paragraph 4 of this Article.

Article 81

Article 81 shall be deleted.

Return of the documents

Article 82

The issued documents listed in Article 76 of this Act should be returned to the Ministry upon completion of the asylum procedure, cessation or revocation of the asylum, subsidiary or temporary protection.

Title V

TEMPORARY PROTECTION

Granting temporary protection

Article 83

Temporary protection is immediate and temporary protection granted in procedure of the exceptional character in the event of mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, in particular if there is also a risk that, due to such mass influx, it would not be possible to conduct asylum procedure efficiently, in the interests of the displaced persons and other persons seeking protection.

Displaced persons referred to in Paragraph 1 of this Article are considered to be foreigners who have had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organizations, and are unable to return in safe and durable living conditions because of the situation prevailing in that country, including persons who may fall within the scope of Article 1.A. of the Geneva Convention or other international or national instrument giving international protection, in particular:

- persons who have fled areas of armed conflict or local violence,

- persons at serious risk of, or who have been the victims of, systematic or generalized violations of their human rights.

Mass influx referred to in Paragraph 1 of this Article means arrival of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival was spontaneous or organized.

Temporary protection shall be introduced on the basis of the decision of the Council of the European Union on the existence of a mass influx of displaced persons.

Duration of temporary protection

Article 84

Temporary protection shall be granted for a period of one year.

Temporary protection may be extended automatically for **six** month period, but for a maximum of one year.

As an exemption from Paragraph 2 of this Article, temporary protection may be extended up to one more year maximum, if the Council of the European Union passes a decision on extension of temporary protection.

Reasons for denial of temporary protection

Article 85

Temporary protection shall not be granted to a foreigner if:

1. there are serious reasons for considering that a foreigner:
 - has committed a crime against peace, a war crime or a crime against humanity defined by the provisions of international instruments;
 - has committed a serious non-political crime outside the Republic of Croatia, before his/her arrival to the Republic of Croatia. The severity of the expected persecution is to be evaluated in relation to the nature of the criminal offence of which the person concerned is suspected. Particularly cruel acts, even if committed with an allegedly political objective, may be considered as serious non political crimes;
 - has been guilty of acts contrary to the purposes and principles of the United Nations.
2. there are reasonable grounds for regarding a foreigner as a threat to the national security,
3. a foreigner presents a danger for community after having been convicted by a final judgment of a particularly serious crime, which is, by legislation of the Republic of Croatia, punishable by a term of the imprisonment of five years or more.

Cessation of temporary protection

Article 86

Temporary protection of a foreigner shall come to an end:

1. when the maximum duration has been reached, pursuant to Article 84 of this Act,
2. by the Council of the European Union decision.

Voluntary return

Article 87

Upon the request of a foreigner under temporary protection or a foreigner whose temporary protection has ceased, the Ministry shall enable him/her to voluntarily return to his/her country of origin.

In the case referred to in Paragraph 1 of this Article, the Ministry shall consider relevant reports on the situation in the particular country of origin, and shall take into account serious humanitarian reasons for which the return of an individual would temporarily be impossible or unreasonable, and it shall inform the foreigner under temporary protection accordingly.

The foreigner referred to in Paragraph 1 of this Article shall retain the rights guaranteed by this Act up to the day of his/her return to the country of origin.

Cooperation with other bodies

Article 88

In the course of establishment and duration of temporary protection and return of the persons whose temporary protection has ceased, the Ministry shall cooperate with other state bodies, the UNHCR, Croatian Red Cross and organizations dealing with the protection of refugees' rights.

Rights and obligations of a foreigner under temporary protection

Article 89

A foreigner who has been granted temporary protection in the Republic of Croatia shall be entitled to:

- residence,
- basic means of living and accommodation,
- health care,
- primary and secondary education,
- information on rights and obligations,
- work,
- family reunification,
- freedom of religion and religious upbringing of his/her children.

The obligations stipulated in Article 37 of this Act shall be applied accordingly to a foreigner under temporary protection.

Right to work

Article 90

A foreigner under temporary protection shall have the right to work in the Republic of Croatia **without a residence and work permit, or a work registration certificate.**

A foreigner under temporary protection shall be entitled to employment related education opportunities for adults, vocational training and practical workplace experience.

Health care

Article 91

Health care of a foreigner under temporary protection shall include emergency care and, for the vulnerable groups, adequate medical and other assistance.

Right to education

Article 92

A foreigner under temporary protection shall have the right to primary and secondary education as well as to retraining and additional qualification under the same conditions as a Croatian national.

Right to family reunification

Article 93

An application for family reunification shall be submitted by a foreigner under temporary protection or his/her family member who intends to come to the Republic of Croatia.

Temporary protection shall be granted to the member of the family who is being reunited.

In the cases where separated family members enjoy protection in different states, the interests of the family members shall be taken into account in the reunification procedure.

The Minister competent for internal affairs shall regulate a form of the permit for relocation of a foreigner under temporary protection from one state to the other.

Accommodation of a foreigner under temporary protection

Article 94

In the course of temporary protection, a foreigner shall be provided with an appropriate accommodation, unless he/she possesses his/her own financial resources.

The accommodation shall also be provided to a foreigner whose temporary protection has ceased, and who, due to the serious health reasons, can not be returned to his/her country of origin.

Identity card of a foreigner under temporary protection

Article 95

A foreigner granted temporary protection shall be issued an identity card valid for a one year period, with the possibility of extension, and which is considered as residence permit in the Republic of Croatia.

Information on rights and obligations

Article 96

The Ministry shall inform a foreigner under temporary protection in writing on the rights and obligations which arise from granting the protection, within 15 days from the day of its granting, in a language that he/she is justly expected to understand.

Limited use of rights

Article 97

A foreigner who applies for asylum while he/she is under temporary protection may not use the rights of an asylum seeker for the duration of the temporary protection.

The Ministry may finalize the asylum application procedure referred to in Paragraph 1 of this Article after temporary protection has ceased.

Title VI

RECORDS

Article 98

For the purpose of efficient checking of implementation of the procedures stipulated by this Act, the Ministry shall keep records on:

- asylum seekers,
- asylees,
- foreigners under temporary protection,
- foreigners under subsidiary protection,
- travel documents for asylees,
- identity cards of asylum seekers,
- personal identity cards of asylees,
- identity cards of foreigners under temporary protection,

- identity cards of foreigners under subsidiary protection,
- temporarily retained travel and other documents,
- registration/deregistration of asylees' residence and registration/deregistration of the place of asylum seekers, foreigners under temporary protection and foreigners under subsidiary protection,
- - fingerprints and photographs of asylum seekers and foreigners under temporary protection.

Personal data contained in the records referred to in Paragraph 1 of this Article shall be collected, filed and processed in accordance with provisions of the rules regulating the protection of personal data.

Title VII

COMPETENCE FOR PASSING REGULATIONS

Article 100

The Minister competent for internal affairs shall pass:

- the decision on accommodation costs at the Reception Centre,
- the House Rules of the Reception Centre,
- the regulation on the format of forms and the contents of the identity card for asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection, travel documents for asylees, asylum application, the format of the form of permit for relocation of a foreigner under temporary protection from one state to another, as well as on the manner of keeping records referred to in Article 98 of this Act and on the deadlines for keeping data in those records,
- the regulation on the procedure of realization and payment of the costs of free legal aid and the tariff of the provided services of legal aid stipulated by the provisions of this Act.

Article 101

The Minister competent for internal affairs shall, at the proposal of the Minister competent for social welfare, pass the regulation on the accommodation of asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection.

Article 102

The Minister competent for social welfare shall pass the regulation on the amount of financial support to asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection.

Article 103

The Minister competent for health care shall pass the regulation on the content of medical examination for asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection.

Article 104

The Minister competent for education, subject to approval by the Minister competent for internal affairs, shall pass the programme for learning Croatian language, history and culture for asylum seekers and asylees, and shall pass the regulation on the manner of the implementation of the programme and testing of knowledge of asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection, for the purpose of access to the educational system.

Article 105

The competent Ministers shall pass the regulations referred to in Articles 100 to 103 of this Act within 90 days from the day of the entry into force of this Act, while the competent Minister shall pass the regulation referred to in Article 104 of this Act within 120 days from the day of the entry into force of this Act.

Title VIII

VIOLATING THE HOUSE RULES OF THE RECEPTION CENTRE

Article 106

An asylum seeker who frequently violates the House Rules of the Reception Center may be denied some of material living conditions and accommodation referred to in Article 29, Paragraphs 1 and 2 of this Act.

Modality of denial of material living conditions and accommodation shall be prescribed by decrees regulating accommodation of asylum seekers and amount of financial support given to asylum seekers.

Title IX

TRANSITIONAL AND FINAL PROVISIONS ("Official Gazette" No. 79/07)

Article 107

On the date of entry into force of this Act, the Asylum Act ("Official Gazette" No.103/03) shall cease to have effect.

The procedures initiated according to the provisions of the Asylum Act ("Official Gazette" No. 103/03) shall be finalized according to the provisions of that Act.

Until the day of appointment of the Commission for Asylum referred to in Article 12 of this Act, the Commission of the Government of the Republic of Croatia for deciding on appeals of asylum seekers and asylees, appointed pursuant to the provisions of the Asylum Act ("Official Gazette" No. 103/03), shall decide on appeals of asylum seekers and asylees.

The implementing regulations passed on the basis of the Asylum Act ("Official Gazette" No. 103/03) shall remain in force until the implementing regulations passed on the basis of this Act enter into force, unless they are contrary to the provisions of this Act.

Article 108

This Act shall enter into force on 01 January 2008.

TRANSITIONAL AND FINAL PROVISIONS
(“Official Gazette” No.88/10)

Article 68

The procedures initiated before this Act has entered into force shall be finalized pursuant to the provisions of this Act.

Article 69

The Commission appointed pursuant to the provisions of the Asylum Act (“Official Gazette” No.79/07), shall continue working until 31 March 2012.

The Office for Human Rights of the Government of the Republic of Croatia shall, within 30 days from the date of entering into force of this Act, announce a public call for appointment of the additional member of the Commission.

The Government of the Republic of Croatia shall appoint the additional member of the Commission within 60 days from the date of entering into force of this Act.

Article 70

The provisions of Articles 13 to 19 and Article 99 of the Asylum Act (“Official Gazette” No.79/07), as well as the provisions of Article 55 of this Act, referring to the Commission for Asylum, shall be effective until 31 March 2012.

The provision of Article 54 of this Act shall be effective until 31 December 2011.

The Commission shall be obliged to decide upon appeals lodged before 31 December 2011 against first instance decisions, until 31 March 2012.

Article 71

This Act shall enter into force on the eight day from the day of its publishing in the “Official Gazette”, excerpt of the provisions of Article 9, Article 20, Paragraphs 1 and 2, Article 24, Paragraph 1, Article 33, Paragraph 1, Article 42, in the part referring to Article 56, Paragraphs 2 and 3 of the Asylum Act (“Official Gazette” 79/07), Article 53 in the part referring to Article 67, Paragraphs 4 and 5 of the Asylum Act (“Official Gazette” 79/07), Article 56, Paragraph 2 and Article 57 of this Act, which shall enter into force on 01 January 2012, and of the provisions of Article 1, Paragraph 5, Article 61, Article 62 and Article 64 of this Act, which shall enter into force on the date of accession of the Republic of Croatia to the European Union.

TRANSITIONAL AND FINAL PROVISIONS
(“Official Gazette” No. 143/13)

Article 49

The procedures initiated before this Act has entered into force shall be finalized pursuant to the provisions of this Act.

Article 50

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person shall be applied to asylum applications lodged by 19 January 2014.

Article 51

In the entire text of this Act the word : „ukoliko“ shall be replaced by the word „ako“ (same meaning in English), the word „školovanje“ shall be replaced by the word „obrazovanje“ (schooling equals education in English), while the word „zdravstva“ (health service) shall be replaced by the word „zdravlja“ (health) in an appropriate case.

Article 52

This Act shall enter into force on the eight day from the day of its publishing in the “Official Gazette”,

Class: 022-04/13-01/250

Zagreb, 22 November 2013

THE CROATIAN PARLIAMENT

President of the Croatian Parliament
Josip Leko, v. r.