

MINISTRY OF THE INTERIOR

ACT ON INTERNATIONAL AND TEMPORARY PROTECTION  
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## ACT ON INTERNATIONAL AND TEMPORARY PROTECTION

### I. THE CONSTITUTIONAL BASIS FOR THE ADOPTION OF THE ACT

The constitutional basis for the adoption of this Act is contained in the provisions of Article 2, paragraph 4, sub-paragraph 1 of the Constitution of the Republic of Croatia (Official Gazette no. 85/10 – consolidated text) 5/14 - Decision by the Constitutional Court of the Republic of Croatia).

### II. ASSESSMENT OF THE SITUATION AND BASIC QUESTIONS REGULATED BY THE ACT, AND THE CONSEQUENCES ARISING FROM THE ADOPTION OF THE ACT

The field of asylum in the Republic of Croatia is regulated by the Asylum Act (Official Gazette, nos. 79/07, 88/10 and 143/13) which has been in force since 1 January 2008.

This Act aligns Croatian legislation with the following European Union Directives: 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, Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Directive 2011/95/EU of the European Parliament and 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, Directive 2013/32/EU of the European Parliament and Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), Directive 2013/33/EU of the European Parliament and the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

In this Act, alignment has been made of Croatian legislation with Articles 4, 6 and Chapter 6 of 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, which prescribe the duration and end of temporary protection, and the reception and transfer of foreigners under temporary protection pursuant to the principle of the solidarity of the Community. In relation to the other provisions of this Directive, legislative solutions are included as prescribed by the current Asylum Act.

Further, this Act is aligned with Article 4 of Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, which defines family members, where the definition of family members is extended regarding adult, unmarried children and life-long partnership. This Act also extends the right to family reunification with an foreigner under subsidiary protection.

This Act is also aligned with Article 2 of Directive 2011/95/EU of the European Parliament and 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, in the part relating to the concept of international protection, whereby that term covers refugee status, or asylum, and subsidiary protection. This Act is also aligned with Article 4 of Directive

2011/95/EU in relation to the division of the burden of proof between the Ministry of the Interior as the competent body for conducting procedures of international protection, and applicants for international protection, and with Article 5 of Directive 2011/95/EU, which relates to refugees *sur place*, where the application of this principle is restricted in the case of subsequent application when the applicant causes circumstances exclusively for the aim of having protection approved. Further, the Act is also aligned with Article 7 of Directive 2011/95/EU in relation to providers of protection in the sense that the assessment of the possibilities of the provision of effective protection is founded especially on official guidance provided in European Union acts. The term "effective protection" is also defined. Moreover, this Act is also aligned with Article 8 of Directive 2011/95/EU through the clearer and more precise term of "internal resettlement" and its application. The Act is also aligned with Article 21 of Directive 2011/95/EU, and the principle of direct and indirect *non-refoulement* is defined. Further, the Act is aligned with Article 31 of Directive 2011/95/EU which relates to unaccompanied minors, with a more detailed definition of the principle of the best interests of the child, and with Article 34 of Directive 2011/95/EU which relates to assistance in integration into society, by defining the scope of assistance in integration into society, and defining the competent body for the coordination of the work of the ministries, NGOs and other bodies which participate in the process of the integration of refugees and foreigners under subsidiary protection into society.

The provisions of this Act are also aligned with Article 6 of Directive 2013/32/EU which relate to acquiring the status of applicant for international protection and the right of access to the procedure. The Act on International and Temporary Protection structurally alters the previous asylum procedure, in view of the fact that it is prescribed that the status of applicant for international protection is acquired from the moment of the expression of intention to apply. This Act also prescribes the procedure in relation to children, especially unaccompanied minors. Moreover, the manner and conditions are prescribed for the procedure of assessment of the age of unaccompanied minors. Further, this Act is aligned with Articles 14-17 of the mentioned Directive, which prescribe the manner and guarantees of conducting a personal interview with applicants for international protection. This Act also prescribes the procedure of identification of applicants who have special needs related to the procedure to approve international protection, as a result of which they must be provided with the appropriate support to enable them to exercise fully the rights and obligations under this Act. This Act introduces the new concept of "subsequent application for international protection", whereby it prescribes the procedure for a repeated expression of intention after an enforceable decision has been rendered on an application submitted earlier, and thereby the procedure for approval of international protection is aligned with the following provisions of the Directive: Article 2, paragraph 1, point q; Article 9, paragraph 2; Article 33, paragraph 2, point d; Article 41; Article 42; and Article 46. Moreover, the aim of the provisions of the law relating to the procedure in the case of a subsequent application for international protection is to prevent abuse of the procedure to approve international protection and the sanctioning of such behaviour. This Act also develops and introduces new concepts, such as safe country of origin, safe third country, and European safe third country in order to ensure alignment with Articles 33, 36, 37, 38 and 39 of the Directive. This Act also prescribes binding deadlines for regular and accelerated procedures, for alignment with Article 31 of the Directive. In this Act, the manner and conditions for exercising the right to a remedy against decisions rendered in the procedure to approve international protection are aligned with Article 46 of the Directive.

Under this Act the rights of applicants for international protection are aligned with Articles 5 to 19 of Directive 2013/33/EC. In particular, alignment is ensured with Articles 7 to 11 of Directive 2013/33/EU, which prescribe the right to freedom of movement of applicants for international

protection, and the manner and conditions for the restriction of that right. The Act prescribes the content of the material reception conditions, and the conditions for their restriction or denial, pursuant to Articles 18 and 20 of the Directive. This Act also prescribes the procedure for the recognition of the circumstances regarding why applicants for international protection have special reception needs, for alignment with Article 22 of this Directive, and a legal framework is established for the assessment of the best interests of unaccompanied minors, in line with Article 23 of the Directive. This Act is also aligned with Article 26 of the Directive, which prescribes the exercise of the right to a remedy against decisions relating to the reception of applicants for international protection.

Further, this Act prescribes the implementation of 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. 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No. 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), Regulation (EU) No. 604/2013 of the European Parliament and 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 (recast), Commission Implementing Regulation (EU) No. 118/2014 of 30 January 2014 amending Regulation (EC) No. 1560/2003 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.

This Act prescribes the framework for the application of the concept of resettlement of third-country nationals or stateless persons from third countries, or the reception of a specific number of persons from other members to whom international protection has been approved, in order to share the burden according to the principle of solidarity within the European Union.

### III. ASSESSMENT OF THE FUNDING NECESSARY FOR THE IMPLEMENTATION OF THE ACT

For the implementation of this Act, it is not necessary to provide additional resources from the state budget of the Republic of Croatia.

### IV. EXPLANATION OF THE ADOPTION OF THE ACT PURSUANT TO URGENT PROCEDURE

Pursuant to Article 206 of the Standing Orders of the Croatian Parliament (Official Gazette no. 81/2013), it is proposed that this Act be adopted under urgent procedure in view of the fact that the obligation exists to ensure alignment by 21 July 2015 with Directive 2013/32/EU of the European Parliament and Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) and with Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).

## V. TEXT OF THE ACT ON INTERNATIONAL AND TEMPORARY PROTECTION, WITH EXPLANATORY NOTES

### ACT ON INTERNATIONAL AND TEMPORARY PROTECTION

#### Part one GENERAL PROVISIONS

#### Title I Fundamental Provisions

#### Subject matter of the Act

#### Article 1

This Act prescribes the principles, conditions and the procedure for international protection and 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 procedure for the revocation and cessation of asylee status and subsidiary and temporary protection.

#### Article 2

(1) Under this Act the following Directives of the European Union are transposed 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 2003/86/EC of 22 September 2003 on the right to family reunification (SL L 251, 3.10.2003);

- 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;

- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), (SL L 180, 29.6.2013);

- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (SL L 180/96, 29.06.2013).

(2) This Act regulates the application of the following European Union regulations:

- 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. 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No. 604/2013 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 and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No. 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), (SL L 180, 29.6.2013);

- 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 (recast), (SL L 180 29.6.2013);

- Commission Implementing Regulation (EU) No. 118/2014 of 30 January 2014 amending Regulation (EU) No. 1560/2003 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 39, 8.2.2014).

### Application of other legislation

#### Article 3

(1) The provisions of the Foreigners Act shall apply *mutatis mutandis* to applicants for international protection, asylees, foreigners under subsidiary protection and foreigners under temporary protection.

(2) Applicants for international protection do not have the right to lodge an application for approval of stay pursuant to the provisions of the Foreigners Act. Asylees and foreigners under subsidiary protection do not have the right to lodge an application for approval of temporary or autonomous stay pursuant to the provisions of the Foreigners Act.

## Meaning of terms used in this Act

### Article 4

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

1. International protection includes asylum referred to in point 2 of this paragraph and subsidiary protection referred to in point 3 of this paragraph.
2. Asylum means the status recognised pursuant to a decision by the competent body on meeting the conditions laid down in Article 20 of this Act.
3. Subsidiary protection means the status recognised pursuant to a decision by the competent body on meeting the conditions laid down in Article 21 of this Act.
4. Temporary protection means protection of an urgent and temporary character, introduced pursuant to the Decision of the Council of the European Union on the existence of a mass influx of displaced persons, pursuant to Article 78 of this Act.
5. Applicants for international protection (hereinafter: applicants) mean third-country nationals or stateless persons who express the intention to apply for international protection (hereinafter: application) up until the final decision on the application. Exceptionally, an applicant may also be a national of a European Union member state when this is prescribed by the provisions of Protocol 24 to the Treaty of Lisbon.
6. An asylee means a refugee within the meaning of the Convention relating to the Status of Refugees of 1951 (hereinafter: the 1951 Convention) under which asylum is granted, as referred to in point 2 of this paragraph.
7. A foreigner under subsidiary protection means a third-country national or a stateless person who has been granted subsidiary protection as referred to in point 3 of this paragraph.
8. A foreigner under temporary protection means a third-country national or a stateless person who has been granted protection as referred to in point 4 of this paragraph.
9. An under transfer means a third-country national or a stateless person who is in the process of handover to the responsible member state of the European Economic Area for consideration of his/her application.
10. Country of origin means the country whose nationality is held by a third-country national or the country in which a stateless person previously had habitual residence. If the third-country

national has more than one nationality, the country of origin shall be each of the countries whose national he/she is.

11. The habitual residence of a third-country national or a stateless person means the place where he/she stays under circumstances on the basis of which it may be concluded that he/she is not staying in that place or in that area on a temporary basis.

12. The intention to lodge an application for international protection (hereinafter: intention to apply for international protection) means the orally or written expressed will of a third-country national or a stateless person to lodge an application, pursuant to Article 33 of this Act.

13. A subsequent application for international protection (hereinafter: subsequent application) means the intention to apply for international protection expressed after a final decision has been taken on a previous application, pursuant to Article 38 of this Act, or a decision by which the procedure was discontinued, pursuant to Article 39, paragraph 2, point 4 of this Act.

14.

Vulnerable groups mean persons divested of legal capacity, minors, unaccompanied minors, elderly and infirm persons, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking in human beings, victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation.

15. Applicants in need of special procedural and/or reception guarantees mean applicants who, in view of their personal circumstances, are not completely capable of exercising their rights or obligations under this Act without the appropriate support.

16. A minor means an applicant, asylee, foreigner under subsidiary protection or a foreigner under temporary protection who is younger than 18 years of age.

17. An unaccompanied minor is a third-country national or a stateless person younger than eighteen years of age who entered the Republic of Croatia unaccompanied by an adult person responsible for him/her in the sense of parental care, pursuant to the legislation of the Republic of Croatia, until placed under the care of such a person, and includes all minors who are left unaccompanied after they entered the Republic of Croatia.

18. A family member of applicants, asylees, foreigner under subsidiary protection and foreigners under temporary protection shall be deemed to be:

- the spouse or unmarried partner under the regulations of the Republic of Croatia, and persons who are in a union, which under the regulations of the Republic of Croatia may be deemed to be a life partnership or informal life partnership;

- the minor child of the marital or unmarried partners; their minor adopted child; the minor child and minor adopted child of a married, unmarried or life partner who exercises parental care of the child;

- the adult unmarried child of an applicant, asylee, foreigner under subsidiary protection or foreigner under temporary protection who, due to his/her state of health is not able to take care of his/her own needs;



- the parent or other legal representative of a minor;
- a relative of the second degree in a direct blood line, with whom he/she lived in a shared household, if it is established that he/she is dependent on the care of the applicant, asylee, foreigner under subsidiary protection or foreigner under temporary protection.

19. Habitual residence means the place and address in the Republic of Croatia at which a person is permanently resident in order to exercise his/her rights and obligations related to his/her life interests, such as family, professional, economic, social, cultural and other interests.

20. Temporary residence is the place and address in the Republic of Croatia where a person is temporarily resident, but is not permanently settled at that address.

21. The finality of a decision on an application occurs with the service of the decision on the applicant if no claim has been brought or if the claim brought does not have a suspensive effect. If the claim brought has a suspensive effect, the decision on the application becomes enforceable with the service of the first instance-judgment by the Administrative Court.

#### Gender neutrality of terminology

##### Article 5

Expressions used in this Act which have gender significance are considered to be neutral and relate to both male and female persons.

#### The principle of prohibition of expulsion or return (*non-refoulement*)

##### Article 6

(1) It is forbidden to expel or in any way return a third-country national or stateless person to a country:

- in which his/her life or liberty would be threatened on account of his/her race, religious or national affiliation, membership of a particular social group or due to his/her political opinion; or
- in which they could be subjected to torture, inhuman or degrading treatment; or
- which could extradite him/her to another country, whereby the principle referred to in indents 1 and 2 of this paragraph would be undermined.

(2) A third-country national or stateless person who meets the conditions for approval of international protection or who has had international protection approved may be expelled or returned to a country where the principle referred to in paragraph 1 of this Article would not be undermined if he/she represents a risk to national security, or has been convicted of a serious criminal offence by a final judgement, signifying that they are a risk for public order.

## Surrender and extradition of applicants

### Article 7

- (1) The procedure of approval of international protection does not prevent the surrender of an applicant for whom a European arrest warrant has been issued.
- (2) The procedure of approval of international protection does not prevent extradition to a third country of an applicant for whom an international warrant has been issued, unless enforcement of the decision to extradite would undermine the principle referred to in Article 6 of this Act.
- (3) The procedure of surrender of a foreigner under transfer to the responsible member state of the European Economic Area has priority over the enforcement of extradition to a third country of a third-country national or a stateless person for whom an international warrant has been issued.
- (4) The procedure of approval of international protection shall prevent the enforcement of extradition of an applicant for whom an international warrant has been issued, and for whom a final decision has been rendered on extradition to their country of origin, until the decision on his/her application becomes final.
- (5) The Ministry of the Interior (hereinafter: the Ministry) is obliged to inform the ministry competent for judicial affairs without delay of the expression of intention to apply for international protection and all other circumstances which may affect the outcome of the enforcement of extradition, within the meaning of paragraphs 2, 3 and 4 of this Article.

## Illegal entry into or stay in the Republic of Croatia

### Article 8

A third-country national or stateless person who has illegally entered the Republic of Croatia, coming directly from the territory where he/she was persecuted within the meaning of Article 20 of this Act, or has been exposed to serious harm within the meaning of Article 21 of this Act, shall not be punished for his/her illegal entry or stay provided that he/she expresses an intention to apply for international protection without delay and shows good cause for his/her illegal entry or stay.

## Principle of family unity

### Article 9

When implementing the provisions of this Act, the application of the principle of family unity shall be ensured pursuant to the Charter of Fundamental Rights of the European Union, the United Nations Convention on the Rights of the Child, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## Principle of the best interests of the child

### Article 10

- (1) When implementing the provisions of this Act, all procedures shall be conducted in line with the principle of the best interests of the child.
- (2) The best interests of the child shall be assessed, taking into account:
  - the welfare and social development of the child, and his/her origin;
  - the protection and safety of the child, especially if the possibility exists that he/she is a victim of trafficking in human beings;
  - the child's opinion, depending on his/her age and maturity;
  - the possibility of family reunification, etc.
- (3) The guardian *ad litem* of an unaccompanied child shall undertake all the necessary activities, including contact and cooperation with the competent ministries, other state and foreign bodies, and NGOs, in order to reunite the child with his/her family if this is in the best interests of the child.

## Cooperation with the Office of the United Nations High Commissioner for Refugees

### Article 11

- (1) The Ministry and the Administrative Court cooperate with the Office of the United Nations High Commissioner for Refugees (hereinafter: UNHCR) on matters relating to applicants, asylees, foreigners under subsidiary protection and foreigners under temporary protection.
- (2) The Ministry shall, at the request of the Office of the UNHCR, supply information on:
  1. applicants, asylees, foreigners under subsidiary protection and foreigners under temporary protection in the Republic of Croatia;
  2. the application of the 1951 Convention, and other international documents relating to refugees; and
  3. laws and other regulations in the field of international protection which are applicable or are in the process of being created.
- (3) The Ministry shall, with the applicant's consent, provide the UNHCR with access to data on the specific application, the course of the procedure and the decision rendered.

## Exclusion of the public

### Article 12

- (1) The public shall be excluded from the procedure to approve international protection.

(2) By way of derogation from paragraph 1 of this Article, a representative of the UNHCR or another organisation dealing with the protection of human rights or the rights of refugees may participate in the interview if the applicant does not object.

## Translators/Interpreters

### Article 13

- (1) The Ministry shall conclude an agreement with a translator/interpreter if:
1. it is assessed that he/she has good knowledge of the Croatian language in writing and speech;
  2. it is assessed that he/she has good knowledge of the language for which he/she is being engaged;
  3. it is established that no circumstances exist that could represent a hindrance to employment in the civil service pursuant to the regulations on employment in the civil service;
  4. it is established that no security hindrances exist after the conducting of a basic security check pursuant to the regulations on security checks.
- (2) The interpreter referred to in paragraph 1 of this Article, during the procedure, must be reliable, impartial and must interpret truthfully and accurately.
- (3) The translator/interpreter referred to in paragraph 1 of this Article is obliged to act pursuant to the regulations governing the protection of personal data, and especially may not disclose the data referred to in Article 19, paragraph 5 of this Act.
- (4) A list of translators/interpreters is published on the official website of the Ministry.
- (5) If for objective reasons it is not possible to provide a translator/interpreter for a specific language, the Ministry shall request assistance from another member state of the European Economic Area.
- (6) The amount of payment for interpreting services referred to in paragraph 5 of this Article shall be set by direct agreement pursuant to the regulations on public procurement.
- (7) Interpreting services may be provided by means of electronic telecommunications or audiovisual equipment.

## Language and script of the procedure

### Article 14

- (1) The procedure for the approval of international protection shall be conducted in the Croatian language and in the Latin script.
- (2) If the applicant does not understand Croatian, a translator/interpreter shall be provided for a language which he/she may justifiably be presumed to understand and in which he/she is able to communicate.

- (3) If possible, applicants shall be provided *ex officio* with a translator/interpreter of the same sex in order to ensure a full account of the reasons for the application or for other justified reasons.
- (4) Applicants are obliged to cooperate with the translator/interpreter, unless it is assessed that that cooperation would have a negative effect on the full account of the reasons for their application.
- (5) In the case referred to in paragraph 4 of this Article, if the applicant assesses that cooperation with the translator/interpreter could have a negative effect on the full account of the reasons for his/her application and refuses to cooperate with the translator/interpreter, he/she shall inform the Ministry of this, giving the reasons why he/she refuses to cooperate.
- (6) The Ministry shall consider the reasons for the refusal to cooperate with the translator/interpreter and inform the applicant of its decision orally for the record. If the Ministry assesses that the applicant is refusing to cooperate with the translator/interpreter provided for no justified reason, it shall be deemed that he/she does not wish to provide information to confirm whether he/she meets the conditions referred to in Articles 20 and 21 of this Act.
- (7) Applicants are obliged to provide translations of foreign documents on which they rely as evidence for their allegations, translated by the translator/interpreter referred to in Article 13, paragraph 1 of this Act. If the applicant does not wish to use the services of the translator/interpreter referred to in Article 13, paragraph 1 of this Act, he/she is obliged to provide a certified translation.
- (8) If the applicant does not have sufficient financial resources, the Ministry shall provide for the translation of a foreign document which is established by a free assessment of the information available to be a document of importance for the rendering of a decision.

### Special procedures and reception guarantees

#### Article 15

- (1) Through special procedural and reception guarantees, appropriate support shall be provided for applicants in relation to their personal circumstances, amongst other things their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorder, or as a consequence of torture, rape or other serious forms of psychological, physical or sexual violence, for the purpose of exercising the rights and obligations referred to in this Act.
- (2) The procedure of recognising the personal circumstances of applicants referred to in paragraph 1 of this Article shall be conducted continuously by specially trained police officers, employees of the Ministry and other competent bodies, from the moment of the expression of intention to apply for international protection to the service of the decision on the application.
- (3) The provisions of Articles 41 and 42 of this Act shall not apply to applicants who are in need of special procedural guarantees, especially victims of torture, rape or another form of serious psychological, physical or sexual violence, if it is not possible to provide the appropriate support.

## Minors

### Article 16

- (1) For a minor, the intention to apply for international protection shall be expressed by a legal representative.
- (2) The application of a minor is covered by the application made by his/her legal representative.
- (3) A minor older than 16 years of age who is married may take part independently in the procedure for the approval of international protection.

## Unaccompanied minors

### Article 17

- (1) For an unaccompanied minor who has expressed the intention to apply for international protection pursuant to Article 33 of this Act, the body competent for social welfare shall appoint a guardian *ad litem*, trained to work with children, who does not have a conflict of interest with the child.
- (2) An unaccompanied minor must be informed immediately about the appointment of the guardian *ad litem*.
- (3) By way of derogation from paragraph 1 of this Article, a guardian *ad litem* shall not be appointed to an unaccompanied minor older than 16 years of age who is married.
- (4) An unaccompanied minor shall lodge an application in person in the presence of the guardian *ad litem*.
- (5) By way of derogation from paragraph 4 of this Article, an application may be lodged on behalf of an unaccompanied minor by his/her guardian *ad litem* if, in the return procedure, it is assessed that he/she needs international protection in view of his/her personal circumstances.
- (6) The procedure following an application by an unaccompanied minor shall be conducted by an official from the Ministry trained to work with children.
- (7) The guardian *ad litem* shall prepare the unaccompanied minor in good time for the interview and provide him/her with information on the significance and consequences of the interview in a language which it may justifiably be assumed that he/she understands and in which he/she is able to communicate. The costs of interpretation shall be borne by the ministry competent for internal affairs.
- (8) The unaccompanied minor is obliged to participate in person in the interview in the presence of the guardian *ad litem*.

- (9) Applications by unaccompanied minors have priority in decision-making.
- (10) The provisions of Article 41 of this Act shall not be applied to applications by an unaccompanied minor except in cases prescribed in Article 41, paragraph 1, points 5, 8 and 9 of this Act.
- (11) The provisions of Article 42 of this Act shall not be applied to applications by unaccompanied minors.

#### Assessment of the age of an unaccompanied minor

##### Article 18

- (1) If, in the procedure to approve international protection doubt arises regarding the age of an unaccompanied minor, a procedure to assess the minor's age shall be conducted.
- (2) The assessment of the minor's age shall be conducted on the basis of the information available on the minor, including the expert opinions of persons involved in work with the minor. If the information available is insufficient, a medical examination shall be conducted, with the prior written consent of the minor and the guardian *ad litem*.
- (3) The medical examination shall be conducted by means of a physical examination, X-ray of the teeth and/or hands, with full respect for the dignity of the unaccompanied minor.
- (4) An unaccompanied minor shall be informed in writing in a language which he/she may justifiably be presumed to understand and in which he/she is able to communicate about the manner of examination and its possible consequences for his/her health, the consequences of the results of the medical examination for his/her application, as well as the consequences of unjustified refusal of consent referred to in paragraph 5 of this Article.
- (5) In the case of unjustified refusal of consent referred to in paragraph 2 of this Article, the unaccompanied minor shall be deemed to be an adult applicant. The application cannot be refused exclusively on the basis of the fact that consent to perform a medical examination pursuant to paragraph 2 of this Article was not given.
- (6) During the medical examination, an unaccompanied minor who does not understand Croatian shall be provided with a translator/interpreter for a language which he/she may justifiably be presumed to understand and in which he/she is able to communicate.
- (7) The costs of the medical examination shall be borne by the Ministry.
- (8) If, even following the results and report on the medical examination undertaken, there is still doubt regarding the age of the minor, the concept of benefit of the doubt shall be applied, pursuant to Article 29 of this Act.

#### Collection and exchange of information

## Article 19

(1) The Ministry and the Administrative Court may, in order to implement the provisions of this Act, request personal and other information from the applicant.

(2) The Ministry and the Administrative Court may collect the information referred to in paragraph 1 of this Article, even without the consent of the applicant, from bodies vested with public authority and physical persons in the Republic of Croatia if this is:

1. in the applicant's interests;
2. permitted by law or other regulations; or
3. necessary to verify information on the applicant.

(3) The bodies and persons referred to in paragraph 2 of this Article who have information on the applicant are obliged to provide it at the request of the competent bodies.

(4) The Ministry and the Administrative Court shall not collect information on the applicant from his/her country of origin if the collection of that information could endanger the physical integrity of the applicant and members of his/her family who have lodged an application together with him/her, or the freedom and safety of members of the family who live in the country of origin.

(5) Personal and other information collected during the procedure to approve international protection, especially the fact that an application has been lodged, constitute official, classified information, and may not be sent to the country of origin of an applicant, an asylee or a foreigner under subsidiary protection or to other bodies that are not involved in the procedure.

(6) By way of derogation from paragraph 5 of this Article, information on the name and surname, date of birth, sex, citizenship, family members, documents issued by the country of origin, last address in the country of origin, and fingerprints and photographs may be submitted to:

1. the country of origin or a third country for third-country nationals or stateless persons whose application is refused by a final decision under the condition that that country agrees to accept them; or
2. the bodies of a third country for the purpose of implementing the 1951 Convention.

(7) Collection, processing and storage of data referred to in this Article shall be undertaken exclusively pursuant to the regulations governing the protection of personal data.

(8) Data on applicants may be exchanged with member states of the European Economic Area.

## Title II



## CONDITIONS FOR APPROVAL OF INTERNATIONAL PROTECTION

### Asylum

#### Article 20

Asylum shall be granted to applicants who are outside the country of their nationality or habitual residence and have a well-founded fear of persecution owing to their race, religion, nationality, affiliation to a certain social group or political opinion, as a result of which they are not able or do not wish to accept the protection of that country.

### Subsidiary protection

#### Article 21

(1) Subsidiary protection shall be granted to an applicant who does not meet the conditions to be granted asylum referred to in Article 20 of this Act if justified reasons exist to indicate that if returned to his/her country of origin he/she 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.

(2) Serious harm assumes the threat of death by penalty or execution, torture, inhuman or degrading treatment or punishment and serious and individual threat to the life of the civil population due to arbitrary generalised violence in situations of international or internal armed conflicts.

### Reasons for persecution

#### Article 22

The reasons for persecution referred to in Article 20 of this Act are assessed by taking the following elements into account:

1. race, in particular including skin colour, descent, and membership of a specific ethnic group;
2. religion, in particular including theistic, non-theistic and atheistic beliefs, participation in or abstention from formal worship in private or public, either alone or in community with others, other religious acts or expressions of faith, or forms of personal or communal conduct founded on religious beliefs or which stem from them;
3. nationality, in particular including membership of a group that is specific in terms of its culture, ethnic or linguistic identity, common geographical or political origins, or its relationship with the population of another state, which may also include citizenship;

4. political opinion, in particular including an opinion, thought or belief about matters related to the potential persecutors referred to in Article 25 of this Act and their policies or methods, irrespective of whether the applicant acted upon that opinion, thought or belief;

5. a specific social group, in particular including members who share innate characteristics or a common background that cannot be changed, or characteristics or beliefs that are so fundamental to identity or conscience that these persons should not be forced to renounce them, and where that group has a distinct identity in their country of origin because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group may also include a group based on the common characteristics of sexual orientation. Sexual orientation cannot be deemed to include acts considered to be criminal pursuant to the legislation of the Republic of Croatia. Aspects related to gender, including gender identity, shall be given due consideration for the purpose of determining membership of a specific social group or identifying the characteristics of such a group.

## Acts of persecution

### Article 23

1) Acts regarded as persecution pursuant to Article 20 of this Act must be:

1. sufficiently serious in nature or repetition that they constitute a serious violation of fundamental human rights, in particular the rights from which derogation cannot be made under Article 15, paragraph 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or

2. an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as referred to in point 1 of this paragraph.

(2) Acts of persecution referred to in paragraph 1 of this Article may, amongst other things, be:

1. acts of physical or emotional violence, including sexual violence;

2. legal, administrative, police and/or judicial measures which are discriminatory or are implemented in a discriminatory manner;

3. judicial prosecution or punishment which is disproportionate or discriminatory;

4. denial of judicial redress which leads to disproportionate or discriminatory punishment;

5. court prosecution or punishment for refusal to undertake military service during conflicts, where performance of military service would include criminal offences or acts which fall within the grounds for exclusion as set out in Articles 30 and 31 of this Act;

6. acts of a gender-specific or child-specific nature.

(3) A connection must exist between the reasons for persecution and the acts of persecution and/or the absence of protection against such acts.

(4) In assessing whether an applicant has a well-founded fear of being persecuted, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristics which cause the persecution, provided that such characteristics are attributed to the applicant by the perpetrator of persecution.

#### Principle of "sur place"

##### Article 24

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

1. events which took place after the applicant left the country of origin;
2. the activities the applicant has engaged in after he/she left the country of origin, in particular where it is established that they constitute the expression and continuation of beliefs and/or orientation held in the country of origin.

(2) If the applicant submits a subsequent application, the well-founded fear of persecution or the real risk of suffering serious harm cannot be founded exclusively on the circumstances which the applicant created in order to meet the conditions for the approval of international protection.

#### Actors of persecution or serious harm

##### Article 25

Persecution referred to in Article 20 and the serious harm referred to in Article 21 of this Act, may be committed by:

1. state bodies;
2. parties or organisations that control the state or a significant part of the state territory;
3. non-state actors, if it is shown that state bodies or parties, or organisations that control a significant part of the state territory, including international organisations, are unable or unwilling to provide protection against persecution or serious harm.

#### Providers of protection in the country of origin

##### Article 26

(1) Protection from persecution and serious harm in the country of origin, within the meaning of Articles 20 and 21 of this Act, provided they are able and willing, may be provided by:

1. state bodies; or
2. parties and national or international organisations that control the state or a significant part of the state territory.

(2) When assessing whether parties and national or international organisations control a significant part of the state territory, official guidance provided in European Union acts shall be taken into account.

(3) The protection referred to in paragraph 1 of this Article presumes the existence of an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, as well as the possibility of providing that protection for the complete removal of the grounds on which the applicant bases his/her fear of persecution or serious harm.

### Internal resettlement

#### Article 27

(1) When assessing the application, the possibility of internal resettlement to a specific part of the country of origin is also established, where the applicant:

1. does not have a well-founded fear of persecution or of suffering serious harm; or
2. may receive effective protection from persecution or from suffering serious harm.

(2) The internal resettlement of the applicant referred to in paragraph 1 of this Article is possible if the applicant:

1. is able to travel to that part of the country safely and lawfully;
2. can gain admittance to that part of the country; and
3. can be reasonably expected to settle there.

### Assessment of facts and circumstances

#### Article 28

(1) The applicant shall cooperate with the Ministry and furnish all available documentation, and present true and accurate information relating to his/her identity, age, nationality, family, country and address of previous residence, former applications, travel routes, identification and travel documents and the reasons for applying for protection.

(2) When assessing the application, the Ministry shall collect and consider all the relevant facts and circumstances, especially taking into consideration:

1. the relevant statements and evidence presented by the applicant, pursuant to paragraph 1 of this Article, including information about whether he/she was or could be exposed to persecution or the risk of suffering serious harm;
2. current facts about the country of origin and, if necessary, the country through which he/she travelled, including the laws and regulations of that country, and the manner in which they are applied, as contained in various sources, especially those of the UNHCR and the European Asylum Support Office (hereinafter: EASO) and other organisations dealing with the protection of human rights;
3. the position and personal circumstances of the applicant, including factors such as gender and age, in order to assess on those bases whether the procedures and acts to which he/she was or could be exposed, would amount to persecution or serious harm;
4. whether the applicant's activities, since leaving the country of origin, were aimed at creating the essential conditions for the approval of international protection, in order to assess whether those activities would expose the applicant to persecution or the risk of serious harm if returned to that country;
5. whether the applicant could receive the protection of a country of which he/she can prove nationality.

(3) The fact that the applicant has already been exposed to persecution or serious harm, or the threat of such persecution or harm, is a serious indication of the applicant's well-founded fear of persecution or risk of suffering serious harm, unless good reasons exist to consider that such persecution or serious harm will not be repeated.

#### Benefit of the doubt

#### Article 29

The applicant's statement shall be deemed to be credible in the part in which certain facts or circumstances are not supported by documentation if:

1. the general credibility of the applicant's statement has been established;
2. the applicant has made a real effort to support his/her application with documentation;
3. all the relevant elements available to him/her have been lodged, with a satisfactory explanation regarding the lack of other relevant elements;
4. it is established that the applicant's statements are consistent and convincing and they do not contradict the specific and general information available which is relevant for deciding on the application; and
5. the applicant requested international protection as soon as possible or has justified why he/she did not do so.

#### Exclusion of asylum

## Article 30

(1) Asylum shall not be granted to an applicant who meets the conditions under Article 20 of this Act if:

1. he/she enjoys the protection of or is receiving assistance from an organ or agency of the United Nations, other than the UNHCR;
2. he/she already has approval of stay in a state in which on the basis of that approval he/she has the same rights and obligations as the nationals of that state;
3. there are serious reasons for considering that he/she committed, incited or in some other way participated in committing:
  - 1. a crime against peace, a war crime or a crime against humanity as defined by the provisions of international instruments;
  - 2. a serious non-political crime outside the Republic of Croatia, before his/her arrival in 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 in Articles 1 and 2 of the Charter of the United Nations.

(2) If the protection or assistance referred to in paragraph 1, point 1 of this Article has ceased for any reason over which the applicant has no control and his/her status has not been finally resolved pursuant to the relevant resolutions adopted by the General Assembly of the United Nations, he/she shall be granted asylum.

## Exclusion of subsidiary protection

### Article 31

(1) Subsidiary protection shall not be granted to an applicant who meets the conditions under Article 21 of this Act if:

1. there are serious reasons for considering that he/she has committed, incited or in some other way participated in committing:
  - a crime against peace, a war crime, or a crime against humanity as defined by the provisions of international instruments;
  - a serious crime;
  - acts contrary to the purposes and principles of the United Nations as set out in the Preamble and in Articles 1 and 2 of the Charter of the United Nations; or

2. if he/she constitutes a danger to the national security or public order of the Republic of Croatia.

(2) A serious crime referred to in paragraph 1, point 1, sub-paragraph 2 of this Article is deemed to be a crime which, pursuant to legislation of the Republic of Croatia, is punishable by a term of imprisonment of five years or more.

### Title III

## PROCEDURAL PROVISIONS

### Section I

#### Activities in the procedure

#### Competent bodies

#### Article 32

- (1) The Ministry shall decide on applications.
- (2) An administrative dispute may be brought before the administrative court against the decision by the Ministry.

#### Expression of intention to apply for international protection

#### Article 33

- (1) A third-country national or a stateless person may express his/her intention to apply for international protection during border control at a border crossing.
- (2) If a third-country national or stateless person is already in the territory of the Republic of Croatia, his/her expression of intention to apply for international protection may be made at the police administration, a police station or a reception centre for foreigners.
- (3) By way of derogation from paragraph 2 of this Article, an intention to apply for international protection may also be expressed in the Reception Centre for Applicants for International Protection (hereinafter: the Reception Centre) in extraordinary circumstances in order to allow access to the procedure for approving international protection.
- (4) If the third-country national or stateless person cannot express his/her intention to apply for international protection for justified reasons pursuant to paragraphs 2 and 3 of this Article,

the body before which the intention is expressed is obliged to duly inform the Ministry within three days from the expression of intention.

(5) In order to establish his/her identity, an applicant older than 14 years shall be subject to having his/her fingerprints and photograph taken.

(6) In the case of the temporary inability to take fingerprints for medical or other reasons which were not caused deliberately by the actions of the applicant, the applicant is obliged to provide fingerprints within the shortest possible period following the resolution of the reason why it was not possible to take fingerprints earlier.

(7) An applicant who without justified cause fails to act pursuant to paragraphs 5 and 6 of this Article shall have his/her fingerprints taken by police officers without his/her consent.

(8) Police officers or officers from the Reception Centre, immediately following the expression of intention to apply for international protection, shall take the applicant's fingerprints and shall photograph him/her, establish his/her identity, how he/she entered the Republic of Croatia, the travel route from the country of origin to the Republic of Croatia, and personal circumstances of importance for assessing the private and procedural guarantees referred to in Article 15 of this Act. They shall inform the Ministry of these things immediately and without delay.

(9) The bodies referred to in paragraphs 1, 2 and 3 of this Article shall register the applicant in the records of the Ministry no later than 3 working days from the day the applicant expressed his/her intention to apply for international protection. If the intention was expressed pursuant to paragraph 4 of this Article, the Reception Centre shall register the applicant in the records of the Ministry within 6 working days from the day when he/she expressed his/her intention.

(10) The body which undertook registration pursuant to paragraph 9 of this Article shall issue a certificate of registration of the applicant in the records of the Ministry, and, as necessary, shall set a time limit in which the applicant must report to the Reception Centre to lodge an application.

## Application for international protection

### Article 34

(1) Applications shall be lodged directly with the Reception Centre, orally for the record, whereby the procedure for approval of international protection begins.

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

(3) By way of derogation from paragraph 1 of this Article, applicants shall be allowed to lodge applications outside the Reception Centre within an appropriate period, depending on their personal circumstances.



(4) For lodging an application, the provisions on interviews under Article 35 of this Act apply *mutatis mutandis*.

## Personal interviews

### Article 35

(1) An official from the Ministry shall as soon as possible undertake an investigation procedure and enable the applicant to explain all the facts and circumstances of importance for the procedure to approve international protection.

(2) During the interview, the applicant shall give credible and convincing explanations of the reasons on which he/she bases his/her application, present all the available evidence used to support the application, and reply truthfully to all questions asked.

(3) The applicant is obliged to attend and participate in the interview in person regardless of whether he/she has a legal representative, a guardian *ad litem* and/or an attorney.

(4) The interview of the applicant shall be conducted even in the absence of an attorney who have been duly summoned but has not excused his/her absence.

(5) If possible, the interview of the applicant shall be conducted by an official of the same sex in order to ensure a full explanation of the application or for other justified reasons.

(6) The applicant shall give reasons if he/she refuses to cooperate with the official provided. The Ministry shall consider the reasons and shall inform the applicant orally for the record of its decision.

(7) An official from the Ministry may interview the applicant several times in order to establish the facts of the case.

(8) No interview need be undertaken when:

1. a decision may be rendered on the basis of the evidence available to approve international protection;

2. the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control;

3. the admissibility of a subsequent application is being assessed pursuant to Article 47 of this Act.

(9) If no interview is held, pursuant to paragraph 8, point 2 of this Article, the applicant or a member of his/her family shall be permitted to submit evidence and make statements relevant for a decision on his/her application.

## Service of decisions

### Article 36

- (1) Service of the decision on the application shall be performed in person to the applicant in a language which he/she may justifiably be expected to understand and in which he/she is able to communicate.
- (2) If the Ministry does not know where the applicant is, and if the applicant does not have a legal representative or attorney for receipt of documents, service shall be performed by displaying the document on the notice board of the Reception Centre.
- (3) Service shall be deemed to have been executed after the passing of 8 days from the day the document was placed on the notice board.

## Return

### Article 37

- (1) By a decision on the application or a decision on the cessation or revocation of international protection, a decision shall be rendered on a measure to ensure return pursuant to the provisions of the Foreigners Act.
- (2) When prescribing measures to ensure return referred to in paragraph 1 of this Article, priority shall be given to voluntary departure, unless the application was dismissed as clearly unfounded pursuant to Article 38, paragraph 1, point 5 of this Act, or if a subsequent application is dismissed as inadmissible, pursuant to Article 43, paragraph 3 of this Act.

## Section II

### Regular procedure

#### Deciding on an application

### Article 38

- (1) The Ministry shall render a decision on an application, whereby:
  1. it approves the application and grants asylum if the applicant meets the conditions under Article 20 of this Act;
  2. it approves the application in the part recognising subsidiary protection if the applicant meets the conditions under Article 21 of this Act;
  3. it rejects the application if the applicant does not meet the conditions under Articles 20 and 21 of this Act;
  4. it rejects the application if the conditions are met for exclusion, pursuant to Articles 30 and 31 of this Act;
  5. it rejects the application as clearly unfounded if the applicant does not meet the conditions under Articles 20 and 21 of this Act, and circumstances exist as referred to in Article 41, paragraph 1 of this Act.

(2) An application which may be approved on the basis of the established facts of the situation has priority in decision-making.

(3) No appeal is permitted against the decision referred to in paragraph 1 of this Article, but a claim may be brought before the Administrative Court, pursuant to Article 51 of this Act.

## Discontinuation of the procedure

### Article 39

(1) The procedure to approve international protection shall be discontinued if the applicant withdraws his/her application.

(2) It shall be deemed that the applicant has withdrawn the application if:

1. he/she does not appear at the Reception Centre or avoids lodging an application and fails to justify this within 2 days of the time limit set for appearing at the Reception Centre, or for lodging an application;
2. he/she does not respond to the summons to an interview, and does not justify his/her absence within 2 days of the scheduled interview;
3. leaves his/her place of residence for longer than 2 days without the consent of the Reception Centre; or
4. he/she withdraws the application.

(3) In the case referred to in paragraph 2, point 1 of this Article, the Ministry shall institute proceedings *ex officio* and render a decision on discontinuation.

(4) By way of derogation from paragraph 1 of this Article, the Ministry may, in the case referred to in paragraph 2, points 2 and 3 of this Article, reject the applicant's application if, on the basis of the facts and circumstances established, it may be assessed that they do not meet the conditions for approval of international protection.

(5) No appeal is permitted against a decision to discontinue the procedure, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 8 days of the day the decision is served.

## Time limits

### Article 40

(1) The Ministry shall render a decision on the application no later than within 6 months of the day of submission of a duly completed application or a duly completed and admissible subsequent application.

(2) The time limit referred to in paragraph 1 of this Article shall run from the day the responsibility of the Republic of Croatia is established for considering the application, or the day of handover of the applicant to the territory of the Republic of Croatia.

(3) By way of derogation from paragraphs 1 and 2 of this Article, the time limit may be extended for a further 9 months if:

1. the application includes complex facts and/or legal issues;
2. a large number of third-country nationals or stateless persons are requesting international protection at the same time;
3. the applicant, through his/her actions, contrary to the obligations referred to in Article 52 paragraph 3 of this Act, causes the time limit to be extended.

(4) By way of derogation from paragraph 3 of this Article, the time limit may be extended for a further 3 months exclusively in order to ensure the complete consideration of the application.

(5) If no decision can be rendered within the time limit referred to in paragraph 1 of this Article, the applicant shall be informed of this in writing and at his/her request shall be provided with information about the reasons for the failure to respect the time limit and about the time needed before which he/she may expect a decision.

(6) If it is justifiably to be expected that no decision will be rendered on the application within the time limits referred to in paragraphs 1 to 4 of this Article on account of the temporary unsafe situation in the country of origin, the Ministry shall:

1. periodically verify the situation in the country of origin; and
2. inform the applicant and the European Commission within a reasonable time of the reasons for failure to render a decision.

(7) In the case referred to in paragraph 6 of this Article, a decision must be rendered no later than within 21 months from the day the application is lodged.

### Section III

#### Special procedures

##### Accelerated procedure

#### Article 41

(1) The Ministry shall render a decision in an accelerated procedure no later than within 2 months from the day the application or an admissible subsequent application is lodged if, in conducting the entire procedure pursuant to the provisions of Section I, Title III of this Act, it is established that:

1. the applicant has presented only facts which were irrelevant for an assessment of the application;

2. the applicant has consciously misled the Ministry by presenting false information or unreliable documents, or by not providing relevant information or by concealing documents which could have had a negative effect on the decision;
  3. the applicant in bad faith has probably destroyed documents that establish identity or nationality so as to provide false information about his/her identity and/or nationality;
  4. the applicant has presented inconsistent, contradictory, manifestly inaccurate or unconvincing statements contrary to the verified information on the country of origin, rendering his/her application unreliable;
  5. a subsequent application is admissible pursuant to Article 47, paragraph 5 of this Act;
  6. the applicant has already been living for a long time in the Republic of Croatia and for no justifiable reason failed to express his/her intention to apply for international protection earlier;
  7. the applicant expressed the intention to apply for international protection for the clear purpose of postponing or preventing the enforcement of a decision which would result in his/her expulsion from the Republic of Croatia;
  8. the applicant represents a risk for the national security or public order of the Republic of Croatia;
  9. it is possible to apply the concept of safe country of origin, pursuant to Article 44 of this Act;
  10. the applicant has refused to give fingerprints pursuant to Article 33, paragraph 5 of this Act.
- (2) The applicant shall be informed that a decision is to be rendered on his/her application in an accelerated procedure.
  - (3) The time limit referred to in paragraph 1 of this Article shall be calculated pursuant to Article 40, paragraph 2 of this Act.
  - (4) If no decision can be made within the time limit referred to in paragraph 1 of this Act, a decision shall be rendered on the application in a regular procedure pursuant to the provisions of Section II of this Act.
  - (5) No appeal is permitted against a decision rendered in an accelerated procedure, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 8 days from the day the decision is served.

#### Procedures at border crossings or in transit zones

#### Article 42

- (1) The procedure for approval of international protection following the expression of intention to apply for international protection or a subsequent application at a border crossing or in the

transit zone of an airport, sea port or inland water port shall be undertaken at the border crossing or in the transit zone, where the entire procedure is conducted and where it is conducted with respect for the principles of Title I, or Section I, Title III of this Act, if:

- the applicant is provided with the material reception conditions referred to in Article 55 of this Act; and

- the application or subsequent application may be rejected as manifestly unfounded pursuant to Article 38, paragraph 1, point 5 of this Act, or dismissed pursuant to Article 43 of this Act.

(2) Organisations working to protect the rights of refugees and which on the basis of an agreement with the Ministry provide legal counselling referred to in Article 59, paragraph 3 of this Act shall be provided with effective access to border crossings or transit zones in airports, sea ports or inland water ports.

(3) Access to an applicant by an attorney or representative of an organisation that works to protect the rights of refugees, apart from the UNHCR, may be temporarily restricted when this is necessary for the protection of the national security or public order of the Republic of Croatia.

(4) The Ministry shall render a decision on the application in a procedure at the border crossing or in the transit zone no later than within 28 days from the day the application is lodged.

(5) If within the time limit referred to in paragraph 4 of this Article no decision is rendered, the applicant shall be permitted to enter the Republic of Croatia in order for the procedure for the approval of international protection to be conducted.

(6) No appeal is permitted against the decision referred to in paragraph 4 of this Article, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 5 days from the day the decision is served. The Ministry shall submit the case file no later than within 8 days from the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall render a judgment on the claim within 8 days from the day of receipt of the case file.

#### Dismissal of applications or subsequent applications

#### Article 43

(1) The Ministry shall render a decision to dismiss an application if:

1. the applicant has been granted international protection in another member state of the European Economic Area;

2. the applicant has been granted international protection in a third state whose rights he/she still enjoys, including the guarantees stemming from Article 6 of this Act, provided that he/she will be received back into that state;

3. it is possible to apply the concept of safe third country pursuant to Article 45 of this Act;

4. it is possible to apply the concept of European safe third country, pursuant to Article 46 of this Act;

5. the responsibility is established of another member state of the European Economic Area to consider the application;

6. the application was lodged by a national of a member state of the European Union.

(2) The Ministry shall render a decision to dismiss a subsequent application if it assesses that it is inadmissible pursuant to Article 47, paragraph 6 of this Act.

(3) No appeal is permitted against a decision to dismiss an application or subsequent application, but it is possible to bring a claim before the Administrative Court pursuant to Article 51 of this Act within 8 days of the day of service of the decision.

### Safe country of origin

#### Article 44

(1) A country is considered as a safe country of origin where, on the basis of the legal situation, the application of the law and the general political circumstances, it can be shown that there is generally and consistently no persecution, as referred to in Article 23 of this Act, or risk of suffering serious harm within the meaning of Article 21, paragraph 2 of this Act, as established on the basis of information on:

1. the relevant laws and regulations of the country and the manner in which they are applied;
2. observance of the rights and freedoms guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, especially Article 15, paragraph 2 of the European Convention, the International Covenant for Civil and Political Rights and the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
3. respect for the principle of *non-refoulement*;
4. the provision of a system of effective remedies.

(2) The information referred to in paragraph 1 of this Article shall be collected from various relevant sources, especially from other member states of the European Economic Area, the EASO, the UNHCR, the Council of Europe and other relevant international organisations.

(3) The minister competent for internal affairs, with the prior consent of the minister competent for foreign affairs, shall render a decision to establish a list of safe countries of origin, and shall inform the European Commission of this.

(4) The Ministry shall regularly verify and as necessary revise the list of safe countries of origin, taking into account the provision of paragraph 1 of this Article, with the prior consent of the minister competent for foreign affairs, and shall inform the European Commission accordingly.

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

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

(6) The applicant shall be informed in good time of the application of the provisions of paragraph 5 of this Article in order to enable him/her to challenge the use of the concept of safe country of origin, in view of the specific nature of his/her personal circumstances.

### Safe third country

#### Article 45

(1) A safe third country is a country where the applicant is safe from persecution as referred to in Article 20, or the risk of suffering serious harm as referred to in Article 21 of this Act, and where he/she enjoys the benefits stemming from Article 6 of this Act, and the possibility exists of access to an effective procedure of being granted protection, pursuant to the 1951 Convention.

(2) The fact whether the conditions have been met to apply the concept of safe third country is established for each application separately, by assessing whether a country meets the conditions referred to in paragraph 1 of this Article and whether a connection exists between that country and the applicant, on the basis of which it may reasonably be expected that he/she could request international protection there, taking into account all the facts and circumstances of his/her application.

(3) The applicant will be informed in good time of the application of the safe third country concept, so that he/she is able to challenge this in relation to paragraphs 1 and 2 of this Article, in view of the specific characteristics of his/her personal circumstances.

(4) The Ministry shall issue an applicant whose application is dismissed pursuant to Article 43, paragraph 1, point 3 of this Act with a document in the language of the safe third country, informing the competent state bodies of that country that his/her application has not been examined in substance in the Republic of Croatia.

(5) If the safe third country refuses to accept the foreigner, a decision shall be rendered on the substance of the application pursuant to the provisions of this Act.

(6) The Ministry shall regularly inform the European Commission about the countries to which the concept of safe third country has been applied.



## European safe third country

### Article 46

- (1) A European safe third country is a country that has ratified and applies the provisions of the 1951 Convention and the European Convention for the Protection of Human Rights and Fundamental Freedoms, including standards on effective remedy, and has established an effective procedure for the approval of protection pursuant to the 1951 Convention.
- (2) It shall be determined whether the conditions have been met for the application of the concept of European safe third country for each application individually, assessing whether a country meets the conditions referred to in paragraph 1 of this Article.
- (3) The application of an applicant who entered the territory of the Republic of Croatia unlawfully from a European safe third country shall be dismissed pursuant to Article 43, paragraph 1, point 4 of this Act, taking into account respect for the principles referred to in Article 6 of this Act, and the special circumstances of a humanitarian or political character, as well as the rules of international public law.
- (4) The applicant shall be informed in good time of the application of the European safe third country concept, so that he/she is able to challenge this in relation to paragraphs 1 of this Article, in view of the specific characteristics of his/her personal circumstances.
- (5) The Ministry shall issue the applicant whose application is dismissed pursuant to Article 43, paragraph 1, point 4 of this Act with a document in the language of the European safe third country, informing the state bodies of that country that his/her application has not been examined in substance in the Republic of Croatia.
- (6) The Ministry shall regularly inform the European Commission about the countries to which the concept of European safe third country has been applied.

## Subsequent applications

### Article 47

- (1) Subsequent applications shall be lodged by a third-country national or a stateless person after the decision has become final, whereby:
  1. the previous application was dismissed pursuant to Article 38 of this Act; or
  2. the previous procedure was discontinued pursuant to Article 39, paragraph 2, point 4 of this Act.
- (2) An explanation of the subsequent application shall be submitted to the Reception Centre directly in writing or orally if the person is illiterate. The Ministry shall decide on the subsequent application no later than within 15 days from the day of receiving it.
- (3) The subsequent application must be comprehensible and contain the relevant facts and evidence which arose after the finality of the decision or which the applicant for justified reasons

did not present during the previous procedure relating to establishing the meeting of the conditions for approval of international protection.

(4) The admissibility of the subsequent application shall be assessed on the basis of the facts and evidence it contains, and in connection with the facts and evidence already used in the previous procedure.

(5) If it is established that the subsequent application is admissible, a decision shall be rendered once again on the substance of the application, and the previous decision revoked.

(6) The subsequent application shall be dismissed if it is established that it is inadmissible pursuant to paragraphs 3 and 4 of this Article.

(7) A subsequent application by a under transfer shall be considered in the responsible member state of the European Economic Area, but a subsequent application lodged in the Republic of Croatia shall be dismissed as inadmissible.

#### Resettlement and relocation

##### Article 48

(1) A decision and programme for the resettlement of third-country nationals or stateless persons, who meet the conditions for approval of international protection, shall be rendered by the Government of the Republic of Croatia, following a joint proposal by the Ministry and the ministry competent for foreign affairs.

(2) The decision on the manner and conditions for the relocation of a specific number of persons for whom another member state of the European Union has approved international protection, in order to share the burden, on the basis of the principle of solidarity, shall be rendered by the Government of the Republic of Croatia, following a joint proposal by the Ministry and the ministry competent for foreign affairs.

(3) A third-country national or stateless person who is resettled pursuant to paragraph 1 of this Article or relocated pursuant to paragraph 2 of this Article shall be granted asylum or subsidiary protection.

#### Section IV

##### Cessation and revocation

##### Cessation of international protection

##### Article 49

(1) Asylum shall be withdrawn if:

1. the asylee voluntarily accepts the protection of the country of which he/she is a national;

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

(2) Subsidiary protection shall be withdrawn if the circumstances on the basis of which it was recognised cease to exist or are altered to such an extent that further protection is no longer necessary.

(3) After establishing that the circumstances related to the cessation of international protection referred to in paragraph 1, point 4, and paragraph 2 of this Article have ceased to exist in a significant and permanent manner, the Ministry shall inform the asylee or foreigner under subsidiary protection accordingly and shall allow him/her to make an oral statement for the record.

(4) The Ministry shall render a decision to revoke the decision approving international protection.

(5) No appeal is permitted against the decision referred to in paragraph 4 of this Article, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 8 days of the day of service of the decision.

(6) International protection shall cease by force of law:

1. when an asylee or foreigner under subsidiary protection acquires Croatian citizenship;
2. on the death of the asylee or foreigner under subsidiary protection.

## Revocation of international protection

### Article 50

(1) International protection shall be revoked if:

1. reasons for exclusion, as referred to in Article 30 or 31 of this Act, are subsequently established;

2. it is established that status was recognised on the basis of incorrectly presented or omitted facts, false presentation of important facts and circumstances, or the use of unreliable documents or other documents which were decisive for the approval of international protection.

3. the person to whom international protection was granted represents a risk to the national security or public order of the Republic of Croatia.

(2) After establishing that circumstances have arisen relating to the revocation of international protection referred to in paragraph 1 of this Article, the Ministry shall inform the asylee or foreigner under subsidiary protection of the reasons for revocation and shall allow him/her to make an oral statement about those circumstances for the record.

(3) The Ministry shall render a decision to revoke the decision approving international protection.

(4) No appeal is permitted against the decision referred to in paragraph 3 of this Article, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 8 days from the day the decision is served.

(5) A third-country national or stateless person, to whom paragraph 1, point 3 of this Article applies, whilst in the Republic of Croatia, shall enjoy rights pursuant to the 1951 Convention, especially in relation to the prohibition of discrimination, freedom of religion, access to courts, education, non-punishment of illegal entry or stay, expulsion and respect of the "*non-refoulement*" principle.

## Section V

### Remedy

#### Proceedings before the Administrative Court

#### **Article 51 (NN 127/17)**

(1) A claim brought before the Administrative Court shall suspend the enforcement of the decision, except in the case of:

1. the dismissal of an application in accelerated procedure, pursuant to Article 41 of this Act;
2. the dismissal of an application pursuant to Article 43, paragraph 1, points 1 and 2 of this Act;
3. the dismissal of a subsequent application pursuant to Article 43, paragraph 2 of this Act;
4. deciding on the restriction of movement of the applicant, pursuant to Article 54, paragraph 11 of this Act;
5. deciding on the right to financial assistance pursuant to Article 55 paragraph 2 of this Act;
6. the restriction or denial of material rights, pursuant to Article 55, paragraphs 6 and 7 of this Act;
7. the denial of approval referred to in Article 56, paragraph 6 of this Act;
8. the dismissal of the application pursuant to Article 61, paragraph 3 of this Act.
- 9. decisions concerning the right to accommodation in accordance with Article 67, paragraphs 3, 7 and 9 of this Act.**
- 10. approving of the application and granting right to international protection in accordance with Article 38, paragraphs 1 and 2 of this Act.**

(2) The claim may contain a request for suspensive effect, pursuant to the regulations on administrative disputes, apart from the case referred to in Article 41, paragraph 1, point 6 of this Act. The Ministry shall submit the case file, no later than within 8 days from the day of receipt of the decision by which the Administrative Court requests the case file, for a decision on the request for suspensive effect. The Administrative Court shall decide on the request for suspensive effect within 8 days of the day of delivery of the case file.

(3) An appeal against the first instance judgement by the Administrative Court shall not have suspensive effect.

## Title IV

### RIGHTS AND OBLIGATIONS OF APPLICANTS

#### Rights and Obligations

#### Article 52

(1) Applicants have the right to:

1. residence;
2. freedom of movement within the Republic of Croatia;
3. provision of the appropriate material reception conditions;
4. health care;
5. elementary and secondary education;
6. information, legal counselling, and free legal assistance;
7. freedom of religion;
8. work; and
9. documents, pursuant to Article 62 of this Act.

(2) In exercising the rights referred to in paragraph 1 of this Article, the needs of applicants who require special procedural and/or reception guarantees shall be taken into consideration.

(3) Applicants are obliged:

1. to respect the Constitution, laws and other regulations of the Republic of Croatia;

2. to cooperate with the state bodies of the Republic of Croatia and act in line with their measures and instructions;
3. to submit to verification and establishment of identity;
4. to undergo a medical examination;
5. to respect the house rules of the Reception Centre;
6. to appear at the Reception Centre within the set time limits;
7. to respond to a summons by the Ministry for an interview, and cooperate throughout the entire procedure of approval of international protection;
8. to remain within the territory of the Republic of Croatia throughout the entire procedure of approval of international protection;
9. to report any change of residence to the Ministry within 2 days of the day of the change;
10. to respect the instructions and measures of the Ministry regarding restriction of movement.

(4) Applicants who do not have the right of residence pursuant to Article 53 of this Act shall not exercise the rights under this Article, except the right to free legal assistance.

(5) A foreigner under transfer shall have the rights and obligations referred to in this Article until handover is effected to the responsible state member of the European Economic Area.

## Right of residence

### Article 53

(1) Applicants shall have the right of residence in the Republic of Croatia from the day of expression of intention to apply for international protection until the decision on the application becomes final.

(2) If an applicant brings a claim which contains a request for suspensive effect pursuant to Article 51, paragraph 2 of this Act, he/she shall have the right of residence until the service of the judgment on suspensive effect.

(3) If the applicant lodges a subsequent application with the intention of postponing or preventing enforcement of the decision on expulsion from the Republic of Croatia which was dismissed as inadmissible pursuant to Article 47, paragraph 6 of this Act, he/she shall have the right of residence until the decision on the subsequent application becomes final.

(4) Applicants who lodge a new subsequent application after a decision has already been rendered on a previous subsequent application, pursuant to Article 47, paragraph 6 of this Act, shall not have the right of residence in the Republic of Croatia.

(5) An applicant who is undergoing the procedure of handover or extradition pursuant to Article 7, paragraphs 1 and 2 of this Act shall not have the right of residence in the Republic of Croatia.

(6) Family members who arrived together with the applicant shall have the right of residence pursuant to Article 1 of this Article.

(7) A foreigner under transfer has the right of residence until the execution of transfer to another member state of the European Economic Area.

## Freedom of movement of applicants

### Article 54

(1) Applicants and foreigners under transfer shall have the right of freedom of movement in the Republic of Croatia.

(2) The freedom of movement of applicants may be restricted if, on the basis of all the facts and circumstances of the specific case, it is deemed to be necessary for the purpose of:

1. establishing the facts and circumstances on which the application for international protection is based, and which cannot be established without restriction of movement, especially if it is assessed that there is a risk of flight;

2. establishing and verifying identity or nationality;

3. protection of the national security or public order of the Republic of Croatia;

4. prevention of abuse of the procedure if, on the basis of objective criteria, which include the possibility of access to the procedure of approval of international protection, there is a well-founded suspicion that the intention to apply for international protection expressed during the procedure of expulsion was aimed at preventing the procedure from continuing.

(3) The movements of a foreigner under transfer may be restricted only in order to ensure the enforcement of handover to another member state of the European Economic Area if it is assessed that a risk of flight exists.

(4) The risk of flight is assessed on the basis of all the facts and circumstances of the specific case, especially in view of earlier attempts to leave the Republic of Croatia, the refusal to submit to verification and establishment of identity, concealment of information or providing false information on identity and/or nationality, violations of the provisions of the house rules of the Reception Centre, the results from the Eurodac system, and opposition to transfer.

(5) The freedom of movement of an applicant or foreigner under transfer may be restricted by the following measures:

1. prohibition of movement outside the Reception Centre;

2. prohibition of movement outside a specific area;

3. appearance in person at the Reception Centre at a specific time;
4. handing over travel documents or tickets for deposit at the Reception Centre;
5. accommodation in the reception centre for foreigners.

(6) The measure of accommodation at the reception centre for foreigners may be imposed if, by individual assessment, it is established that other measures referred to in paragraph 5 of this Article would not achieve the purpose of restriction of freedom of movement.

(7) The freedom of movement of a member of a vulnerable group may be restricted by means of accommodation in the reception centre for foreigners if, by individual assessment, it is established that such a form of accommodation is suitable for the applicant's personal circumstances and needs, and especially for his/her health.

(8) The freedom of movement of an unaccompanied minor may be restricted by means of accommodation in the reception centre for foreigners separately from adults, for the shortest possible duration, if, by individual assessment, it is established that this form of accommodation is necessary.

(9) The measure of restriction of freedom of movement shall be imposed for as long as there are reasons for this as referred to in paragraph 2 of this Article, but for no longer than 3 months. As an exception, for justified reasons, the application of the measure of restriction of freedom of movement may be extended for no longer than three more months.

(10) In the case referred to in paragraph 3 of this Article, the measure may be imposed until the enforcement of transfer, but for no longer than 6 weeks from the establishment of the responsibility of another member state of the European Economic Area. If an administrative dispute has been instituted, the time limit of 6 weeks shall be counted from the time the decision on dismissal becomes final, pursuant to Article 43, paragraph 1, point 5 of this Act.

(11) The Ministry, the police administration or the police station shall render a decision on restriction of freedom of movement, establishing the type of measure referred to in paragraph 5 of this Article, and its duration, which is proportionate to the aim of the restriction of movement.

(12) No appeal is permitted against the decision referred to in paragraph 11 of this Article, but a claim may be brought before the Administrative Court, pursuant to Article 51 of this Act, within 8 days of the day of service of the decision. The Ministry, the police administration or the police station shall submit the case file to the Administrative Court no later than within 8 days of the day of receipt of the decision by which the Administrative Court requests the case file. The Administrative Court shall render a decision on the claim after a personal interview within 15 days from the day of receipt of the case file.

## Material reception conditions

### Article 55



(1) Material reception conditions are: accommodation in the Reception Centre, food and clothing provided in kind, remuneration of the cost of public transport for the purpose of the procedure for the approval international protection, and financial assistance.

(2) The manner and conditions for achieving the material reception conditions shall be established by the Ministry, while the Reception Centre shall decide on the right to financial assistance.

(3) The amount of financial assistance shall be established by the minister by a decision.

(4) An applicant may stay at his/her own expense at any address in the Republic of Croatia, with the necessary prior consent of the Ministry.

(5) The material reception conditions may be restricted or denied if the applicant:

1. does not reside in the Reception Centre in which accommodation has been provided for him/her;
2. stays outside the Reception Centre in violation of the conditions referred to in Article 56, paragraph 6 of this Act;
3. possesses means which provide him/her with an appropriate standard of living;
4. violates the provisions of the house rules of the Reception Centre.

(6) On the basis of a case by case assessment, the Reception Centre shall render a decision to restrict or deny some of the material reception conditions referred to in paragraph 1 of this Article, which is proportionate to the aim pursued, taking into account Article 52, paragraph 2 of this Act and maintaining the dignity of the standard of living of the applicant.

(7) If the circumstances referred to in paragraph 5, points 1 and 2 of this Act cease to exist, the Reception Centre shall render a decision to revoke the decision referred to in paragraph 6 of this Article in its entirety or partially.

(8) No appeal is permitted against the decision referred to in paragraphs 2, 6 and 7 of this Article, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 8 days of the day the decision is served.

(9) The Ministry has the right to request repayment of the costs of accommodation, including material damage incurred in the case prescribed in paragraph 5, points 3 and 4 of this Article.

## Reception Centre for applicants

### Article 56

(1) The Reception Centre is an organisational unit of the Ministry.

(2) The UNHCR, the Croatian Red Cross and other organisations that work to protect the rights of refugees or that engage in humanitarian work may conduct training, educational and similar programmes in the Reception Centre, and provide other forms of aid and assistance, with the prior consent of the Ministry.

- (3) Material reception conditions shall be provided for applicants accommodated in the Reception Centre.
- (4) When accommodating applicants in the Reception Centre, account shall be taken in particular of gender, age, position in a vulnerable group, applicants with special reception needs and family unity.
- (5) The rules of residence at the Reception Centre are regulated by the house rules.
- (6) Applicants may stay outside the Reception Centre for longer than 24 hours with the prior consent of the Reception Centre. If, on the basis of a case by case assessment, consent is denied, the Reception Centre shall render a decision on this.
- (7) No appeal is permitted against the decision referred to in paragraph 6 of this Article, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 8 days from the day the decision is served.
- (8) The Government of the Republic of Croatia, upon a proposal by the Minister of the Interior, shall designate a legal entity under state ownership to provide services of protection of persons and property in the Reception Centre.

#### Health care

##### Article 57

- (1) Health care of applicants shall include emergency medical assistance, and necessary treatment of illnesses and serious mental disorders.
- (2) Applicants who need special reception and/or procedural guarantees, especially victims of torture, rape or other serious forms of psychological, physical or sexual violence, shall be provided with the appropriate health care related to their specific condition or the consequences of those offences.
- (3) The Ministry competent for health care shall provide for the medical examination referred to in Article 52 paragraph 3, point 4 of this Act, and the health care referred to in paragraphs 1 and 2 of this Article.
- (4) The costs of the health care referred to in paragraphs 1 and 2 of this Article and the medical examination referred to in Article 52, paragraph 3, point 4 of this Act shall be borne by the ministry competent for health care.

#### Education

##### Article 58

- (1) The right to elementary and secondary education for a minor applicant shall be exercised under the same conditions as Croatian citizens.

(2) Applicants who have begun to exercise the right to secondary education referred to in paragraph 1 of this Article shall be allowed to continue secondary education even after they have come of age.

(3) A minor applicant shall be allowed to exercise the right referred to in paragraph 1 of this Article within 30 days of lodging an application until a final decision is rendered on his/her return.

(4) If the minor applicant does not speak Croatian or speaks it insufficiently, he/she shall be provided with preparatory classes or supplementary classes in the Croatian language, as well as supplementary classes in individual subjects, insofar as such a need arises.

#### The right to information and the right to counselling

##### Article 59

(1) Third-country nationals or stateless persons in a reception centre, at a border crossing or in a transit zone of an airport, sea port or inland water port who wish to express their intention to apply for international protection shall be provided by police officers with all necessary information on the procedure for the approval of international protection in a language which they may justifiably be expected to understand and in which they are able to communicate.

(2) The Ministry shall inform applicants within 15 days of the expression of intention of how the procedure of approval of international protection is conducted, on the rights and obligations they have in that procedure, and the possibility of applying to representatives of the UNHCR and other organisations who work to protect the rights of refugees, and the possibility of receiving free legal assistance.

(3) Applicants shall, at their request, be provided with legal and procedural information on the approval of international protection, taking into account the circumstances of the specific case, in a language which it may be reasonably be presumed that they understand and in which they are able to communicate.

(4) The right to counselling referred to in paragraph 3 of this Act shall be provided by organisations working to protect the rights of refugees or by attorneys with whom the Ministry shall conclude an agreement on the provision of legal counselling.

(5) An applicant who has no financial resources or things of significant value that enable him/her to have an appropriate standard of living shall have the right to legal counselling referred to in paragraph 3 of this Article.

#### Free legal assistance

##### Article 60

(1) Applicants and foreigners under transfer shall have the right to free legal assistance in the implementation of this Act, and they shall exercise this right at their own request if they do not possess sufficient financial resources or things of significant value.

- (2) The legal assistance referred to in paragraph 1 of this Article shall encompass:
1. assistance in drawing up a claim;
  2. representation in first instance administrative disputes; and
  3. exemption from payment of the costs of first instance administrative disputes.
- (3) The Administrative Court shall decide on the right to free legal assistance referred to in paragraph 1 of this Article, and the amount of costs of legal assistance referred to in paragraph 2 of this Article.
- (4) The providers of legal assistance are attorneys and legal experts from associations registered with the ministry competent for judicial affairs to provide legal assistance.
- (5) The providers of legal assistance referred to in paragraph 4 of this Article shall, without delay, inform the Ministry of the bringing of a claim before the Administrative Court and the date of service of the judgment by the Administrative Court. If a provider of legal assistance does not act in line with this obligation, the provider shall be deleted from the List of Providers of Free Legal assistance, pursuant to the provisions of the Regulations referred to in Article 93, paragraph 1, point 6 of this Act.
- (6) Pursuant to the decision by the Administrative Court referred to in paragraph 3 of this Article, the costs of legal assistance shall be borne by the Ministry.

#### Applicants and work

##### Article 61

- (1) Applicants shall acquire the right to work after 9 months from the day of lodging an application upon which the Ministry has not yet rendered any decision if the applicant, through his/her conduct, has not caused the reasons for the failure to render a decision.
- (2) The Ministry shall issue a document at the request of an applicant to certify that the applicant has acquired the right to work, pursuant to paragraph 1 of this Article.
- (3) If the applicant does not meet the conditions referred to in paragraph 1 of this Article, the Ministry shall render a decision refusing to issue the document referred to in paragraph 2 of this Article.
- (4) No appeal is permitted against the decision referred to in paragraph 3 of this Article, but a claim may be brought before the Administrative Court pursuant to Article 51 of this Act within 8 days from the day the decision is served.
- (5) The applicant shall exercise the right to work without a residence permit or work permit, or a certificate on registration of work until the decision on the application becomes final.

#### Applicants' documents

## Article 62

- (1) The Ministry shall issue an applicant with a card for applicants for international protection (hereinafter: applicants' card) within 3 days of the day of lodging the application. The applicant's card confirms the right of residence in the Republic of Croatia, pursuant to Article 53 of this Act. An applicant's card is not proof of identity.
- (2) By way of derogation from paragraph 1 of this Article, an applicant's card shall not be issued to an applicant who lodged an application at a border crossing or transit zone referred to in Article 42 of this Act.
- (3) The Ministry shall issue applicant's cards to members of the applicant's family as referred to in Article 53, paragraph 6 of this Act.
- (4) Applicant's cards must be returned to the Ministry upon the cessation of the right of residence pursuant to Article 53 of this Act, so that they may be destroyed.
- (5) Applicants may be issued with a travel document for foreigners, pursuant to the provisions of the Foreigners Act.
- (6) The Ministry shall issue a foreigner under transfer a *laissez-passer* for the sake of handover to the responsible member state of the European Economic Area.

### Temporary seizure of foreign documents

## Article 63

- (1) The Ministry may retain applicants' travel or other identification documents if this is necessary for the following reasons:
  1. establishment or verification of identity;
  2. protection of the national security or public order of the Republic of Croatia;
- (2) The documents referred to in paragraph 1 of this Article shall be retained for as long as there are reasons to retain them, and for which a receipt shall be issued.

## Title V

### RIGHTS AND OBLIGATIONS OF ASYLEES AND FOREIGNERS UNDER SUBSIDIARY PROTECTION

#### Rights and obligations of asylees and foreigners under subsidiary protection

## Article 64

(1) The status of asylee or foreigner under subsidiary protection shall be acquired on the day the decision granting international protection is served.

(2) Asylees and foreigners under subsidiary protection have the following rights:

1. residence in the Republic of Croatia;
2. family reunification;
3. accommodation;
4. work;
5. health care
6. education;
7. freedom of religion;
8. free legal assistance;
9. social welfare;
10. assistance for integration into society;
11. ownership of real property pursuant to the 1951 Convention; and
12. acquisition of Croatian citizenship pursuant to the regulations governing the acquisition of citizenship.

(3) The Ministry shall provide asylees or foreigners under subsidiary protection with general information on the rights and obligations acquired with the approval of international protection within 8 days of the service of the decision, in a language which it may justifiably be assumed that they understand and in which they are able to communicate.

(4) Asylees and foreigners under subsidiary protection have the duty to:

1. respect the Constitution, laws and other regulations of the Republic of Croatia;
2. register their place of residence within 15 days from the service of the decision approving international protection;
3. have their residence permit, referred to in Article 75 of this Act, on their person and allow persons authorised by law to examine it;
4. attend a course in the Croatian language, history and culture.

## Right of residence

## Article 65

- (1) Asylees and foreigners under subsidiary protection have the right of residence in the Republic of Croatia from the day of the service of the decision approving international protection, which is demonstrated by their residence permit.
- (2) The right of residence in the Republic of Croatia shall be established by the decision approving international protection.
- (3) The decision referred to in paragraph 2 of this Article shall be revoked in the part relating to approval of the right of residence in the Republic of Croatia if the asylee or foreigner under subsidiary protection moves out of the Republic of Croatia or resides continually abroad for longer than 6 months without previously informing the Ministry of this fact.

## Right to family reunification

### Article 66

- (1) Asylees and foreigners under subsidiary protection have the right to family reunification referred to in Article 4, paragraph 1, point 18 of this Act.
- (2) A minor child of an asylee or foreigner under subsidiary protection who has not founded their own family shall follow the legal status of their legal representative, to whom international protection has been granted, on which the Ministry shall render a decision.
- (3) Family members of asylees and foreigners under subsidiary protection who are not covered in paragraph 2 of this Article shall regulate their residence pursuant to the provisions of the Foreigners Act.
- (4) A family member of an asylee or foreigner under subsidiary protection who is legally resident in the Republic of Croatia shall exercise the same rights as an asylee, or foreigner under subsidiary protection, pursuant to the provisions of Articles 64 to 66 of this Act.
- (5) A family member for whom reasons exist for exclusion referred to in Articles 30 and 31 of this Act and for reasons of protection of the national security or public order of the Republic of Croatia shall not have the right of family reunification.
- (6) In the case of family reunification of asylees and foreigners under subsidiary protection, conducted pursuant to the provisions of this Act or the Foreigners Act, for a person who is unable to obtain official documents to prove a specific family relationship, circumstances shall be taken into consideration on the basis of which it may be assessed whether or not such a relationship exists. A decision to refuse an application for family reunification cannot be based exclusively on the fact that no official document exists to prove a specific family relationship.

## **Right to accommodation** **Article 67 (NN 127/17)**

(1) Asylees and foreigners under subsidiary protection have the right to accommodation if they do not possess financial means or property to support themselves.

(2) The procedure for recognising the right to accommodation is initiated by the submission of a request to the competent social welfare centre (hereinafter: Centre). The competent Centre is the centre in the place of domicile of the asylee and foreigner under subsidiary protection.

(3) The Centre renders a decision on the request. An appeal may be lodged against the decision within 15 days of the date of service of the decision, but appeal does not delay enforcement of decision. The ministry responsible for social welfare renders a decision on the appeal, against which a claim may be filed with the competent administrative court within eight days of the date of service of the decision.

(4) Asylees and foreigners under subsidiary protection have the right to accommodation for a maximum period of two years from the date on which the decision approving international protection is served.

(5) With the expiry of the time limit referred to in paragraph 4 of this Article, asylees and foreigners under subsidiary protection have the right to accommodation pursuant to the legislation regulating the field of social welfare.

(6) If the Centre establishes that the asylee or foreigner under subsidiary protection generates the financial means or owns property that could be used to generate funds to participate in the payment of accommodation costs, the decision recognising the right to accommodation referred to in paragraph 3 of this Article shall state that the asylee or foreigner under subsidiary protection is to participate in the payment of accommodation costs in accordance with the legislation referred to in Article 93, paragraph 3 of this Act by making payment into the account of the Central State Office for Reconstruction and Housing Care.

(7) If the Centre, in procedures within its remit, establishes, after the decision recognising the right to accommodation referred to in paragraph 3 of this Article becomes enforceable, that the asylee or foreigner under subsidiary protection has the financial means or property to generate funds to participate in the payment of accommodation costs, it shall quash the decision referred to in paragraph 3 of this Article and issue a new decision, recognising the right to accommodation of the asylee or foreigner under subsidiary protection and establishing the obligation to participate in the payment of accommodation costs in accordance with Article 93, paragraph 3 of this Act. An appeal against the decision may be lodged within 15 days of the service of the decision but it does not delay its enforcement. The ministry responsible for social welfare renders a decision on the appeal, against which a claim may be filed with the competent administrative court within eight days of the date of service of the decision.

(8) The right to accommodation of an asylee and foreigner under subsidiary protection shall cease in the following cases:

1. upon the expiry of the time limit referred to in paragraph 4 of this Article;
2. upon personal request;
3. if he or she refuses the accommodation provided;
4. if he or she fails without justified reason to reside at the registered address for a period longer than 30 days;
5. if he or she does not meet the conditions for recognition of the right to accommodation;
6. if it is established that he or she fails to take due and responsible care of the accommodation provided;
7. if it is established that he or she uses the accommodation provided contrary to its purpose.

(9) Save in the case referred to in paragraph 8, item 1 of this Article, the Centre, after establishing in the prescribed procedure the conditions referred to in paragraph 8, items 2



to 7 of this Article, shall quash the decision referred to in paragraph 3 of this Article and shall adopt a new decision establishing the termination of the right to accommodation, against which an appeal may be lodged within 15 days from the date on which the decision is served. The appeal does not delay enforcement of the decision. The ministry responsible for social welfare shall render a decision on the appeal, against which a claim may be filed with the competent administrative court within eight days of the date of service of the decision.

(10) Enforceable decisions from paragraphs 3 and 9 of this Article shall be delivered to the Central State Office for Housing Care.

(11) If the circumstances referred to in paragraph 6 and paragraph 8, items 4 and 5 of this Article cease to exist, as well as if the right to accommodation terminates upon personal request, the asylee and foreigner under subsidiary protection may re-submit a request according to paragraph 2 of this Article.

#### Article 67.a (NN 127/17)

(1) Pursuant to the decision recognising the right to accommodation referred to in Article 67, paragraph 3 of this Act, the Central State Office for Reconstruction and Housing Care shall secure to asylees and foreigners under subsidiary protection housing units that are property of the Republic of Croatia or are at disposal to the Central State Office as per lease agreements concluded with other natural persons.

(2) The Central State Office for Reconstruction and Housing Care shall sign a contract on lease or sublease of the housing unit referred to in paragraph 1 of this Article with the asylee and foreigner under subsidiary protection whose right to accommodation is recognised in accordance with Article 67, paragraph 1 of this Act for a maximum period of two years from the date on which the decision approving international protection becomes enforceable. Contract on lease or sublease shall define mutual rights and obligations.

(3) The Central State Office for Reconstruction and Housing Care shall allow the asylee and foreigner under subsidiary protection with whom it signed the contract referred to in paragraph 2 of this Article to take possession of the housing unit assigned.

(4) Funds for the costs of accommodation referred to in paragraph 1 of this Article shall be earmarked in the State Budget of the Republic of Croatia under the item for the Central State Office for Reconstruction and Housing Care.

(5) The provision of accommodation referred to in paragraph 2 of this Article shall also include the process of finding, adapting, furnishing, maintaining, and the settlement of utility costs and leasing costs for the housing unit provided.

#### Right to work

#### Article 68

(1) Asylees and foreigners under subsidiary protection shall have the right to work in the Republic of Croatia, without a residence permit or certificate of registration of work.

(2) Asylees and foreigners under subsidiary protection shall exercise the right to adult training related to employment, vocational training and acquiring practical work experience, under the same conditions as Croatian citizens.

## Health care

### Article 69

- (1) Asylees and foreigners under subsidiary protection shall exercise the right to health care pursuant to the regulations governing health insurance and health care of foreigners in the Republic of Croatia.
- (2) The costs of health care of the persons referred to in paragraph 1 of this Article shall be paid from the State Budget of the Republic of Croatia, under the item of the ministry competent for health care.

## Right to education

### Article 70

- (1) Asylees and foreigners under subsidiary protection have the right to elementary, secondary and higher education under the same conditions as Croatian citizens, pursuant to separate regulations.
- (2) Asylees and foreigners under subsidiary protection shall exercise the right to adult education pursuant to the regulations on adult education under the same conditions as Croatian citizens.
- (3) Asylees and foreigners under subsidiary protection shall exercise the right to recognition of foreign qualifications under the same conditions as Croatian citizens.
- (4) For asylees and foreigners under subsidiary protection, who for justified reasons are not able to provide the necessary documentation to prove their foreign qualifications, an assessment shall be conducted of their prior learning. Assessment of the prior learning of asylees and foreigners under subsidiary protection shall be conducted by a competent body, pursuant to the regulations governing regulated professions and recognition of foreign vocational qualifications.
- (5) A decision to refuse an application for recognition of foreign vocational qualifications cannot be based exclusively on the fact that no official documents exist to prove a specific foreign vocational qualification.
- (6) If an asylee or foreigner under subsidiary protection does not have sufficient financial resources available, the translation of foreign documents for the purpose of recognition of foreign qualifications shall be provided from the State Budget of the Republic of Croatia, under the item of the ministry competent for education.

## Right to freedom of religion

### Article 71

Asylees and foreigners under subsidiary protection are guaranteed freedom to live and raise children according to their religious beliefs.

#### Free legal assistance

##### Article 72

Asylees and foreigners under subsidiary protection shall have the right to free legal assistance under the same conditions as applicants, pursuant to Article 60 of this Act, in the case of the decisions referred to in Article 38, paragraph 1, point 2, Article 49, paragraph 4 and Article 50, paragraph 3 of this Act.

#### Right to social welfare

##### Article 73

Asylees and foreigners under subsidiary protection have the right to social welfare pursuant to the regulations governing the domain of social welfare of Croatian citizens.

#### Learning the Croatian language, history and culture

##### Article 74

- (1) Asylees and foreigners under subsidiary protection are obliged to attend a course in the Croatian language, history and culture, for the purpose of integration into Croatian society.
- (2) In the case of failure to fulfil the obligation referred to in paragraph 1 of this Article, the asylee or foreigner under subsidiary protection shall repay the costs of the course to the ministry competent for education.
- (3) The costs of the activities referred to in paragraph 1 of this Article shall be paid from the State Budget of the Republic of Croatia, under the item of the ministry competent for education.

#### Documents

##### Article 75

- (1) Asylees and foreigners under subsidiary protection shall lodge an application for the issue of a residence permit at the police administration or police station, according to their place of residence.
- (2) A residence permit shall be issued to an asylee for a period of five years.

(3) A residence permit shall be issued to an foreigner under subsidiary protection for a period of 3 years.

(4) The application for the issue of the permit referred to in paragraphs 2 and 3 of this Article shall be lodged by an asylee or foreigner under subsidiary protection older than 16 years. For asylees and foreigners under subsidiary protection younger than 16 years, the application shall be lodged by their legal representative or guardian, under the same conditions as Croatian citizens.

(5) An asylee may lodge an application for the issue of a travel document for asylees at the police administration or police station according to their place of residence.

(6) Travel documents for asylees are issued for a period of 5 years, pursuant to the Annex to the 1951 Convention.

(7) The application for the issue of a travel document for a minor asylee shall be lodged by the legal representative or guardian *ad litem* under the same conditions as a Croatian citizen.

(8) A foreigner under subsidiary protection may be issued with a special travel document for foreigners, pursuant to the provisions of the Foreigners Act.

(9) The issue of a travel document to an asylee or foreigner under subsidiary protection shall be refused if:

1. he/she is avoiding enforcement of a judgment in criminal proceedings;
2. he/she is avoiding enforcement of due property law liabilities arising from a marital relationship or a parent-child relationship, a tax debt or other property law liability established by law, for which a writ of execution exists;
3. so required for reasons of national security or protection of the public order.

(10) A travel document of an asylee or foreigner under subsidiary protection shall be revoked for the reasons listed in paragraph 9 of this Article.

(11) Asylees and foreigners under subsidiary protection are obliged to return their residence permit, travel document for asylees, special travel document for foreigners to the Ministry upon the cessation of international protection or the revocation of the decision approving international protection.

### **Integration in society**

#### **Article 76 (NN 127/17)**

(1) The process to integrate asylees and foreigners under subsidiary protection into society includes the procedures of exercising the rights referred to in Articles 64 to 77 of this Act.

(2) Asylees and foreigners under subsidiary protection have the right to assistance for integration into society for no longer than 3 years from the service of the decision.

(3) Assistance for integration in society covers:

1. drawing up a plan of integration for asylees or foreigners under subsidiary protection in view of their individual needs, knowledge, abilities and skills;
2. providing assistance to asylees or foreigners under subsidiary protection for the realisation of the plan drawn up;
3. supervising the implementation of the plan.

(4) The Ministry shall conduct the activities referred to in paragraph 3 of this Article.

(5) The Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia shall coordinate the work of all ministries, NGOs and other bodies who participate in the procedure of integrating asylees or foreigners under subsidiary protection into society within the framework of the Permanent Commission for Implementation of the Integration of Foreigners into Croatian society and the related Working Group **tasked of drawing up proposals of national strategic documents in this field.**

## Acquisition of Croatian citizenship

### Article 77

(1) If asylees or foreigners under subsidiary protection are not able for objective reasons to obtain official documents from their country of origin necessary to acquire Croatian citizenship, in the procedure to acquire Croatian citizenship official documents of the Republic of Croatia shall be taken into account, along with other documents they possess, on the basis of which it may be assessed whether they meet the conditions for the acquisition of Croatian citizenship.

(2) A decision to refuse an application for Croatian citizenship may not be founded exclusively on the fact that the official documents of the country of origin referred to in paragraph 1 of this Article, necessary to acquire Croatian citizenship, have not been submitted.

## Title VI

### TEMPORARY PROTECTION

#### Approval of temporary protection

### Article 78

(1) Temporary protection is protection approved in an extraordinary procedure, in the case of a mass influx or an imminent mass influx of displaced persons from third countries who cannot be returned to their country of origin, especially if a risk exists that due to the mass influx it is not possible to conduct effectively the procedure for approval of international protection, for the purpose of protecting the interests of the displaced persons and others who request protection.

(2) Displaced persons referred to in paragraph 1 of this Article are deemed to be third-country nationals or stateless persons who have had to leave their country or region of origin, or have

been evacuated, in particular in response to an appeal by international organisations, and are unable to return to safe and enduring conditions because of the situation prevailing in that country, who may fall within the scope of Article 1A of the Geneva Convention of 1951 or other international or national instruments giving international protection, in particular:

1. persons who have fled areas of armed conflict or endemic violence;
  2. persons at serious risk of, or who have been the victims of, systematic or generalised violations of their human rights.
- (3) Mass influx, referred to in paragraph 1 of this Article, means a large number of displaced persons who come from a specific country or geographical area, whether their arrival was spontaneous or aided.
- (4) The Government of the Republic of Croatia shall render a decision on introducing temporary protection pursuant to a decision by the Council of Europe on the existence of a mass influx of displaced persons.

#### Duration of temporary protection

##### Article 79

- (1) The longest duration of temporary protection is 3 years.
- (2) Temporary protection shall be approved for a period of one year.
- (3) With the expiry of the time limit referred to in paragraph 2 of this Article, temporary protection may be extended for 6 months and up to no more than one year, unless the temporary protection has ended pursuant to paragraph 5, point 2 of this Article.
- (4) By way of derogation from paragraph 3 of this Article, temporary protection may be further extended for no more than one year on the basis of a decision by the Council of the European Union.
- (5) Temporary protection shall come to an end:
  1. when the maximum duration of temporary protection has been reached; or
  2. by a decision of the Council of the European Union.

#### Exclusion of temporary protection

##### Article 80

Temporary protection shall not be granted to a third-country national or a stateless person if serious reasons exist on the basis of which it is believed that:

1. he/she has committed a crime against peace, a war crime or a crime against humanity as defined by the provisions of international instruments;

2. he/she committed, incited to or participated in a serious non-political crime outside the Republic of Croatia before arriving in the Republic of Croatia, also including particularly cruel acts, even if they were committed with an allegedly political objective;
3. he/she has committed 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;
4. a well-founded suspicion exists that he/she is a threat to national security;
5. he/she has been convicted by a final judgement of a particularly serious criminal offence for which under the legislation of the Republic of Croatia a prison sentence of five years or longer may be imposed.

### Voluntary departure

#### Article 81

- (1) At the request of the foreigner under temporary protection or the foreigner whose temporary protection has come to an end, the Ministry shall take the appropriate measures to enable their voluntary return to their country of origin, taking account of their human dignity.
- (2) In the case referred to in paragraph 1 of this Article, the Ministry shall consider the relevant reports on the situation in the country of origin and take into account the serious humanitarian reasons why the return of an individual would be temporarily impossible or unreasonable, and inform the foreigner under temporary protection accordingly.
- (3) The foreigner referred to in paragraph 1 of this Article shall retain the rights guaranteed by this Act until the day of return to his/her country of origin.

### Cooperation with other bodies

#### Article 82

During the time of temporary protection and the return of those whose temporary protection has come to an end, the Ministry shall cooperate with other state bodies, the UNHCR, the Croatian Red Cross and other organisations working to protect the rights of refugees.

### Rights and obligations of foreigners under temporary protection

#### Article 83

- (1) A under temporary protection in the Republic of Croatia has the following rights:
  1. residence;
  2. a card;
  3. basic means for life and accommodation;

4. health care;
5. elementary and secondary education;
6. information on rights and obligations;
7. work;
8. family reunification; and
9. freedom of religion.

(2) The obligations prescribed in Article 52, paragraph 3 of this Act shall be applied *mutatis mutandis* to foreigners under temporary protection.

(3) A foreigner under temporary protection who, during the period of temporary protection, lodges an application for international protection, may not exercise the rights of an applicant whilst the temporary protection lasts.

(4) The foreigner under temporary protection referred to in paragraph 3 of this Article who is not granted international protection has the rights referred to in paragraph 1 of this Article for the remaining period of temporary protection.

#### Right of residence

##### Article 84

A foreigner under temporary protection has the right of residence during the period of temporary protection.

#### Cards of foreigners under temporary protection

##### Article 85

(1) A foreigner under temporary protection shall be issued with a card for a period of one year, which may be extended pursuant to Article 79, paragraphs 3 and 4 of this Act, and this shall be deemed a residence permit in the Republic of Croatia.

(2) A foreigner under temporary protection shall return the card referred to in paragraph 1 of this Article to the Ministry at the end of the temporary protection.

#### Right to work

##### Article 86

(1) A foreigner under temporary protection may work in the Republic of Croatia without a residence or work permit or certificate of registration of work.



(2) Foreigners under temporary protection shall exercise the right to adult education in relation to employment, vocational training and acquisition of practical work experience.

#### Health care

##### Article 87

(1) Health care for foreigners under temporary protection includes emergency medical assistance and, for vulnerable groups, appropriate medical and other assistance.

(2) The costs of the health care referred to in paragraph 1 of this Article shall be paid from the State Budget of the Republic of Croatia, under the item of the ministry competent for health care.

#### Right to education

##### Article 88

A foreigner under temporary protection has the right to elementary and secondary education and to re-training and additional training, under the same conditions as Croatian citizens.

#### Right to family reunification

##### Article 89

(1) A request for family reunification shall be lodged by a foreigner under temporary protection or members of his/her family who wish to come to the Republic of Croatia.

(2) Temporary protection shall be approved for a family member who is reunited with a foreigner under temporary protection.

(3) In cases where family members enjoy temporary protection in different member states of the European Union, when reuniting the family, the interests of the family shall be taken into consideration.

#### Accommodation of foreigners under temporary protection

##### Article 90

(1) During the period of temporary protection, a foreigner under temporary protection shall be provided with appropriate accommodation if he/she does not possess his/her own financial resources.

(2) Accommodation shall also be provided for an foreigner whose temporary protection has come to an end if he/she does not possess his/her own financial resources and if, for serious health reasons, it is not possible to return him/her to the country of origin.

## Information on rights and obligations

### Article 91

The Ministry shall inform foreigners under temporary protection in writing and as soon as possible about their rights and obligations in a language which they may justifiably be expected to understand, and in which they are able to communicate.

## Right to apply for international protection

### Article 92

- (1) A foreigner under temporary protection has the right to lodge an application for international protection.
- (2) The procedure for an application for international protection referred to in paragraph 1 of this Article may be completed by the Ministry even after the end of temporary protection.

## Title VII

### AUTHORITY TO ADOPT REGULATIONS AND MANAGE DATABASES

#### **Adoption of legislation**

#### **Article 93 (NN 127/17)**

- (1) The minister competent for internal affairs shall adopt:
  1. ordinances on the realisation of material reception conditions;
  2. decisions on the amount of financial assistance for applicants;
  3. decisions on the costs of accommodation at the Reception Centre;
  4. house rules of the Reception Centre;
  5. ordinances on the layout of the form and content of documents of applicants, asylees, foreigners under subsidiary protection and foreigners under temporary protection, the layout of the permit for resettling a foreigner under temporary protection from one state to another and the laissez-passer for an foreigner under transfer, and on the content and manner of keeping the database and the time limits for keeping data therein;

6. regulations on the procedure for the realisation and payment of the costs of free legal assistance, and the tariff of the services provided under the legal assistance prescribed by the provisions of this Act.

(2) The minister competent for internal affairs, with the prior consent of the minister competent for foreign affairs, shall render a decision to establish the list of safe countries of origin.

**(3) The minister responsible for social welfare, subject to the prior consent of the state secretary of the Central State Office for Reconstruction and Housing Care, shall issue an ordinance on the participation of asylees, foreigners under subsidiary protection and aliens under temporary protection in the payment of accommodation costs.**

(4) The minister competent for education, with the prior consent of the minister competent for internal affairs, shall adopt:

- a decision on a programme for studying the Croatian language, history and culture for applicants for international protection, asylees and foreigners under subsidiary protection and foreigners under temporary protection;
- an ordinance on how the programme is run and how to test the knowledge of applicants for international protection, asylees, foreigners under subsidiary protection and foreigners under temporary protection, for the purpose of access to the education system and integration into Croatian society.

(5) The Government of the Republic of Croatia, upon a joint proposal by the ministry of the interior and the ministry of foreign affairs, shall adopt:

- a decision and programme for the resettlement of third-country nationals and stateless persons from third countries;
- a decision on the manner and conditions for the reception of asylees and foreigners under subsidiary protection from other member states of the European Union;
- a decision on the manner and conditions for the reception and movement of a specific number of foreigners under temporary protection in order to share the burden among European Union member states, according to the principle of solidarity.

(6) The competent ministers and the Government of the Republic of Croatia shall adopt the ordinances, house rules and decisions referred to in paragraphs 1 to 5 of this Article within 180 days from the day this Act comes into force.

## Management of the database

### Article 94

(1) For the efficient control of the conduct of the procedure prescribed by this Act, the Ministry shall keep a database on:

1. applicants;

2. asylees;
  3. foreigners under subsidiary protection;
  4. foreigners under temporary protection;
  5. applicants' cards;
  6. residence permits issued to asylees and foreigners under subsidiary protection;
  7. cards of foreigners under temporary protection;
  8. travel documents issued to asylees;
  9. travel and other documents temporarily retained;
  10. the registration and de-registration of habitual residence by asylees and foreigners under subsidiary protection, and the registration or de-registration of temporary residence by applicants and foreigners under temporary protection;
  11. the fingerprints and photographs taken of applicants and foreigners under temporary protection.
- (2) Personal data contained in the database referred to in paragraph 1 of this Article shall be collected, stored and processed pursuant to the provisions of regulations governing protection of personal data.

## Title VIII

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 95

Procedures started before this Act comes into force shall be completed pursuant to the provisions of the Asylum Act (Official Gazette, no: 79/07, 88/10 and 143/13).

#### Article 96

Before the implementing legislation which is adopted on the basis of the authorities referred to this Act comes into force, in the part in which it is not contrary to the provisions of this Act, the following shall be applied:

1. The Ordinance on forms and databases in the asylum procedure (Official Gazette, nos. 36/08, 46/08, correction 10/09, 88/11 and 81/13);
2. The Ordinance on free legal aid in the asylum procedure (Official Gazette, no. 32/12);
3. The Ordinance on the accommodation of applicants, asylees, foreigners under subsidiary protection and foreigners under temporary protection (Official Gazette, no. 36/08 and 116/11);

4. The Ordinance on the amount of financial assistance for applicants for asylum, asylees, foreigners under temporary protection and foreigners under subsidiary protection (Official Gazette, no. 39/08);
5. The Ordinance on the content of the medical examination of applicants for asylum, asylees, foreigners under temporary protection and foreigners under subsidiary protection (Official Gazette, no. 39/08);
6. The Ordinance on the conduct of the programme and on the testing of knowledge of applicants for asylum, asylees, foreigners under temporary protection and foreigners under subsidiary protection, for access to the education system and integration into Croatian society (Official Gazette, no. 89/08);
7. The Decision on the programme of the Croatian language, history and culture for applicants for asylum and for asylees (Official Gazette no. 129/09);
8. The Decision on the curriculum and programme of the Croatian language for applicants for asylum, asylees and foreigners under subsidiary protection older than 15 years for access to secondary education and adult education (Official Gazette no. 100/12);
9. The Decision on the programme of the Croatian language, history and culture for asylees and foreigners under subsidiary protection for integration into Croatian society (Official Gazette, no. 154/14);
10. The Decision on the costs of accommodation in the Reception Centre for Applicants for Asylum (Official Gazette, no. 49/08).

#### Article 97

When this Act comes into force, the Asylum Act (Official Gazette 79/07, 88/10 and 143/13) shall cease to apply.

#### Article 98

This Act shall enter into force on the eighth day after its publication in the Official Gazette.

### **TRANSITIONAL AND FINAL PROVISIONS (NN 127/17)**

#### **Article 6**

**The minister responsible for social welfare shall issue an ordinance from Article 5 of this Act within six months from the day this Act comes into force.**

#### **Article 7**

**This Act shall be published in the “Official Gazette”, and shall enter into force on 01 January 2018.**