

## THE FOREIGNERS ACT

### I. GENERAL PROVISIONS

#### Article 1

(1) This Act regulates conditions for the entry, movement, residence and work of foreigners as well as working conditions and rights of workers assigned to work in the Republic of Croatia.

(2) The provisions of this Act relating to residence and work of foreigners shall not apply to the members of Diplomatic Missions and Consular Offices, the members of the missions of the organizations of the United Nations and other specialized institutions of the United Nations, the members of the missions of international organizations accredited in the Republic of Croatia and the members of their families or households.

(3) In this Act, certain nouns are specified in the masculine grammatical gender, but are used as neutral to cover both, the masculine and feminine gender.

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

- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals; (SL L 348, 24.12.2008.),
- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985; (SL L 187, 10.7.2001.),
- Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence (SL L 328, 05.12.2002.),
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purpose of removal by air; (SL L 321, 6.12.2003.),
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals; (SL L 149, 2.6.2001.),
- Council Framework Decision 2002/946/PUP of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence (SL L 328, 5.12.2002.),
- Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of the Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals; (SL L 60, 27.2.2004.),
- Council Decision 2004/573/EC of 29 April 2004 on the organization of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders; (SL L 261, 6.8.2004.),
- Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the member States; (SL L 158, 30.4.2004.),
- Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and

residence of third-country nationals for the purpose of highly qualified employment; (SL L 155, 18.6.2009.),

- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals; (SL L 168, 30.6.2009.),

- Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of provision of services; (SL L 18, 21.1.1997.),

- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents; (SL L 16, 23.1.2004.),

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification; (SL L 251, 3.10.2003.),

- Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service; (SL L 375, 23.12.2004.),

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to the third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; (SL L 261, 6.8.2004.),

- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research; (SL L 289, 3.11.2005.),

- Council Resolution 97/C 382/01 of 04 December 1997 on measures to be adopted on the combating marriages of convenience; (SL C 382, 16.12.1997.),

- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals; (SL C 304, 14.10.1996.),

- **Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; (SL L 304, 30.09.2004.),**

- **Directive 2011/51/EU of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection; (SL L 132, 19.05.2011.),**

- **Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State; (SL L 343, 23.12.2011.).**

**(5) By this Act implementation of the following EU Resolutions shall be regulated:**

- **Resolution EC No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code); (SL L 243, 15.9.2009),**

- **Resolution EC No. 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa information System (VIS) and the exchange of data between Member States on short-stay-visas (VIS Regulation); (SL L 218, 13.8.2008.).**

## Article 2

For the purposes of this Act, the particular terms have the meanings as follows:

1. Foreigner means a person who is not a Croatian national.
2. Stateless person means a foreigner who is not considered as a national of any State under the operation of its law.
3. Travel document means a foreign travel document and a travel document for a foreigner.
4. Foreign travel document means a document issued by the competent body of another country to nationals or foreigners for travelling abroad.
5. **Foreigner's travel document means a *laissez-passer* for a foreigner, a special travel document for a foreigner, a travel document for a stateless person, a travel document for an asylee, issued in accordance with special regulations, as well as documents issued on the basis of international treaties.**
6. Carrier means a physical person or legal entity registered for the performance of the activity of rendering transport services to persons.
7. Employer means a physical person or legal entity that entered into employment relationship with a foreigner or takes advantage of his work.
8. Subcontractor means an employer – a physical person or legal entity that entered into a works subcontracting agreement with another physical person or legal entity and that entered into an employment relationship with a foreigner or takes advantage of his work.
9. Daily migrant means a national of a neighboring country in which he has domicile and who enters the Republic of Croatia to work and returns to his home country every day.
10. Seasonal worker means a foreigner residing in a state of his nationality or in a state where he has approved permanent residence, who concluded a contract for the performance of a particular job within a particular time period, not exceeding 6 months, with an employer having his registered office in the Republic of Croatia.
11. National of a Member State of the **European Economic Area** (hereinafter referred to as: the **EEA**) means a foreigner having nationality of one of the **EEA** Member States.
12. Third-country national means a foreigner not having nationality of the **EEA** Member State.
13. Highly qualified worker means a third-country national employed in the Republic of Croatia pursuant to special regulations governing employment related relations in the Republic of Croatia, who is paid for the work concerned and who has the required, i.e. corresponding and particular expertise, as demonstrated by highly professional qualifications.
14. Highly professional qualifications means completed university education or completed undergraduate and graduate university studies or an integrated undergraduate and graduate university studies or specialized graduate occupational studies.
15. Agency for temporary employment means an employer that, following a Worker's Assignment Contract, assigns a worker to perform temporary jobs for the particular user.

### Article 3

A foreigner holding multiple nationalities shall be obliged to use in the Republic of Croatia a travel document on the basis of which he entered the country, as well as to use it when leaving the Republic of Croatia.

### Article 4

(1) A foreigner shall be obliged to adhere to the laws and regulations and to the decisions of state bodies of the Republic of Croatia during his movement and residence in the Republic of Croatia.

(2) A foreigner whose movement is restricted to a particular area may move only within such an area.

(3) A foreigner acting contrary to the provision of Paragraph 2 of this Article may be deprived from document for movement within a particular area of which a related certificate shall be issued.

### Article 5

(1) A security check on a foreigner for the purpose of determining reasons of national security shall be carried out by the Security Intelligence Agency.

(2) An explanation of the decision rejecting or terminating residence of a foreigner or expelling a foreigner under the grounds of national security shall specify the related legal provision, where an elaboration of the grounds decisive to adopt the decision is not to be included.

## II. TRAVEL DOCUMENTS

### Article 6

**(1) A travel document for a stateless person shall be issued under the conditions laid down by international conventions.**

**(2) A laissez-passer for a foreigner shall be issued with the term of validity of up to 30 days.**

**(3) A special travel document for a foreigner may be issued to a foreigner who has temporary residence, permanent residence or subsidiary protection granted in the Republic of Croatia in accordance with the Asylum Act and who, without his fault, is not able to obtain a national travel document.**

**(4) Documents issued on the basis of international treaties may be issued to foreigners under conditions laid down by those international treaties.**

### *Issuing of a laissez-passer for a foreigner*

### Article 7

(1) A *laissez-passer* for a foreigner shall be issued to a foreigner who is not in possession of a foreign travel document provided that:

1. his Croatian nationality has ceased – for leaving abroad,
2. the state of his nationality does not have its Diplomatic Mission or Consular Office in the Republic of Croatia and its interests are not represented by another state – for leaving abroad,
3. he, when being abroad, has lost his asylee travel document or travel document for stateless person, which had been issued by the Police Administration or Police Station – for returning to the Republic of Croatia,
4. he is in the procedure of expulsion – for leaving abroad.

(2) Exceptionally from Paragraph 1 of this Article, a *laissez-passer* for a foreigner shall be issued if there are other well-founded reasons to do so.

#### Article 8

(1) A *laissez-passer* for a foreigner shall be issued:

1. in the events referred to in Article 7, Paragraph 1, Points 1, 2 and 4 of this Act – by the Police Administration or Police Station according to residence or domicile of a foreigner,
2. in the events referred to in Article 7, Paragraph 1, Point 3 of this Act – by the Diplomatic Mission or Consular Office of the Republic of Croatia, subject to prior consent of the Ministry of the Interior, given in its headquarters (hereinafter referred to as: the Ministry),
3. in the events referred to in Article 7, Paragraph 2 of this Act – by the Police Administration or Police Station or by the Diplomatic Mission or Consular Office of the Republic of Croatia, subject to prior consent of the Ministry.

(2) A travel document for stateless persons shall be issued by the Police Administration or Police Station according to residence or domicile of a foreigner.

**(3) A special travel document for a foreigner shall be issued by the Police Administration or Police Station according to residence or domicile of a foreigner, subject to prior consent of the Ministry.**

#### ***Refusal to issue a travel document for a foreigner***

#### Article 9

(1) A foreigner's travel document shall not be issued to a foreigner:

1. against whom a criminal or misdemeanor procedure is pending, unless the state body conducting the procedure has issued its consent,
2. sentenced to imprisonment or fined, until he serves the sentence or pays the fine,
3. who did not regulate his due proprietary obligations for which there is an

enforceable title,

4. if it is required by the reasons of protection of public order, national security or public health.

(2) A *laissez-passer* for a foreigner may be issued to a foreigner in the process of expulsion, regardless of existence of circumstances referred to in Paragraph 1, Points 1, 2 and 3 of this Article.

(3) In the event referred to in Paragraph 1 of this Article, a foreigner shall be entitled to appeal. The Appeal Commission appointed by the Government of the Republic of Croatia (hereinafter referred to as: the Commission) shall decide about the appeal.

### ***Seizure of a foreigner's travel document***

#### Article 10

(1) Whenever a Police Administration or Police Station establishes the existence of any of the reasons referred to in Article 9 of this Act, a foreigner's travel document shall be seized.

(2) The seizure of a foreigner's travel document shall be subject to the issuance of a decision. A foreigner shall be entitled to appeal against the decision. The Commission shall decide about the appeal.

### **III VISAS**

#### Article 11

(1) A visa means the approval of the following:

1. transit through the territory of the Republic of Croatia or residence at the territory of the Republic of Croatia in the maximum duration of three months in any six-month period from the date of initial entry to the territory of the Republic of Croatia,
2. transit through the international transit area of an airport.

(2) A foreigner may not work at the territory of the Republic of Croatia on the basis of a visa.

**(3) The Government of the Republic of Croatia shall, at the proposal of the Ministry competent for foreign affairs, lay down the visa regime of the Republic of Croatia by an Ordinance on a visa regime, in accordance with Article 4 of the Council Regulation (EC) 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (SL L 81, 21.03.2001.)**

(4) The Ministry competent for foreign affairs shall be the central state body for the visa issues.

## Article 12

The types of visas are the following:

1. Airport transit visa (Visa A),
2. Short-term visa (Visa C).

### ***Airport transit visa***

## Article 13

- (1) A foreigner who during stop-over at the airport in the Republic of Croatia, or at international flights does not leave the international transit space does not require a visa.
- (2) Exceptionally from Paragraph 1 of this Article, the Government of the Republic of Croatia may order that the nationals of certain states and the holders of travel documents issued by the competent bodies of those states do require airport transit visas.
- (3) An airport transit visa shall be issued to a foreigner for one, two or multiple passes through the international transit area of an airport.
- (4) Term of validity of an airport transit visa shall also include additional 15 day period.
- (5) Exceptionally from Paragraph 4 of this Article, additional period shall not be granted if it is required by reasons of public order.
- (6) A multiple airport transit visa shall be issued with the term of validity of up to 6 months.

### ***Short-term visa***

## Article 14

- (1) A short-term visa shall be issued for transiting through the Republic of Croatia or for residing at the territory of the Republic of Croatia.
- (2) A short-term visa shall be issued for one, two or multiple entries to the Republic of Croatia.
- (3) The period of validity of a short-term visa shall not exceed five years.
- (4) A short-term visa for multiple entries shall be issued with a period of validity between six months and five years, where the foreigner proves the following:
  1. the need, or he justifies the intention to travel frequently and/or regularly, in particular as the result of business or family reasons, and

2. his integrity and reliability, in particular the lawful use of previously issued visas, his economic situation in the country of origin and his genuine intention to leave the territory of the Republic of Croatia before the expiration of the visa he applied for.

(5) In the case of transit, duration of authorized residence shall correspond to the time necessary for the transit.

(6) The period of validity of the visa shall include an additional period of 15 days.

(7) Exceptionally from Paragraph 6 of this Article, such an additional period shall not be granted if reasons of the public order of the Republic of Croatia would require so.

(8) A visa issued to a foreigner is not a guarantee that his entry to the Republic of Croatia shall be authorized.

### ***Cooperation with a commercial agent and outside service providers***

#### Article 15

(1) A Commercial agent and/or an outside Service Provider may take part in the collection of visa applications, as prescribed by the by-laws regulating the issuance of visas.

(2) An outside Service Provider may also collect biometric data from a visa applicant, as prescribed by the by-laws regulating the issuance of visas.

#### Article 16

(1) A foreigner requiring visa for entering the Republic of Croatia shall be obliged to obtain such a visa prior to his entry into the Republic of Croatia.

(2) A visa shall be issued by the Diplomatic Mission or Consular Office of the Republic of Croatia and may also be issued by the Diplomatic Mission or Consular Office of another state by which the Republic of Croatia concluded an agreement on representation in the issuance of visas.

(3) Before issuance of a visa, in cases regulated by the by-laws, the Diplomatic Missions or Consular Offices shall be obliged to request a prior consent of the Ministry competent for the foreign affairs.

**(4) Before the issuance of the consent referred to in Paragraph 3 of this Article, in cases regulated by the implementing regulations, the Ministry competent for the foreign affairs shall be obliged to request binding opinions of the Ministry and of the Security and Intelligence Agency.**

(5) Exceptionally from Paragraph 2 of this Article, a visa may be issued by the Police Station competent for controlling the crossing the state border pursuant to Article 26



of this Act.

### ***Submitting a visa application***

#### Article 17

- (1) A visa application must be submitted on the prescribed form at most three months before the intended journey.
- (2) A foreigner who is entered in the travel document of a foreigner submitting a visa application shall submit a visa application on the separate form referred to in Paragraph 1 of this Article.
- (3) Documents concerning the purpose and conditions of transit or residence in the Republic of Croatia shall be enclosed to the visa application.
- (4) A foreigner arriving for a private or business visit to a physical person or a legal entity in the Republic of Croatia may be asked to enclose a guarantee letter and/or other proof that a physical person or a legal entity shall bear the costs of his residence in the Republic of Croatia, including the costs of accommodation and maintenance, and the costs covering departure from the Republic of Croatia.
- (5) Instituting the procedure for the settlement of costs referred to in Paragraph 4 of this Article falls within the competence of the Ministry.
- (6) The form referred to in Paragraph 1, the documents referred to in Paragraph 3, and the guarantee letter and other proofs referred to in Paragraph 4 of this Article shall be stipulated by the by-laws regulating the visa issuing procedure.

#### Article 18

- (1) A visa shall be entered in a valid travel document in the form of a sticker.
- (2) Exceptionally from Paragraph 1 of this Article, if required by humanitarian reasons or national interest of the Republic of Croatia, and if a travel document is not considered to be valid for crossing of the state border and entering of a visa, such a visa shall be entered in a form for entering a visa.
- (3) The form referred to in Paragraph 2 of this Article shall be issued by the Diplomatic Mission or Consular Office of the Republic of Croatia, or by the Police Station competent for controlling the crossing of the state border.

### ***Travel health insurance***

#### Article 19

- (1) A foreigner submitting an application for issuance of a short-term visa for one or two entries shall prove to be in possession of an adequate and valid travel health insurance to cover any expenses which might arise during his residence in the Republic of Croatia due to:**
  - **urgent medical attention and/or emergency hospital treatment, or**

- **return to the country of permanent residence for medical reasons or**
- **transportation in the case of death.**

(2) A foreigner submitting an application for issuance of a short-term visa for multiple entries shall prove to be in possession of adequate and valid travel health insurance covering the period of his first intended visit, and shall sign the statement concerning the obligation to be in possession of travel health insurance for subsequent visits.

(3) Exceptionally from Paragraphs 1 and 2 of this Article, the following persons shall not be obliged to enclose a proof of having travel health insurance:

1. holders of diplomatic passports,
2. seamen and other professional groups, who are already covered by travel health insurance as a result of their professional activities.

### ***Croatian Visa Information System***

#### Article 20

(1) Visa applications and data collected from the foreigner and physical person or legal entity referred to in Article 17, Paragraph 4 of this Act shall be filed and processed by the Croatian Visa Information System (hereinafter referred to as: the Croatian VIS), in conformity with by-laws governing the Croatian VIS and the legislation regulating the protection of personal data.

**(2) In the case a foreigner withdraws the application referred to in Paragraph 1 of this Article before a related decision is passed, data on termination of the procedure shall be entered in the Croatian VIS in conformity with by-laws governing the Croatian VIS.**

(3) Data on issued, extended, refused, annulled and revoked visas shall be entered in the Croatian VIS in conformity with by-laws regulating the Croatian VIS.

### ***Collecting biometric data***

#### Article 21

(1) At the time of submission of the first short-term visa application, a foreigner shall be required to appear in person at the Diplomatic Mission or Consular Office of the Republic of Croatia, so that the following biometric data of a foreigner might be collected:

- photographs, scanned or taken at the time of application in conformity with by-laws regulating the visa issuing procedure, and
- **his 10 fingerprints taken flat and stored digitally, in conformity with by-laws regulating the Croatian VIS.**

(2) Biometric data referred to in Paragraph 1 of this Article shall be entered in the Croatian VIS.

**(3) Fingerprints of the foreigner referred to in Paragraph 1 of this Article, entered for the first time in the Croatian VIS in the period of less than 59 months of the date of new application, shall be copied in the next application, unless there is a well-founded suspicion concerning identity of the applicant. If, at the time when a new application is submitted, it shall not be possible to immediately confirm that fingerprints were taken in the period of less than 59 months of the date of new application, a foreigner shall be entitled to request fingerprints to be taken.**

(4) Exceptionally from Paragraph 1 of this Article, fingerprints shall not be taken from:

1. children under the age of 12,
2. persons for whom fingerprinting is physically impossible. If fingerprinting of all 10 fingers is not possible, the maximum number of fingerprints shall be taken. If the impossibility of fingerprinting is temporary, a foreigner shall be required to give the fingerprints at the submission of the next application,
3. heads of state and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by the Government of the Republic of Croatia or by international organizations for an official visit,
4. State sovereigns and other high ranking members of the royal family if being invited by the Croatian Government or by the international organization for an official visit.

### ***Criteria for admitting visa applications***

#### Article 22

**(1)** A visa application shall be admitted if:

1. it was submitted less than three months before the intended trip,
2. it was submitted on the form referred to in Article 17 of this Act,
3. it includes a travel document in line with Article 24, Paragraph 1 of this Act,
4. it includes a photograph,
5. biometric data were collected,
6. the prescribed administrative fee was paid.

(2) If requirements from Paragraph 1 of this Article were not fulfilled, a visa application shall be considered unpermitted and all documents enclosed shall be returned to a foreigner, biometric data shall be destroyed and the amount of administrative fees paid shall be refunded.

(3) Exceptionally from Paragraph 2 of this Article, an application not fulfilling requirements from Paragraph 1 of this Article may be considered permissible if humanitarian reasons or national interest of the Republic of Croatia exist.

### ***Deadline for deciding on visa applications***

#### Article 23

(1) A visa applications shall be decided on within 15 days of the date of the lodging of an application.

(2) The period referred to in Paragraph 1 of this Article may be extended up to a maximum of 30 or 60 days, if there are justified reasons to do so.

### ***Travel document***

#### Article 24

(1) A visa shall be affixed in a travel document which meets the following criteria:

1. must be valid for at least three months after the intended date of departure from the Republic of Croatia or, in the case of multiple visits, after the last intended date of departure from the Republic of Croatia,

2. must include at least two empty pages,

3. must be issued in the preceding 10 years.

(2) Exceptionally from Paragraph 1, Point 1 of this Article, if required by justified case of urgency, a visa may be affixed in a travel document the period of validity of which is shorter.

### ***Issuing a visa at a border crossing***

#### Article 25

A short-term visa may be issued at a border crossing point:

1. for residing up to 15 days,

2. for the purpose of transit,

3. to a seaman for the purpose of transit.

#### Article 26

A visa may be issued at a border crossing point, provided that a foreigner fulfils the following conditions:

1. he holds a valid travel document or another document authorizing the crossing of the state border,

2. he justifies the purpose and has sufficient resources to maintain himself during his residence in the Republic of Croatia and for returning to the country which he came from or for travelling to a third country,

3. his return to a country of origin or a country of residence is considered to be safe,
4. his entry or residence was not prohibited and he is not covered by international measures of restricted entry which are binding for the Republic of Croatia,
5. does not pose a threat to public order, national security or public health of the Republic of Croatia.

#### Article 27

The visa referred to in Article 26 of this Act may be issued if a foreigner was not in position to submit a visa application in the Diplomatic Mission or Consular Office of the Republic of Croatia and if he was submitted, where necessary, documents proving existence of unforeseeable and not postponable reasons for entry to the Republic of Croatia.

#### Article 28

A short-term transit visa shall be issued at a border crossing point to a seaman if he:

1. holds the seaman's travel document or other document recognized as seaman's identification document under international treaties,
2. meets the conditions referred to in Article 26, and Article 27 of this Act and crosses the state border in order to embark on, re-embark on or disembark from a ship on which he works, will work or on which he worked as a seaman.

#### Article 29

(1) The issuing of a visa at a border crossing point shall be refused if the criteria referred to in Article 26 and Article 27 of this Act are not met, or if there are grounds stipulated in Article 31, Paragraph 1 of this Act.

(2) A decision refusing a visa shall be submitted to a foreigner on the prescribed form.

(3) A foreigner shall be entitled to lodge an appeal against the decision referred to in Paragraph 2 of this Article through the competent Diplomatic Mission or Consular Office of the Republic of Croatia. The appeal shall be decided on **by the Ministry competent for foreign affairs.**

### ***Extending a visa***

#### Article 30

**(1) An extended visa shall be issued by the Police Administration or Police Station.**

**(2) Before extending a visa, the Police Administration or Police Station shall request consent of the Ministry, of which the Ministry shall decide within seven days.**

- (3) Before giving the consent referred to in Paragraph 2 of this Article, the Ministry shall be obliged to request binding opinions of the Ministry competent for the foreign affairs and of the Security and Intelligence Agency.**
- (4) Validity period of a visa and/or duration of residence authorized on the basis of an issued visa can be extended, provided that the Ministry considers that the visa holder submitted a proof on the following:**

  - 1. force majeure or humanitarian reasons preventing him to leave the territory of the Republic of Croatia before expiration of the validity period of a visa or duration of residence authorized by a visa,**
  - 2. existence of serious reasons that justify extension of a visa or duration of residence.**
- (5) An application for extending a visa and/or duration of residence authorized on the basis of an issued visa shall be submitted to the Police Administration or Police Station before the expiration of the period of validity of the visa and/or duration of residence authorized on the basis of an issued visa.**
- (6) A foreigner may reside at the territory of the Republic of Croatia until the decision referred to in Paragraph 3 of this Article is adopted.**
- (7) A visa shall be extended in the form of a sticker.**
- (8) Extension of a period of validity of an issued visa and/or authorized residence shall be refused in line with Article 31, Paragraph 1, Point 1 and/or Point 2 of this Act.**
- (9) A decision on refusal to extend a period of validity of an issued visa and/or duration of authorized residence and reasons for such a decision shall be submitted to a foreigner on a prescribed form.**
- (10) A foreigner shall be entitled to lodge an appeal against a decision on refusal to extend a period of validity of an issued visa and/or authorized residence through the competent Diplomatic Mission or Consular Office of the Republic of Croatia, within 15 days of delivery of such a decision.**
- (11) The appeal shall be decided on by the Ministry competent for foreign affairs.**
- (12) The appeal shall not postpone enforcement of the decision referred to in Paragraph 9 of this Article.**
- (13) Data on an extended visa and/or duration of authorized residence, on refused extension of a visa and/or duration of authorized residence and on withdrawal the application for extension by the applicant**

**(termination of a procedure) shall be entered in the Croatian VIS in conformity with by-laws regulating the Croatian VIS.**

**(14) The Police Administration or Police Station shall adopt a decision on termination of a procedure if the applicant withdraws an application for extension of a visa and/or duration of authorized residence.**

### ***Refusing a visa***

#### Article 31

(1) A visa shall be refused:

1. if the foreigner:

- presents a travel document which is damaged, false, or a travel document belonging to another person;

- does not provide justification for the purpose and conditions of the intended stay;

- does not have sufficient means of subsistence for the duration of the intended residing in the Republic of Croatia and for the return to his country of origin or residence, or for the transit to a third country admitting him, or is not in a position to acquire such means lawfully;

- has already stayed for three months during the current six-month period at the territory of the Republic of Croatia on the basis of an issued visa;

- was issued the prohibition of entry and residence, or is covered by international measures for restricted entry which are binding for the Republic of Croatia;

- poses a threat to public order, national security or public health of the Republic of Croatia;

- does not provide proof of holding adequate and valid travel health insurance, where necessary;

or

2. if there are reasonable doubts as to the credibility of the supporting documents and their contents or to the authenticity of the statements made by a foreigner or his intention to leave the territory of the Republic of Croatia before expiration of the visa he applied for.

(2) The decision refusing a visa shall be submitted to a foreigner on the prescribed form and shall include reasons of refusal.

**(3) A foreigner shall be entitled to lodge an appeal against the decision referred to in Paragraph 2 of this Article, within 15 days of delivery of such a decision, through the competent Diplomatic Mission or Consular Office of the Republic of Croatia. The appeal shall be decided on by the Ministry competent for foreign affairs.**

**(4) The appeal referred to in Paragraph 3 of this Article shall not postpone enforcement of the decision referred to in Paragraph 2 of this Article.**

(5) Exceptionally from Paragraph 1 of this Article, a visa may be issued if required on humanitarian grounds, national interests or international obligations of the Republic of Croatia.

***Filling out the visa sticker***

Article 32

(1) All entries on the visa sticker shall be printed, and no manual changes shall be made to a printed visa sticker.

(2) A visa sticker may be filled in manually only in case of technical difficulties due to force majeure. No changes shall be made to a manually filled in visa sticker.

***Annulment and revocation of a visa***

Article 33

(1) A visa shall be annulled when it is subsequently established that the conditions for issuing it were not met at the time when it was issued, or if there are serious grounds for believing that the visa was fraudulently obtained.

(2) A visa shall be revoked when it is established that the conditions for issuing it are no longer met.

(3) A visa may be annulled or revoked by the Diplomatic Mission or Consular Office of the Republic of Croatia, or by the Police Administration or Police Station.

(4) The decision annulling or revoking a visa **and reasons which it is based on** shall be submitted to a foreigner on the prescribed form.

**(5) A foreigner shall be entitled to lodge an appeal against the decision referred to in Paragraph 4 of this Article within 15 days of delivery of such a decision, through the competent Diplomatic Mission or Consular Office of the Republic of Croatia.**

**(6) The appeal shall be decided on by the Ministry competent for foreign affairs.**

(7) The appeal shall not postpone enforcement of the decision referred to in Paragraph 4 of this Article.

(8) A visa may also be revoked at the request of a foreigner to whom it was issued, in which case an appeal shall not be permissible.



## IV ENTRY AND DEPARTURE OF FOREIGNERS

### Article 34

A foreigner who is registered in the travel document of another person may enter and leave the Republic of Croatia only if accompanied by the person in whose travel document he is registered.

### Article 35

(1) A foreigner shall be obliged to undergo a border control on entry and departure from the Republic of Croatia.

(2) The border control referred to in Paragraph 1 of this Article shall be performed in accordance with the law regulating the supervision of the state border, and shall also involve determination of the reasons referred to in Article 36 of this Act.

### ***Approval of a foreigner's entry into the Republic of Croatia***

### Article 36<sup>1</sup>

**(1) A foreigner may be granted entry to the Republic of Croatia under conditions prescribed by the Resolution (EC) 562/2006 of the European Parliament and the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code); (SL L 105, 13.4.2006).**

**(2) A foreigner who does not meet the conditions for entry referred to in Paragraph 1 of this Article may be granted entry to the Republic of Croatia at a particular border crossing if it is required by serious humanitarian grounds, national interest or international obligations of the Republic of Croatia. A certificate on granted entry shall be issued to a foreigner.**

### Article 37

(1) The Government of the Republic of Croatia may determine that the nationals of certain states may enter and depart from the Republic of Croatia even on the basis of a valid personal identity card, or some other document used to prove their identity and nationality, provided that they meet conditions referred to in Article 36, Paragraph 1 of this Act.<sup>2</sup>

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<sup>1</sup>Provision laid down by Article 36 of the Foreigners Act shall not apply at the internal border of the Republic of Croatia after Schengen Implementation Agreement enters into force in the Republic of Croatia, in conformity with Article 82 of the Act on Amendments to the Foreigners Act ("Official Gazette" No. 74/13). An internal border is determined by the Act on Supervision the State Border ("Official Gazette" No. 173/03, 100/04, 141/06, 8/07, 146/08, and 130/11).

<sup>2</sup>This provision shall cease to be valid at the day of Croatia's accession to the European Union (in conformity with Article 83 of the Act on Amendments to the Foreigners Act ("Official Gazette" No. 74/13)

(2) The Government of the Republic of Croatia may determine that under certain conditions, the foreigners may enter and depart from the Republic of Croatia if they hold:

- a valid travel document and residence permit issued by one of the signatory of the Schengen Implementation Agreement,
- a valid travel document which includes a valid unique and long-term visa (D) issued by one of the signatory of the Schengen Implementation Agreement,
- valid travel documents and residence permits issued by one of the European Union member states which do not apply the Schengen Acquis entirely,
- valid travel documents including a national visa issued by one of the European Union member states which do not apply the Schengen Acquis entirely, provided that they meet conditions referred to in Article 36, Paragraph 1 of this Act.

***Refusing a foreigner's entry into the Republic of Croatia.***

Article 38

1) The Police Station competent for controlling the crossing the state border shall adopt a decision on refusal of entry of a foreigner. **The decision refusing the entry of the foreigner shall be adopted without interviewing the foreigner.**

(2) An appeal against the decision from Paragraph 1 of this Article may be lodged through the competent Diplomatic Mission or Consular Office of the Republic of Croatia. The Commission shall decide about the appeal. The appeal shall not postpone enforcement of the decision.

***Illegal entry of a foreigner in the Republic of Croatia***

Article 39

A foreigner shall be deemed to have entered the Republic of Croatia illegally if:

1. he crosses the state border outside the place or time designated for crossing the state border,
2. he avoids a border control,
- 3. he enters before expiration of the prohibition of entry and residence in the Republic of Croatia,**
4. he enters on the basis of another person's travel document or a forged travel document or other document necessary for crossing the state border, i.e. a visa or a residence permit.

***Departure of a foreigner from the Republic of Croatia***

Article 40

(1) A foreigner may freely depart from the Republic of Croatia.

(2) A foreigner shall be prohibited to depart from the Republic of Croatia if:

**1. he is not in possession of a valid travel document or some other document used for crossing the state border or when, during his departure from the Republic of Croatia, he uses another person's travel document, forged travel or other document necessary for crossing the state border, or**

2. there is reasonable doubt that he intends to avoid criminal or misdemeanor prosecution, arrest, bringing up to an arrested person or enforcement of the sentence of imprisonment.

### ***Carriers' obligations***

#### Article 41

(1) A carrier may take a foreigner to the border crossing point or to the Republic of Croatia if a foreigner has a valid travel document or another document intended for crossing the state border, a valid visa or a residence permit.

(2) A carrier who transports a foreigner whose entry was refused shall be obliged to take him away from the border crossing point or from the Republic of Croatia without any delay and to bear the cost of such transport, or if it would not be possible a carrier shall be obliged to find some other way of transportation and to bear the cost of such transportation. If some other way of transportation shall not be possible immediately, the carrier shall assume the costs incurred during residence and return of a foreigner.

(3) The provision of Paragraph 2 of this Article shall also refer to a carrier who has transported a foreigner in transit if:

1. a carrier who should have taken him to the country of destination has refused to do so, or

2. he is prohibited to enter the country of destination.

(4) Provisions of this Article shall also apply to a commanding officer of a vessel for sport and entertainment.

### ***Obligations of the organizers of tourist or business trips***

#### Article 42

If a foreigner resides in the Republic of Croatia illegally and does not have means to fund his own return, the costs of the return of a foreigner shall be borne by an organizer of tourist or business trip to the Republic of Croatia who has organized the visit of a foreigner to Croatia, provided that it was established that the illegal residence of a foreigner was a consequence of an omission by the organizer.

### ***Prohibition to assist a foreigner***

## Article 43

(1) It is prohibited to assist a foreigner in illegal crossing of the state border, in transiting across the state territory if a foreigner has entered the Republic of Croatia illegally, as well as in his illegal residence.

(2) Assisting a foreigner in realization of the rights referred to in Article 107, Paragraph 5 of this Act are not regarded as assistance within the meaning of Paragraph 1 of this Article.

**V RESIDENCE OF FOREIGNERS**

## Article 44

A foreigner may reside in the Republic of Croatia on short-term residence, temporary residence and permanent residence.

***Short-term residence***

## Article 45

(1) Short-term residence means residence of a foreigner of up to 3 months, on the basis of a visa or without a visa.

(2) A foreigner who does not require a visa to enter the Republic of Croatia may reside in the Republic of Croatia for a maximum period of 3 months over a period of 6 months, counting from the date of his first entry.

(2) The foreigner referred to in Paragraph 2 of this Article who used the 3 months residence period before expiration of the 6-month period may re-enter and reside in the Republic of Croatia after expiration of the period of 6 months, counting from the date of his first entry.

***Cancellation and termination of short-term residence***

## Article 46

(1) Short-term residence of a foreigner shall terminate:

1. if a foreigner is prohibited to enter and reside in the Republic of Croatia,
2. on expiration of the term of validity of his visa,
3. if the visa has already been used,
4. on expiration of the 3 month residence period referred to in Article 45, Paragraph 2 of this Act,
5. if his residence was cancelled.

(2) Short-term residence shall be cancelled to a foreigner, provided that he:

1. does not hold a valid travel document or some other document used to cross the state border,
2. does not justify the purpose and conditions of his entry and residence,
3. does not have funds to support himself during his residence in the Republic of

Croatia and for returning to the state which he came from, or for travelling to a third country, **and for such expenses no guarantees referred to in Article 17, Paragraph 4 of this Act exist,**

4. does not cover due financial obligations to the Republic of Croatia,

5. there is a reasonable doubt that his residence has not been used for the intended purposes.

(3) An appeal may not be lodged against the decision of the Police Administration or Police Station referred to in Paragraph 2 of this Article, but an administrative dispute may be initiated.

**(4) A decision on cancellation of residence referred to in Paragraph 2 of this Article shall prohibit entry and residence in the Republic of Croatia.**

### ***Temporary residence***

#### Article 47

(1) Temporary residence shall be granted to a foreigner who intends to reside or who already resides in the Republic of Croatia for the following purposes:

1. family reunification,
2. secondary school education and university-level studies,
3. scientific research,
4. humanitarian reasons,
5. work and
6. work of an assigned worker.

(2) Temporary residence for the purpose of work referred to in Paragraph 1, Point 5 of this Article, shall be granted as a residence and work permit.

(3) Temporary residence for the purpose of work of an assigned worker may be granted to a third country national, if he fulfils conditions from Article 54 and Article 86, Paragraph 1 of this Act.

**(4) Exceptionally from Paragraph 1 of this Article, a foreigner may be granted temporary residence for other purposes in the duration of up to one year. A foreigner may submit an application for regulation of residence for other purposes upon expiration of six month period counting from expiration of temporary residence granted for other purposes.**

(5) The national of the EEA Member State who owns real property in the Republic of Croatia may be granted temporary residence for other purposes in the duration of up to one year.

(6) Temporary residence may be granted as autonomous residence in the duration of up to one year, pursuant to Article 60 of this Act.

### ***Submitting an application for temporary residence***

#### Article 48

(1) An application for temporary residence shall be submitted to the competent Diplomatic Mission or Consular Office of the Republic of Croatia.

(2) An application for temporary residence of a foreigner who does not require a visa for entry into the Republic of Croatia may be submitted to the Police Administration or Police Station based on the place of the intended residence of the foreigner, the registered office of the employer or the place of work of the foreigner.

(3) Exceptionally from Paragraph 1 of this Article, a foreigner who needs a visa for entry to the Republic of Croatia and who arrives to study at the faculty as a regular student of under-graduate, graduate, or post-graduate degree, **a foreigner referred to in Article 64 Paragraph 1** and a foreigner referred to in Article 76, Paragraph 1, Point 12, 13, 14 and 15 of this Act, as well as his nuclear family members may submit an application for temporary residence to the Police Administration or Police Station.

(4) Foreigners referred to in Paragraph 2 and Paragraph 3 of this Article, who submits temporary residence applications before the expiration of short-term residence, may remain in the Republic of Croatia until the decision concerning their application becomes enforceable.

#### Article 49

An application for temporary residence shall be submitted by a foreigner, while an application for residence and work permit may be also submitted by an employer.

#### ***Deciding on a temporary residence application***

#### Article 50

(1) An application for issuance of a temporary residence permit shall be decided upon by the Police Administration or Police Station, based on the place of residence or intended residence of a foreigner.

(2) An appeal may be lodged against the decision referred to in Paragraph 1 of this Article. The Commission shall decide about the appeal.

(3) An appeal shall not be permitted against a decision by which the residence and work permit is refused due to fulfilled quota or if an annual quota for extension, new employment or seasonal work is not determined, but an administrative dispute may be initiated.

#### ***Regulating temporary residence of children born in the Republic of Croatia***

#### Article 51

(1) The parent or guardian of the child born at the territory of the Republic of Croatia shall be obliged to submit a temporary residence application for the child before the child turns three months of age.

(2) Temporary residence referred to in Paragraph 1 of this Article may be granted for the same period for which temporary residence was granted to one parent or a guardian of the child, i.e. up to one year if one of the parents or a guardian is a foreigner on permanent residence.

### ***Term of validity of temporary residence***

#### Article 52

(1) A temporary residence permit shall be issued for the term of validity of up to one year.

(2) The term of validity of the travel document should be at least three months longer than the time period for which the temporary residence permit is issued.

(3) A decision approving temporary residence shall be issued to a foreigner who does not hold a valid foreign travel document, and the temporary residence application was submitted in the Republic of Croatia.

(4) The foreigner referred to in Paragraph 3 of this Article shall be obliged to enclose a foreign travel document to an application for extension of temporary residence.

### ***Extending temporary residence***

#### Article 53

(1) An application for the extension of temporary residence shall be submitted at **the latest 60 days** before expiration of the term of validity of the valid temporary residence permit, at the Police Administration or Police Station based on the place of temporary residence or the registered office of the employer or the place of work of the foreigner.

(2) A foreigner who submitted an application for the extension of temporary residence before expiration of the valid temporary residence may remain in the Republic of Croatia until the decision on his application becomes enforceable.

**(3) The Police Administration or Police Station shall be obliged to decide on application for the extension of temporary residence before expiration of the term of validity of the valid temporary residence permit.**

### ***Conditions for approval of temporary residence***

#### Article 54

A foreigner shall be granted temporary residence, provided that he:

1. justifies the purpose of temporary residence,
2. holds a valid travel document,
3. has means of supporting himself;

4. has health insurance,
5. his entry and residence in the Republic of Croatia is not prohibited,
6. does not pose a danger for public order, national security or public health.

### ***Temporary residence for the purpose of family reunification***

#### Article 55

(1) Temporary residence for the purpose of family reunification may be granted to a foreigner **who meets conditions referred to in Article 54 of this Act** and who is a member of the nuclear family of the:

1. Croatian national,
2. foreigner who was granted permanent residence,
3. foreigner who was granted temporary residence,
4. foreigner who was granted protection pursuant to provisions of the Asylum Act.

(2) Exceptionally from Paragraph 1, Point 3 of this Article, a member of the nuclear family of a foreigner residing in the Republic of Croatia on the basis of the valid residence and work permit issued for the period of one year in accordance with annual quota set for employment of foreigners, may be granted temporary residence for the purpose of family reunification, only if a foreigner with whom reunification is requested in the Republic of Croatia has already been granted temporary residence for at least 2 years.

(3) Temporary residence for the purpose of family reunification shall not be granted to a family member of a foreigner who has been granted temporary residence and work permit for the purpose of seasonal work.

### ***Family members***

#### Article 56

(1) Within the meaning of this Act, the following persons are considered as members of the nuclear family:

1. spouses,
2. common law partners,
3. minor children of married couples and common law partners, their minor adopted children and minor children of each of them, who have not formed families of their own,
4. parents or adopted parents of minor children.

(2) Exceptionally from Paragraph 1 of this Article, any other relative may also be regarded as a member of the nuclear family of a Croatian citizen or a foreigner granted temporary or permanent residence and a foreigner granted asylee status, if there are special personal reasons or serious humanitarian grounds for the family reunification in the Republic of Croatia.



(3) In the event of a polygamous marriage, family reunification at the territory of the Republic of Croatia shall be permitted to only one spouse.

(4) Family reunification shall not be authorized if a spouse or a common law partner is married or is in a long-lasting relation with another person.

(5) Within the meaning of this Act, the common law marriage means the union of life of an unmarried woman and unmarried man of at least three years in duration or shorter if a child was born into such a union.

### ***Marriage of convenience***

#### Article 57

(1) Temporary residence for the purpose of family reunification shall not be granted if the marriage is concluded as a marriage of convenience.

(2) Within the meaning of this Act, the marriage of convenience means the marriage concluded for the reason of avoiding conditions required for entry and residence of a foreigner.

(3) Circumstances which may indicate that the marriage is the marriage of convenience are as follows:

1. the spouses do not maintain their marital union,
2. the spouses do not perform their marital obligations,
3. the spouses have never met before the conclusion of the marriage,
4. the spouses fail to provide consistent personal data,
5. the spouses do not speak a language that they both understand,
6. money was exchanged for the conclusion of marriage, unless the money is given as a dowry, and the spouses come from countries where presentation of a dowry is a custom,
7. there is a proof of previous marriages of convenience on the part of any of the spouses, either in the Republic of Croatia or abroad.

(4) The provisions of this Article shall apply accordingly to common law marriages and in the procedure of granting of permanent residence.

### ***Regulating temporary residence for the family member of a foreigner enjoying protection under the Asylum Act***

#### Article 58

A member of the nuclear family of a person who was granted protection under provisions of the Asylum Act shall not be obliged to meet the criteria referred to in Article 54, Paragraph 1, Points 3 and 4 of this Act for the approval of temporary residence for the purpose of family reunification.

***Term of validity of temporary residence for the purpose of family reunification***

Article 59

(1) A temporary residence permit for the purpose of family reunification shall be issued for a period of up to one year, or until expiration of the validity period of a temporary residence permit of the foreigner with whom family reunification is sought.

(2) A foreigner who had an uninterrupted temporary residence permit for the purpose of family reunification in the duration of at least two years may be granted temporary residence for the same purpose with the term of validity of up to two years or until expiration of the validity of a temporary residence permit of the foreigner with whom family reunification is sought.

***Autonomous residence***

Article 60

(1) A spouse or common law partner and child who became of age may be granted autonomous residence, provided that they meet the conditions referred to in Article 54, Paragraph 1, Points 2 through 6 of this Act, and that they have temporary residence granted for the purpose of family reunification in the uninterrupted duration of four years.

(2) Exceptionally, the foreigner referred to in Paragraph 1 of this Article may be granted autonomous residence if he meets the conditions referred to in Article 54, Paragraph 1, Points 2 through 6 of this Act and if he has temporary residence granted for the purpose of family reunification in the uninterrupted duration of three years, in the case where the person through whom he was granted temporary residence for the purpose of family reunification died.

***Rights of a foreigner on temporary residence granted for the purpose of family reunification and on autonomous residence***

Article 61

The foreigner granted temporary residence for the purpose of family reunification and the foreigner referred to in Article 60 of this Act shall exercise their rights to education, professional development, work and self-employment in accordance with the provisions of this Act.

***Temporary residence for the purpose of secondary education***

Article 62

(1) Temporary residence for the purpose of secondary education shall be granted to a foreigner who, along with the conditions referred to in Article 54 of this Act, also meets the following conditions:

1. he is not over 18 years of age if he is enrolling the last year of education,
2. is enrolled in an institution conducting secondary education program,
3. participates in a recognized student exchange program authorized by the Ministry competent for education and science,

4. encloses consent of a parent or legal guardian for his planned residence for the purpose of secondary education in the Republic of Croatia,
5. proves that the organization implementing the student-exchange program shall be responsible for him during his residence in the Republic of Croatia, in particular with a view of means for living, learning, health care and costs of return, and
6. the family hosting a foreigner fulfils conditions stipulated by special provisions and which is selected in accordance with the Program of student exchange.

(2) A temporary residence permit for the purpose of secondary education shall be issued with the term of validity of up to one year.

### ***Temporary residence for the purpose of studies***

#### Article 63

(1) Temporary residence for the purpose of studies shall be granted to a foreigner meeting the conditions laid down by Article 54 of this Act and provided that he:

1. is studying at a higher education institution of the Republic of Croatia,
2. is arriving under the exchange of students, i.e. mobility of young persons, or
3. is arriving for the purpose of internships through the authorized institution or following international or inter-university agreements.

(2) A temporary residence permit for the purpose of studies shall be issued for the term of validity of up to one year, i.e. until the end of the academic year.

(3) An internship of the foreigner referred to in Paragraph 1 of this Article shall not be considered as a work under provisions of this Act.

### ***Temporary residence for the purpose of scientific research***

#### Article 64

**(1) Temporary residence for the purpose of scientific research shall be granted to a foreigner if he has concluded a visiting contract and meets the conditions referred to in Article 54 of this Act, excerpt for the condition referring to health insurance.**

**(2) A temporary residence permit for the purpose of scientific research shall be issued with the term of validity of up to one year.**

**(3) A foreigner whom temporary residence for the purpose of scientific research has been granted shall be entitled to tax rebate in conformity with the related regulations of the Republic of Croatia.**

**(4) A foreigner who has concluded a visiting contract in the EEA Member State and based on which he was granted residence in the state concerned, may, in order to conduct his research, reside in the Republic of Croatia for a period of up to three months without a residence and work permit or a work registration certificate, provided that he has funds to support himself and does not**

represent a danger for public order, national security and public health.

**(5) A foreigner who has concluded a visiting contract in the other EEA Member State, based on which he was granted residence in the state concerned, and if he wants to work in the Republic of Croatia for the period longer than three months for the purpose of conducting his research, shall be obliged to regulate temporary residence in conformity with Paragraph 1 of this Article.**

### ***Temporary residence under humanitarian grounds***

#### Article 65

(1) Temporary residence under humanitarian grounds shall be granted to a foreigner in the following cases:

1. if he, being a victim of trafficking in persons (hereinafter referred to as: the victim), has accepted a program of assistance and protection,
2. if he is a minor who was abandoned, or who was a victim of organized crime, or who, for some other reasons, remained without parental protection, guardianship or who remained unaccompanied,
3. to a foreigner who, before submitting an application, had a refugee status for the period of 10 years at least, or who has been included in the programme of reconstruction, return and housing care of refugees originating from the Republic of Croatia, which shall be proved by a certificate of the competent state body for refugees,
4. if he cooperates with the competent bodies and his participation is essential in the criminal procedure being conducted against the employer who employed him illegally,
5. under serious justified grounds of humanitarian nature.

(2) The foreigner referred to in Paragraph 1 of this Article shall not be required to meet the conditions referred to in Article 54, Paragraph 1, Points 3 and 4 of this Act.

(3) Before issuing the temporary residence permit referred to in Paragraph 1, Point 5 of this Article, the Police Administration or the Police Station shall be obliged to request consent of the Ministry.

### ***Victim of trafficking in persons***

#### Article 66

(1) Identification of the victim shall be made by the Ministry in cooperation with civil society organizations and, in the event of the victim who is under age, the Ministry shall cooperate with the Ministry competent for social welfare.

(2) The Operative team of the National Committee for the Suppression of Trafficking in Persons (hereinafter referred to as: the Operative Team) shall notify the Ministry that the victim accepted to participate in the assistance and protection program.

(3) The assistance and protection program shall include health and psychosocial assistance, safe accommodation, translation and interpretation services, legal

assistance and a safe return to the country of origin.

(4) A person shall lose the right to assistance and protection if his statement was based on false facts, if the circumstances based on which he acquired the right to assistance and protection have terminated, or if he acts contrary to the rules laid down by the assistance and protection program. The Operative Team shall notify the Ministry of termination of the right to assistance and protection.

#### Article 67

(1) The foreigner identified as the victim shall be entitled to decide whether to participate in the assistance and protection program within a term of 60 days.

(2) The guardian of a minor identified as the victim shall be entitled to decide on participation in the assistance and protection program within a term of 90 days, with consent of the **Centre for Social Welfare**, bearing in mind the best interests of the minor and taking into account the opinion of the minor.

(3) The deadline referred to in Paragraph 1 of this Article need not be complied with, **except when it concerns a minor**, if it is established that the foreigner identified as the victim is not the victim, or if he actively, voluntarily and on his own personal initiative renewed his contacts with the perpetrators of the criminal offences, or if so required by reasons of protecting public order and national security.

#### Article 68

(1) The victim granted temporary residence shall be entitled to: safe accommodation, health assistance, financial assistance, education and work.

(2) Safe accommodation means a place where the victim is protected from influence of the person suspected of having committed the criminal offence.

(3) The amount of financial assistance shall be set by the body competent for social welfare.

(4) The victim who is employed or has financial means or whose living costs are ensured in some other way shall not be entitled to financial assistance.

(5) A special care shall be taken of pregnant women and disabled persons, as particularly vulnerable groups of victims.

(6) A foreigner granted temporary residence under humanitarian grounds in conformity with Article 65, Paragraph 1, Point 4 of this Act shall exercise his rights referred to in Paragraph 1 of this Article.

#### Article 69

(1) All bodies involved in the assistance and protection program of the minor victim shall bear in mind the best interests of the minor concerned.

(2) If the victim is a minor referred to in Paragraph 1 of this Article, the Ministry shall take the necessary measures to determine his identity and nationality and to locate other members of his family.

(3) The body competent for social welfare shall appoint a guardian to the minor victim.

#### Article 70

(1) The safe return of a foreigner who has the victim status shall be conducted by the Ministry taking into account his rights, safety and dignity. If possible, the return should be voluntary.

(2) Minors who are the victims of trafficking shall not be returned to any state if, after an evaluation of the risks and safety, there are indications that the return would not be in the best interests of the minor concerned.

#### Article 71

(1) Temporary residence under humanitarian grounds of the victim shall cease if:

1. the victim has lost the victim status,
2. it is established that the victim is abusing his victim status,
3. it is required by reasons of protecting public order, national security and public health.

(2) When deciding about cessation of temporary residence of the minor victim, an opinion of the competent body for social welfare shall be requested.

(3) Temporary residence under humanitarian grounds referred to in Article 65, Paragraph 1, Points 2, 3, 4 and 5 of this Act shall cease if the purpose because of which temporary residence was granted to a foreigner ceases or if required by reasons of protecting public order, national security and public health.

(4) An appeal may be lodged against the decision of the Police Administration or Police Station referred to in Paragraphs 1 and 3 of this Article. The Commission shall decide about the appeal.

### ***Termination of temporary residence***

#### Article 72

(1) Temporary residence of a foreigner shall cease:

1. when the circumstances for the approval of temporary residence cease to exist,

2. if his entry and residence have been prohibited,
3. if within 30 days after the approval of temporary residence he fails to register his temporary residence with the Police Administration or Police Station,
4. if he moved out of the Republic of Croatia or resides abroad without interruptions for a period over 30 days,
5. if he resides in the Republic of Croatia contrary to the purpose of the temporary residence permit.

(2) The decision referred to in Paragraph 1, Points 2, 3 and 4 of this Article may be adopted without conducting a preliminary interview with the foreigner if he was notified in advance of the procedure for termination of his temporary residence.

(3) The Police Administration or Police Station shall not adopt a decision on the termination of temporary residence if the prohibition of entry and residence referred to in Paragraph 1, Point 2 of this Article was issued by a decision on expulsion.

(4) An appeal may be lodged against the decision of the Police Administration or Police Station referred to in Paragraph 1 of this Article. The Commission shall decide about the appeal.

**(5) Exceptionally from Paragraph 1, Point 4 of this Article, temporary residence of a foreigner, who stays out of the Republic of Croatia for a period of up to 90 days for justified reasons, shall not terminate if he, prior to departure from the Republic of Croatia notifies the relevant Police Administration or Police Station thereof. If emergency circumstances arise after departure from the Republic of Croatia, a foreigner shall be obliged to, within 30 days of arising of such circumstances, notify the Diplomatic Mission or Consular Office of the Republic of Croatia thereof.**

### *Work of a foreigner in the Republic of Croatia*

#### Article 73

(1) A foreigner may work in the Republic of Croatia on the basis of issued residence and work permit or a work registration certificate, unless provided otherwise by this Act.

(2) A residence and work permit may be issued based on the annual quota and outside the annual quota.

(3) Foreigners may work in the Republic of Croatia without a residence and work permit or a work registration certificate, if they were granted:

1. permanent residence,
2. asylum, subsidiary or temporary protection,
3. temporary residence for the purpose of family reunification with a Croatian national, a foreigner on permanent residence, an asylee and a foreigner who was granted subsidiary or temporary protection,
4. temporary residence under humanitarian grounds,

5. autonomous residence,

6. the status of a regular scholar or student where they perform their work through authorized agents, without contracting employment,

7. temporary residence for the purpose of scientific research referred to in Paragraph 64 of this Act

(4) Within the meaning of this Act, performing of preliminary actions for the establishment and registration of a company or craft shall not be regarded as work.

(5) A foreigner may work in the Republic of Croatia only on such jobs for which he was issued a residence and work permit or a work registration certificate, and only with the employer with whom he contracted employment.

(6) An employer may employ a foreigner only for such jobs for which he was issued a residence and work permit or a work registration certificate.

(7) An employer may not employ a foreigner staying in the Republic of Croatia illegally and he may not use his work.

(8) An employer must ask a foreigner before the employment, to provide for review a valid residence and work permit, work registration certificate or residence permit referred to in Paragraph 3 of this Article, a copy of which an employer must keep throughout the term of employment.

(9) If a foreigner presented an invalid permit referred to in Paragraph 8 of this Article, an employer shall not be responsible for the employment of a foreigner residing in the Republic of Croatia illegally, unless an employer was aware that the document submitted to him as a residence and work permit was falsified.

(10) An employer who employs the foreigner referred to in Paragraph 3 of this Article shall be obliged to, within 8 days from the date of contracting employment with a foreigner or from the beginning of work of a foreigner, notify the competent Police Administration or Police Station thereof.

(11) The provisions of this Article relating to employers shall apply to subcontractors accordingly.

### ***Annual quota for the employment of foreigners***

#### **Article 74**

(1) The annual quota for the employment of foreigners shall be set by the Decision of the Government of the Republic of Croatia for the following year, by 31 October of the current year at the latest, in particular as regards the extension of the already issued work permits and a new employment.

(2) The Ministry responsible for labour shall make a proposal for the annual quota for employment of foreigners on the basis of the opinion of the Croatian Employment Institute, the Croatian Chamber of Economy, the Croatian Chamber of Crafts and representatives of social partners.



(3) The annual quota for the employment of foreigners shall be determined in accordance with the migration policy and taking into account conditions on the labour market.

(4) Within the annual quota for the employment of foreigners, activities and professions where employment shall be permitted and the number of work permits for each of these activities shall be determined.

(5) The annual quota for the employment of foreigners may also determine a quota for seasonal employment.

***Residence and work permit further to the annual quota for employment of foreigners***

Article 75

The residence and work permit further to the annual quota referred to in Article 74 of this Act shall be granted to a foreigner who meets the criteria referred to in Article 54 of this Act, and who encloses the following:

1. an employment contract or a written certificate of the concluded employment contract or other relevant proof of employment,
2. proof of the educational qualification acquired and the skills of the foreigner,
3. proof of the registration of a company, branch office, representative office, craft, association or institution in the Republic of Croatia.

***Residence and work permit outside the annual quota***

Article 76

(1) A residence and work permit outside the annual quota may be issued to:

1. daily migrant workers, under reciprocity condition,
2. key personnel, service providers, workers and their family members, whose status is regulated by the Stabilization and Association Agreement between the European Communities and their Member States and the Republic of Croatia,
3. foreigners holding key positions in companies, branch offices and representative offices,
4. foreigners transferred as part of internal staff relocation inside companies and other necessary persons, as defined by the Protocol on the Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organization,
5. a foreigner, self-employed in his own company or in a company in which he holds a share exceeding 51% or in their own craft,
6. a worker providing services on behalf or in the name of a foreign employer, who is not entitled to business settlement in the member state of **the EEA**,
7. teachers and lecturers at educational institutions in the language and script of a national minority,
8. professional athletes or sport workers working in the Republic of Croatia,
9. artists working in cultural institutions in the Republic of Croatia,
10. foreigners employed in foreign associations registered as foreign associations in the Republic of Croatia and in at least three other states,

11. foreigners who are members of the trust bodies of the representative offices of foreign trusts and foundations registered in the Register of the Representative Offices of Foreign Trusts and Foundations in the Republic of Croatia,
12. foreigners working under youth mobility programmes, carried out by the Republic of Croatia in cooperation with other states,
13. scientists and foreigners employed in scientific legal entities to perform scientific work, teaching or other research positions,
14. university professors-native speakers of foreign languages, foreign language instructors and other lecturers at the Croatian universities or registered schools for foreign languages,
15. foreigners working pursuant to an international treaty, other than the treaty referred to in Article 79, Paragraph 1, Point 2 of this Act.

(2) Within the meaning of Paragraph 1, Point 3 of this Article, a foreigner holding key activities in a company, branch office or representative office of a foreign company shall be considered:

1. a person having a higher rank in a company, branch office or representative office, person managing business activities, person under the general supervision or management of the management board or shareholders or members of the company and a person carrying out some identical activity, including:

- managing work of the company's divisions or subdivisions;
- monitoring and supervision of the work of other employees, i.e. carrying out of supervisory or managerial tasks,
- authorization to employ and dismiss workers and to give recommendations related to employment, dismissal or other personnel related tasks,

2. a person working in a company, branch office or representative office who possesses special professional knowledge and/or powers indispensable for providing services, using research equipment, applying technology or carrying out the business operations of a company, branch office or representative office.

#### Article 77

(1) The residence and work permit referred to in Article 76 of this Act shall be granted to a foreigner who meets the criteria referred to in Article 54 of this Act, and who encloses the following:

1. an employment contract or a written certificate on the concluded employment contract or other relevant contract,
2. proof of the educational qualification acquired and the skills of the foreigner,
3. proof of the registration of a company, branch office, representative office, craft, association or institution in the Republic of Croatia,

4. an explanation why the employment of the foreigner is justified, including information on his professional knowledge, qualification and working experience and reasons why the position cannot be fulfilled from the Croatian national labour market.

(2) It is not necessary to enclose an explanation of the justifiability of employment of a foreigner to the application for the issuing of the residence and work permit referred to in Article 76, Paragraph 1, Points 2, 4, 5, 6 **and 13** of this Act.

**(3) It is not necessary to enclose proof of the educational qualification acquired and the skills of the foreigner to the application for the issuing of the residence and work permit referred to in Article 76, Paragraph 1, Points 2, 3, 4, 5, 8, 10, 11, 12 and 15 of this Act.**

**(4) A foreigner, self-employed in his own craft, shall not be obliged to enclose proof referred to in Paragraph 1, Point 1 of this Article to the application for the issuing of the residence and work permit.**

#### Article 78

(1) A residence and work permit may be issued to a foreigner referred to in Article 76, Paragraph 1, Point 3 of this Act, if he meets the criteria referred to in Article 77 of this Act, and provided that:

1. value of share capital of the company, i.e. assets of the limited liability partnership or general partnership exceeds the amount of HRK 100.000,00,
2. at least three Croatian nationals are employed in the company, the branch office or representative office of a foreign company on jobs other than the procurator, member of the management board or supervisory board, and
3. his gross salary corresponds, at least, to the amount of an average gross salary paid in the Republic of Croatia in the previous year, following the official data of the competent statistical body.

(2) If there are several foreigners referred to in Paragraph 1 of this Article performing key activities for the same employer, a residence and work permit may be issued provided that:

1. for each foreigner employed, there are at least five Croatian nationals employed on jobs other than procurator, member of the management board or member of the supervisory board,
2. value of share capital of the company, i.e. assets of the limited liability partnership or general partnership exceeds the amount of HRK 100.000,00, and
3. their gross salaries correspond, at least, to the amount of an average gross salary paid in the Republic of Croatia in the previous year, following the official data of the competent statistical body.

(3) A residence and work permit may be issued to a foreigner referred to in Article 76, Paragraph 1, Point 5 of this Act, if he meets the conditions referred to in Article 77 of this Act, and provided that:

1. he invested at least HRK 200.000,00 in the establishment of a company or craft,

2. at least three Croatian nationals have been employed,
- 3. his gross salary corresponds, at least to the amount of an average gross salary paid in the Republic of Croatia in the previous year, following the official data of the competent statistical body, if it concerns a foreigner, self-employed in his own company or in a company where he holds an ownership of share exceeding 51 %, while a foreigner, self-employed in his own craft business shall be obliged to prove the same amount of income, realized through such an employment,**
4. the company or craft runs a business without losses,
5. he encloses proof of the settled tax obligations and contributions in the Republic of Croatia.

(4) A residence and work permit may be issued to the foreigner referred to in Article 76, Paragraph 1, Point 6 of this Act, provided that he meets the conditions referred to in Article 77 of this Act, and provided that the service provider is employed with a foreign employer and has adequate qualifications, and that the foreign employer concluded a contract with a company or craft in the Republic of Croatia. The services concerned should involve specific high technology services and provision of such services should be of particular interest for the Republic of Croatia.

(5) Nationals of the Member States of the European Union shall not be obliged to meet the criteria referred to in this Article.

#### Article 79

(1) A residence and work permit outside the annual quota may be granted to the foreigner who meets the criteria referred to in Article 54 of this Act, and who:

**1. performs key activities referred to in Article 76, Paragraph 2 of this Act in a company, or who holds an ownership of share in such a company of at least 51%, and a company is:**

- a holder of incentive measures in accordance with a regulation on investment promotion, or,
- carries out strategic investment projects in conformity with regulation on strategic investment projects of the Republic of Croatia,

2. performs jobs or carries out projects in the Republic of Croatia pursuant to international treaties on professional and technical assistance, which the Republic of Croatia concluded with the European Union, some other state or an international organization.

**(2) The Police Administration or Police Station shall be obliged to decide on a request for the issuance of residence and work permit to the foreigner referred to in this Article within 30 days of submission of the application.**

#### Article 80

(1) The Police Administration or Police Station competent for place of residence of a foreigner shall adopt a decision referring to a request for issuance of a residence and work permit. An appeal may be lodged against such a decision, of which the

Commission shall decide.

2) A residence and work permit shall be issued to a foreigner for the time period necessary to perform the job or for the term of the employment contract or some other relevant contract, and at most for a period of up to one year.

(3) Exceptionally from Paragraph 2 of this Article, a residence and work permit shall be issued to a foreigner referred to in Article 76, Paragraph 1, Point 4 of this Act, with the term of validity of up to two years, provided that the shorter time period for issuance of a residence and work permit was not requested.

(4) A foreigner to whom a residence and work permit was issued for the performance of seasonal work may reside in the Republic of Croatia for at most six months in the course of one year, and he must reside outside the Republic of Croatia for at least six months before re-entering and residing in the Republic of Croatia for the purpose of work is made possible to him.

(5) The Police Administration or Police Station shall deliver a residence and work permit to an employer and the Branch Offices of the Tax Administration, competent for the place of the registered office of a legal entity or a physical person using the services of a foreigner, or competent for a place where the contracted work shall be performed.

#### Article 81

The Police Administration or Police Station may refuse to issue a residence and work permit if an employer is in breach of employment regulations, health and pension insurance regulations, or when a foreigner or employer did not settle a fine pronounced.

### ***Work registration certificate***

#### Article 82

(1) Based on a work registration certificate, the following foreigners may work up to 90 days in a **calendar** year:

1. procurators, key personnel and members of the supervisory board of a company, performing jobs for the company, and who are not employed,
2. service providers in tourism, tourist agents or entertainers in accordance with special regulations,
3. scientists on scientific and professional specialization, scientists-representatives of international organizations and scientists who are to participate in the implementation of scientific projects important for the Republic of Croatia,
4. administrative staff, experts, teachers and lecturers of foreign cultural, educational and scientific institutions performing a job in the Republic of Croatia as part of a cultural and educational cooperation programme, and administrative staff, experts, teachers and lecturers of foreign cultural, educational and scientific institutions having their branch offices in the Republic of Croatia, provided that they originate from the home institution,
5. civilian and military officials of the governments of other states arriving to the Republic of Croatia to work further to a cooperation agreement with the Government

of the Republic of Croatia,

6. foreign correspondents, accredited in the Republic of Croatia or foreign media reporters,

7. representatives and the staff of religious communities performing jobs exclusively related to religious or charitable service,

8. **foreigners** arriving, through Croatian associations or institutions, as volunteers to working camps or to work on similar working and education programmes, or students arriving to perform internship in Diplomatic Missions and Consular Offices accredited in the Republic of Croatia,

9. volunteers **working without pay** in non-profit associations and institutions in the Republic of Croatia in accordance with special regulations or based on international exchange and volunteer cooperation programmes,

10. foreigners arriving to the Republic of Croatia to as interns of companies, branch offices or representative offices owned by foreign companies, provided that the foreigners arrive from the registered office of such a company or from its representative office or branch office in some other state,

11. foreigners performing supervision and inspection of overhaul and shipbuilding and foreigners performing supervision or inspection of the production and installation of equipment, machinery and other facilities under an export or order contract of a foreign client,

12. foreigners working on foreign vessels and are registered as crew members,

13. foreigners carrying out professional practice, training or volunteer work within the Community Programmes, Lifelong Learning, Youth in Action, **other international programmes** and other programmes and initiatives carried out by the body competent for education and science **and the body competent for volunteerism**,

14. experts in the area of cultural heritage protection, library and archives science,

15. foreigners carrying out professional training or education of workers employed by the legal entities and physical persons in the Republic of Croatia,

16. foreigners engaged in activities related to delivery, installation or service of machinery and equipment, whose work is considered as a condition for exercising warranty rights or it relates to delivery of machinery or equipment,

17. foreigners attending professional training at a legal entity having its registered office in the Republic of Croatia, and which is linked to the foreign employer in organizational terms,

18. students arriving through an authorized organization or student exchange programme, to complete a practical work,

**19. foreigners arriving to perform an unpaid internship with Croatian legal entities, physical persons, institutions or associations.**

(2) Foreigners referred to in Paragraph 1, Points 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this Act intending to reside and work in the Republic of Croatia for longer than 90 days, may be issued a residence and work permit outside the annual quota, provided that they fulfill conditions referred to in Article 54 of this Act **and enclose proof on performing business and duration of such a business in the Republic of Croatia.**

**(3) Exceptionally from Article 54, Paragraph 1, Point 4 of this Act, foreigners referred to in Paragraph 1, Point 13 of this Article participating in the Program Youth in Action and its successors, shall not be obliged to submit proof on**

health insurance, except when the program rules regulate differently.

**(4) A residence and work permit outside an annual quota may be issued to volunteers referred to in Paragraph 1, Point 9 of this Article, provided that they are between 18 and 65 years and conclude a contract on volunteering in conformity with special regulations on volunteerism. An organization at which a foreigner shall work as a volunteer must assume full responsibility for a foreigner during his volunteering, including living expenses, accommodation, food, health insurance and return.**

**(5) A residence and work permit outside an annual quota may be issued to a foreigners referred to in Paragraph 1, Point 19 of this Article, provided that they enclose proof on internship to be conducted with legal entity or physical person, institution or association, recognized by a competent body for activity of internship.**

#### Article 83

(1) The following foreigners may work up to 60 days in a **calendar** year on the basis of a certificate on registration of work:

1. providers of auditing and consultancy services,
2. lecturers participating at organized professional gatherings and seminars,
3. artists and technical staff participating in opera, ballet, theatre, concert, visual arts and other cultural events, as well as authors and performers in the field of film and television,
4. foreigners employed in circuses or amusement parks.

(2) The following foreigners may work up to 30 days in a **calendar** year on the basis of a certificate on registration of work

1. authors and music, music-stage and dance performers, as well as accompanying reporting, organizational and technical staff,
2. foreigners participating in fairs or exhibitions where their employers are exhibitors.

#### Article 84

1) The foreigner referred to in Article 82 of this Act who will work for less than 90 days and the foreigner referred to in Article 83 of this Act, or a legal entity and a physical person who will be using their services shall obtain, before the commencement of work, a work registration certificate from the Police Administration or Police Station as per the location of the performance of activities or a place where **the register office of an employer is situated.**

(2) Based on a work registration certificate issued, a foreigner may work for the same employer or service beneficiary throughout the territory of the Republic of Croatia.

(3) The foreigner referred to in Paragraph 1 of this Article shall not be required to

obtain a residence and work permit.

#### Article 85

(1) A legal entity or a physical person using the services of the foreigners referred to in Articles 82 and 83 of this Act must be in possession of a contract or other relevant proof on performance of work, concluded with a foreigner or a foreign employer that assigns the foreigner concerned to work in the Republic of Croatia.

(2) The Police Administration or Police Station shall submit a work registration certificate to the foreigner, legal entity or physical person referred to in Paragraph 1 of this Article and the regional office or branch office of the Tax Administration, competent as per the place where the registered office of the legal entity or physical person using the services of a foreigner is situated or where the contracted work is to be performed.

(3) Neither the provisions of Paragraphs 1 and 2 of this Article nor Article 84 of this Act shall apply to foreigners participating in sport events and competitions in the Republic of Croatia as the representatives of foreign teams, clubs or national teams.

#### ***Rights of a foreigner on temporary residence***

##### **Article 85.a.**

**(1) The foreigner with a residence and work permit issued and the foreigner referred to in Article 73, Paragraph 3 of this Act have all rights from Article 86, Paragraph 5 and 6 and Article 98, Paragraph 1, Points 2 through 7 and Paragraph 2 of this Act, guaranteed.**

**(2) The foreigner referred to in Paragraph 1 of this Article shall be entitled to recognition of diplomas and professional qualifications, as well as to counseling services provided by employment institutes in conformity with special regulations.**

#### ***An assigned worker***

##### Article 86

(1) An assigned worker is considered a worker who shall be, by the foreign employer referred to in Paragraph 2 of this Article, assigned within temporary and periodical trans-border provision of services, and for the limited period of time:

1. to work in the Republic of Croatia for the employer and under his management on the basis of the contract concluded between the foreign employer assigning him and the service beneficiary in the Republic of Croatia, provided that, at the time of assignation, there is existing employment relation between the foreign employer and the worker concerned, or

2. to work for the foreign employer's branch office in the Republic of Croatia or for the company owned by the same group which the foreign employer belongs to,



provided that, at the time of assignment, there is existing employment relation between the foreign employer and the worker concerned, or

3. to be ceded through the agency for temporary employment to a beneficiary, established in the Republic of Croatia or running business there, provided that at the time of ceding, there is existing employment relation between the agency for temporary employment and the worker concerned.

(2) A foreign employer is considered to be a physical person or a legal entity, settled for a business reasons in other **EEA** Member State and which, within temporary and periodical trans-border provision of services, assigns a worker to work in the Republic of Croatia for a limited period of time.

(3) An assigned worker is considered a worker who is, by a foreign employer, assigned to work for a limited period of time, and within temporary and periodical trans-border provision of services, in the Republic of Croatia, which is not a state where he usually works.

(4) An assigned worker who is a third country national, legally employed by a foreign employer and assigned to work in the Republic of Croatia for the period longer than 3 months, shall be obliged to regulate his temporary residence for the purpose of performing an assigned work, pursuant to Article 47, Paragraph 1, Point 6 and **Article 54** of this Act.

(5) The assigned worker referred to in Paragraph 1 of this Article shall be guaranteed the following working conditions:

1. prescribed the maximal working hours and minimal rest-time,
2. minimal duration of a paid annual leave,
3. minimal salary, including an increased salary for over-time,
4. health protection and safety at work,
5. protection measures for work of pregnant women, women with recently born babies and who breast-feed them and of minor workers,
6. prohibition of discrimination.

(6) Working conditions referred to in Paragraph 5 of this Article shall be guaranteed at the level of rights stipulated by the laws of the Republic of Croatia and by collective agreements, implementation of which is, by a special regulation, expanded to include all employers and workers at a specific territory, branch or working area.

(7) Working conditions referred to in Paragraphs 5 and 6 of this Article shall be also guaranteed to a worker assigned to work through an agency for temporary employment.

(8) Working conditions referred to in Paragraphs 5 and 6 of this Article shall be also guaranteed to an assigned worker, who is not an EEA national, provided that he is legally employed by the foreign employer.

(9) A foreign employer shall be obliged to declare in the statement on assignment referred to in Article 89 of this Act, that the assigned worker referred to in Paragraph

8 of this Article, is legally employed pursuant to regulations of the state where the foreign employer is settled for business reasons.

(10) Working and employment conditions referred to in Paragraph 5, Points 2 and 3 of this Article shall not be implemented to the qualified worker assigned by the foreign employer to work in the Republic of Croatia for the period less than 8 days, provided that the foreign employer performing delivery, assigned him to do initial installment necessary for putting delivered goods in use and provided that it is arranged to be the essential element of the contract on delivery of goods.

(11) Paragraph 10 of this Article shall not apply to workers assigned by a foreign employer to work in the Republic of Croatia on civil engineering works, including building, repair, maintenance, reconstruction and removal of buildings, and particularly to work on digging, construction site excavation, building works, assemble and disassemble of prefabricated elements, setting up of installations, remodeling, renovation, repair, removal, regular maintenance, maintenance, painting and cleaning or making improvement.

(12) If the guaranteed working conditions referred to in Paragraph 5 of this Article and which are to be applied to the particular employment, have been arranged in a more favorable way by the regulations of the Republic of Croatia than by regulations of the state where the employer is being settled for business reasons, the more favorable law shall apply to the assigned worker concerned.

(13). An employer established in the state which is not the **EEA** Member State, may not be put in a more favorable position than a foreign employer, settled for business reasons in the **EEA** Member State.

### ***Referential period of time***

#### Article 87

(1) Duration of period for which the assigned worker referred to in Article 86 of this Act is assigned to the Republic of Croatia shall be calculated on the basis of the referential period of one year, as of the beginning of assignment.

(2) For the calculation of duration of assignment, all previous periods of time, throughout which the same work had been performed for the same employer by any worker assigned by that foreign employer, shall be taken into consideration.

### ***Judicial protection, administrative cooperation and information sharing***

#### Article 88

(1) In order to secure protection and realization of guaranteed working conditions referred to in Article 86 of this Act, an assigned worker shall be entitled to initiate a court proceedings before the competent court of the Republic of Croatia, against a foreign employer, being it a legal entity or a physical person, or against a service receiver in the Republic of Croatia, pursuant to the regulations of the Republic of Croatia.

(2) In order to realize a full information sharing on protection and scope of rights

prescribed by Article 86 of this Act and a necessary international cooperation, the Ministry competent for labour shall secure all necessary mutual administrative cooperation and assistance, making information on working conditions available to all interested parties.

### ***Statement on assignment***

#### Article 89

(1) The foreign employer referred to in Article 86 of this Act shall be obliged to, before assignment, give a statement on assignment which should include the following:

1. name and registered office, i.e. name and family name and address of the foreign employer and contact data, such as telephone, fax numbers and e-mail address,
2. name and family name of an assigned worker and the state where the worker concerned usually works in,
3. beginning and anticipated duration of assignment,
4. name and registered office, i.e. name and family name and address of the service beneficiary, place of service provision and a short description of a service to be provided,
5. date of issuance, validity, number and a competent body issued a valid residence and work permits of an assigned worker referred to in Article 86, Paragraph 4 of this Act (a third country national), following regulations of a state where a foreign employer has settled for business reasons.

(2) The foreign employer referred to in Article 86 of this Act shall be obliged to, during assignment, notify every change of data from Paragraph 1 of this Article.

(3) The statement referred to in Paragraph 1 of this Article shall be given in a written form or electronically, to a body stipulated by a special regulation to be a competent body for coordination of social security system in the Republic of Croatia.

### ***Termination of validity of a residence and work permit***

#### Article 90

(1) A residence and work permit shall cease to be valid if:

1. the conditions referred to in Article 72, Paragraph 1 of this Act are met,
2. the conditions, on the basis of which it has been issued, no longer exist,
3. a foreigner performs an activity for which a residence and work permit has not been issued,
4. a foreigner works for an employer, in relation to whom, he was not issued a residence and work permit,
5. a foreigner or an employer do not respect labour regulations, health and pension insurance regulations and other regulations which must be complied with when the related activity is being performed.

(2) An appeal may be lodged against the decision of the Police Administration or

Police Station referred to in Paragraph 1 of this Article. The Commission shall decide about the appeal.

(3) The Police Administration or Police Station shall not adopt a decision on termination of validity of a residence and work permit if the prohibition for entry and residence referred to in Article 72, Paragraph 1, Point 2 of this Act has been pronounced by a decision on expulsion.

#### Article 91

(1) A foreigner whose employment contract or another appropriate contract has expired through no fault of his own shall be entitled to reside in the Republic of Croatia until his residence and work permit expires.

(2) If an employment contract or another appropriate contract expires and other conditions based on which a residence and work permit has been issued cease to exist, an employer and a foreigner shall, within 15 days, inform the competent Police Administration or Police Station thereof.

### ***Permanent residence***

#### Article 92

**(1) Permanent residence may be granted to a foreigner who, before the submission of the related application in the Republic of Croatia, had legal residence in an uninterrupted period of five years, including granted temporary residence, asylum or subsidiary protection.**

(2) It is also deemed that a foreigner had an uninterrupted residence in the Republic of Croatia if, within a period of five years, he was absent from the Republic of Croatia on multiple occasions up to 10 months in total, or up to six months in the case of a one-time absence.

(3) At the time when it is deciding about a permanent residence of a foreigner, he must have temporary residence granted in the Republic of Croatia.

**(4) The foreigner referred to in Paragraph 1 of this Article shall not be granted permanent residence if asylum or subsidiary protection granted to him was cancelled.**

#### Article 93

(1) The time required for granting permanent residence referred to in Article 92, Paragraph 1 of this Act, shall not include:

1. the period of residence based on a residence and work permit issued to seasonal workers, daily migrant workers and service providers on behalf of a foreign employer,
2. the time spent on serving of prison sentence.

(2) In the case of a foreigner granted temporary residence for the purpose of studying, the time required for the approval of permanent residence referred to in

Article 92, Paragraph 1 of this Act shall be calculated to include only a half of the time spent further to a temporary residence permit issued for the purpose of studying.

**(3) The time required for the approval of permanent residence referred to in Article 92, Paragraph 1 of this Act, to a foreigner having asylum or subsidiary protection granted, shall be calculated to include only a half of the time, from the day when application for international protection was submitted and based on which the related status was granted to him until the day when international protection was granted, or the entire period of time if it does not exceed 18 months.**

**(4) Stateless persons, foreigners having asylee status or subsidiary protection granted shall not be obliged to meet condition referred to in Article 96, Paragraph 1, Point 1 of this Act.**

#### Article 94

(1) Exceptionally from Article 92 of this Act, permanent residence may also be granted to:

1. a foreigner who, before submitting an application, had uninterrupted temporary residence granted for the period of 3 years, and who had at least 10 years of refugee status, which shall be proved by a certificate of the competent state body for refugees,

2. a foreigner who had permanent residence in the Republic of Croatia on 08 October 1991, and who is a beneficiary of the programme of return, reconstruction or housing care, which shall be proved by a certificate of the competent state body for refugees, and for whom it was established that he returned with an intention of living in the Republic of Croatia permanently,

**3. a child who lives in the Republic of Croatia and:**

- whose both parents, at the time of his birth, have permanent residence granted,

- whose one parent, at the time of his birth, has permanent residence granted (consent of the other parent is required),

- whose one parent, at the time of his birth, has permanent residence in the Republic of Croatia granted, while the other parent is unknown, deceased, proclaimed to be deceased, deprived of parental care or deprived of legal capacity, entirely or partially, in relation to parental care,

4. a foreigner born in the Republic of Croatia and who has been living at the territory of the Republic of Croatia since his birth, but who, due to justified reasons which he was not able to make influence to, was not able to regulate his residence.

5. The foreigner referred to in Paragraph 1 of this Article may reside in the Republic of Croatia, until a decision on his application becomes enforceable.

#### Article 95

(1) A foreigner shall submit an application for the issuing of a permanent residence permit to the Police Administration or Police Station based on the place of his temporary residence.

(2) The Ministry shall decide on application for approval of permanent residence.

(3) An appeal is not permissible against a decision of the Ministry, but an administrative dispute may be initiated.

#### Article 96

(1) Permanent residence shall be granted to any foreigner who, along with the conditions referred to in Article 92 of this Act, fulfils the following:

1. has a valid foreign travel document,
2. has means of supporting himself,
3. has health insurance,
4. knows the Croatian language and the Latin script, and who has knowledge of the Croatian culture and the social system,
5. does not pose danger for public order, national security or public health.

(2) Foreigners referred to in Article 94, Paragraph 1, Points 1 and 2 of this Act, do not need to fulfill conditions from Paragraph 1, Points 2, 3 and 4 of this Article.

#### Article 97

(1) Testing of knowledge of the Croatian language and Latin script may be conducted by higher education institutions, secondary schools and institutions for adult education that organize study programs on the Croatian language, on the basis of the permission of the Ministry competent for education.

(2) A foreigner shall prove his knowledge of the Croatian culture and the social system of the Republic of Croatia when filing a questionnaire in the permanent residence application procedure.

(3) Testing of the knowledge of the Croatian language, Latin script, Croatian culture and the social system shall not be compulsory for the following persons:

1. preschoolers,
2. attendants or persons who finished primary, secondary or higher education in the Republic of Croatia,
3. persons over the age of 65, if they are not employed.

(4) A foreigner who, by filing the questionnaire referred to in Paragraph 2 of this Article on his own, proved knowledge of the Croatian culture and the social system of the Republic of Croatia, shall not be obliged to present himself for testing of knowledge of the Croatian language and Latin script.

**(5) The costs of the testing referred to in Paragraph 1 of this Article shall be borne by a foreigner.**

***Rights of foreigners on permanent residence***

Article 98

(1) A foreigner on permanent residence shall be entitled to:

1. work and self-employment,
2. occupational training,
3. education and student scholarships,
4. social welfare, the rights arising from pension, health insurance and the right to child allowance, as well as to mother and parents allowance,
5. tax benefits,
6. access to the market of goods and services,
7. freedom of making association and connection and to become a member of organizations representing employees or employers or of organizations whose members perform a special occupation, including the remuneration provided by such organizations to their members.

(2) A foreigner shall exercise the rights in accordance with the regulations of the Republic of Croatia that regulate the fields referred to in Paragraph 1 of this Article.

***Termination of permanent residence***

Article 99

(1) Permanent residence of a foreigner shall terminate if:

1. his entry and residence have been prohibited in the Republic of Croatia,
2. he moved out of the Republic of Croatia or resided abroad without interruptions for a period over one year,
3. it is established that a foreigner deliberately provided false information or deliberately hid the aim and circumstances that were important for granting permanent residence,
4. it is required by the reasons of protecting public order, national security or public health,
5. he requests such termination,
- 6. asylum or subsidiary protection was cancelled to a foreigner concerned.**

(2) A decision on termination of permanent residence shall be adopted by the Ministry, following a proposal of the Police Administration or Police Station.

(3) A decision on termination of permanent residence may be adopted without a prior interview of a foreigner.

(4) The Ministry shall not adopt a decision on the termination of permanent residence if the prohibition of entry and residence referred to in Paragraph 1, Point 1 of this Article was issued by a decision on expulsion.

(5) An appeal is not permissible against the decision on termination of permanent residence, but an administrative dispute may be initiated.

## VI MEASURES FOR ENSURING RETURN

### *Special protection*

#### Article 100

(1) At the time of applying **measures for ensuring return**, the best interest of minors and the needs of other vulnerable persons, family circumstances and the health condition of a foreigner against whom the measures are being taken must be taken into account.

(2) Within the meaning of Paragraph 1 of this Article, vulnerable persons means persons with disability, the elderly, pregnant women and single parent family with minor children, victims of violence and minors, especially unaccompanied minors.

### *Illegal residence*

#### Article 101

(1) A foreigner is residing illegally if:

1. he is not on short-term residence,
- 2. he does not have a valid temporary or permanent residence permit,**
3. he was not granted asylum, subsidiary or temporary protection, or he is not an asylum seeker,

(4) he is not the foreigner referred to in Article 53 and **Article 94, Paragraph 2** of this Act.

(2) A foreigner on a short- term residence shall not be considered:

1. a foreigner who entered the Republic of Croatia illegally,
2. the foreigner referred to in Article 46, Paragraph 1, Point 4 of this Act who entered the Republic of Croatia, although the six-month period counting from the date of his first entry did not expire,
3. a foreigner returned to the Republic of Croatia on the basis of the readmission agreement,
4. a foreigner extradited to the Republic of Croatia **on the basis of international agreement on extradition,**
5. a foreigner who was taken from the border crossing to the court for conducting a criminal or misdemeanor procedure, and who was not granted entry to the Republic of Croatia.

(3) A foreigner residing illegally shall be obliged to leave the Republic of Croatia without any delay.

### *Expulsion*

#### Article 102



(1) A foreigner may be subject to expulsion from the Republic of Croatia if he poses a danger for public order, national security or public health.

(2) A decision on expulsion shall be considered:

- a judgment of the court by which the protection measure of expulsion of a foreigner from the country is pronounced,
- a decision on expulsion, adopted by the Ministry, Police Administration or Police Station.

#### Article 103

(1) A decision on expulsion stipulates the prohibition of entry and residence and the time period during which a foreigner is prohibited from entering and residing in the Republic of Croatia.

(2) Prohibition of entry and residence shall be calculated from:

1. the expiration of the deadline for return,
2. deportation,
3. the expiration of the prohibition of entry and residence issued in a previous decision on expulsion.

**(3) Prohibition of entry and residence in cases not regulated by Paragraph 2 of this Article shall be calculated as of the day when the decision on expulsion became enforceable.**

### ***Protection against expulsion***

#### Article 104

(1) At the time of issuing a decision on expulsion, along with the circumstances referred to in Article 100 of this Act, the length of residence, economic connections and the level of social and cultural integration of the foreigner in the Republic of Croatia shall be taken into account, and also his ties to the country of origin.

(2) A decision on expulsion of a foreigner being on:

1. permanent residence in the Republic of Croatia,
2. temporary residence in the Republic of Croatia for an uninterrupted period of 10 years,
3. temporary residence in the Republic of Croatia, and who legally resides in the Republic of Croatia for three years and is married to a Croatian national or to a foreigner on approved permanent residence,

may be issued only subject to the existence of one of the grounds referred to in Article 106 of this Act

### ***Decision on expulsion***

#### Article 105

- (1) In the sense of Article 102, Paragraph 1 of this Act, a decision on expulsion may be adopted particularly if a foreigner:
1. resides in the country illegally,
  2. crossed or attempted to cross the state border illegally,
  3. provided assistance in illegal entry, transit or residence,
  4. concluded a marriage of convenience,
  5. violated regulations on employment and work of foreigners, prevention of chaos at sport competitions, public order and peace, weapons, abuse of narcotics or tax levies,
  6. committed a criminal offence that is to be prosecuted in the line of duty,
  7. has been convicted abroad, by a legally effective judgment, for a serious criminal offence, which is also punishable under the Croatian regulations,
  8. repeatedly commits minor offences,
  9. committed a minor offence with the elements of violence.

(2) In the case referred to in Paragraph 1, Points 1 and 2 of this Article, the decision on expulsion may be issued without conducting a misdemeanor procedure.

**. *Expulsion in view of increased social danger***

Article 106

A decision on expulsion shall be adopted if:

1. a foreigner was, pursuant to legally effective judgment, sentenced to unconditional imprisonment in the duration **longer than** one year, because of a criminal offence committed with intention,
2. a foreigner was repeatedly sentenced over the period of 5 years, pursuant to a legally effective judgment, to imprisonment in the duration of 3 years, because of a criminal offence committed with intention,
3. a foreigner was sentenced to unconditional imprisonment, because of committing a criminal offence against the values protected by international law,
4. a foreigner poses danger to national security.

***Adopting a decision on expulsion***

Article 107

(1) A decision on expulsion shall be adopted by the Ministry, Police Administration or Police Station.

(2) A decision on expulsion shall stipulate the prohibition of entry and residence, and shall not be shorter than 3 months or longer than 20 years.

(3) Prohibition of entry and residence stipulated by the decision on expulsion referred to in Article 105, Paragraph 1, Points 1 and 2 of this Act should not be longer than 5 years.

(4) A foreigner residing illegally and a foreigner on a short-term residence who does not understand Croatian language, in which the proceeding is conducted, shall be

provided translation to the language he understands. A decision on expulsion shall be translated at request of a foreigner.

(5) Before a decision on expulsion is adopted, a foreigner residing and working illegally shall be notified of the possibility of receiving compensation of salary, and of the corresponding contributions in accordance with special regulations, and of the possibility of lodging an appeal or complaint against the employer.

(6) A foreigner residing illegally in the country and a foreigner on short-term residence shall be entitled to free legal aid in the procedure of adopting a decision on expulsion.

**(7) Free legal aid referred to in Paragraph 6 of this Article includes:**

- assistance in preparation of an appeal and
- representation before the Administrative Court.

**(8) Free legal aid may be provided by Attorneys at Law and lawyers from associations registered for provision of legal assistance with whom the Ministry concludes a related contract.**

**(9) The foreigner referred to in Paragraph 6 of this Article who is in possession of sufficient financial means or things of greater value shall not be entitled to free legal aid, and the same happens when it is likely that the proceedings before the Administrative Court shall not be successful for the foreigner concerned.**

**(10) It is deemed likely that the proceedings before the Administrative Court shall not be successful for a foreigner if the circumstances referred to in Articles 104 and 118 of this Act do not exist.**

**(11) In the cases referred to in Paragraphs 9 and 10 of this Article, the Ministry shall, by a related decision, determine that costs of legal aid shall be borne by the foreigner referred to in Paragraph 6 of this Article.**

**(12) Legal aid referred to in Paragraph 1 of this Article shall be provided on the basis of request of the foreigner referred to in Paragraph 6 of this Article.**

**(13) Costs of free legal aid, provided in conformity with provisions of this Act shall be borne by the Ministry.**

### ***Legal remedy against a decision on expulsion***

#### Article 108

(1) An appeal against the decision of the Ministry referred to in Article 107 of this Act shall not be permissible, but an administrative dispute may be initiated.

(2) An appeal against the decision of the Police Administration or Police Station referred to in Paragraph 107 of this Act may be lodged, where the Commission shall decide about the appeal.

(3) Exceptionally from Paragraph 2 of this Article, an appeal may not be lodged against the decision on expulsion of a foreigner residing illegally in the country

and a foreigner on short-term residence, but an administrative dispute may be initiated.

***Annulment and shortening of the period of prohibition of entry and residence***

Article 109

(1) The body which adopted a decision on expulsion may annul or shorten the period of prohibition of entry and residence if the grounds referred to in Article 102, Paragraph 1 of this Act terminated, under humanitarian grounds, or if it is in the interest of the Republic of Croatia.

(2) An application for annulment or shortening the period of prohibition of entry and residence may be submitted on expiration of half of the time of the issued prohibition of entry and residence and in any case on expiration of three years of the beginning of the prohibition of entry and residence.

(3) The foreigner who was expelled only under the grounds referred to in Article 105, Paragraph 1, Points 1 and 2 of this Act may submit the application referred to in Paragraph 2 of this Article if the conditions stipulated in Paragraph 1 of this Article are met.

(4) An appeal may be lodged against a decision of the Police Administration or Police Station rejecting the application referred to in Paragraphs 2 and 3 of this Article, where the Commission shall decide about the appeal.

(5) If residence of a foreigner becomes legal, a decision on expulsion shall cease to be valid without adoption of a related administrative act.

***Approval of residence of a foreigner for who the EEA Member State adopted a decision on expulsion***

Article 110

**If the EEA Member State has adopted a decision on expulsion of a foreigner**, the competent body shall, in the procedure of issuing a visa or granting residence in the Republic of Croatia, take into account interests of such EEA Member State.

***Obligations of physical persons and legal entities***

Article 111

(1) State bodies, legal entities and physical persons shall immediately notify the Police Administration or Police Station if they learn that a foreigner is residing or working in the Republic of Croatia illegally, except when being obliged by the special regulation, to keep such information as a secret.

(2) The body that initiated a misdemeanor or criminal procedure against a foreigner for offences prosecuted in the line of duty shall immediately notify the

Police Administration or Police Station about the initiation and outcome of such a procedure.

(3) The state body which adopted a decision by which a foreigner was declared guilty for a criminal offence or minor offence prosecuted in the line of duty shall notify the competent Police Administration or Police Station immediately after adopting such a decision.

(4) A detention institution shall be obliged to notify the competent Police Administration or Police Station at least 24 hours before releasing a foreigner.

### ***Decision on return***

#### Article 112

(1) A foreigner residing illegally and a foreigner, whose legal residence terminates pursuant to a decision of the state body, shall be ordered by a related decision to leave **the EEA**.

(2) The foreigner referred to in Paragraph 1 of this Article does not have to be ordered to leave **the EEA** by a decision, if he:

1. committed a criminal offence or misdemeanor with the elements of violence,
2. was issued an unconditional sentence of imprisonment,
3. crossed or attempted to cross the state border illegally.
- 4. should be refused entry at the border crossing,**
- 5. should be extradited on the basis of international agreement,**
- 6. should be expelled to the EEA Member State on the basis of readmission agreement.**

(3) The decision referred to in Paragraph 1 of this Article shall stipulate a term within which a foreigner must leave the **EEA**, and also a deportation if a foreigner does not leave **the EEA**.

(4) When setting the **time period for return**, except for circumstances referred to in Article 100 of this Act, personal circumstances and the time period within which a foreigner can return shall be taken into account. Such a time period may not exceed 90 days.

(5) **A deadline for return** set up to a foreigner illegally residing and a foreigner on a short-term residence, may not be shorter than 7 days and longer than 30 days, except in the case referred to in Paragraph 2, Point 3 of this Article.

(6) **A deadline for return** may be extended pursuant to Paragraph 4 of this Article.

(7) **A decision on return** may stipulate to a foreigner the obligations referred to in Article 136 of this Act, provided that:

1. his asylum application was rejected under Article 58, Paragraph 1, Point 2 or Article 61, Paragraph 1, Points 4 and 7 of the Asylum Act,
2. he does not have financial resources or documents required for entry into another state, and the circumstances indicate that he will not obtain them,
3. he was expelled from the Republic of Croatia.

(8) A foreigner to whom the decision referred to in Paragraph 1 of this Article was issued shall be obliged to leave **the EEA** within the set time period.

(9) A foreigner to whom the decision referred to in Paragraph 1 of this Article was issued shall be obliged to report to the Police Officer at the border crossing point when leaving **the EEA**.

### ***Adopting a decision on return***

#### Article 113

(1) **A decision on return** shall be adopted by the Ministry, the Police Administration or Police Station.

(2) A foreigner residing illegally and a foreigner on short-term residence who does not understand Croatian language shall be in the proceedings provided with translation to the language he understands. **A decision on return** shall be translated at request of a foreigner.

(3) In the procedure of adopting **a decision on return**, the provisions of Article 107, Paragraphs 5 and 6 of this Act shall apply accordingly.

### ***Legal remedy against a decision on leaving***<sup>3</sup>

#### Article 114

(1) **A decision on return** issued along with a decision on expulsion of a foreigner or along a decision of the Ministry, the Police Administration or Police Station, by which legal residence of a foreigner is terminated, shall be regarded as an integral part of a decision on expulsion or a decision terminating legal residence of a foreigner. **A decision on return can be challenged only by a legal remedy against a decision on expulsion or a resolution of the Ministry, Police Administration or Police Station.**

(2) An appeal may not be lodged against **a decision on return** issued to a foreigner residing illegally or a foreigner on short-term residence, but an administrative dispute may be initiated.

(3) If the residence of a foreigner referred to in Article 112, Paragraph 1 of this Act, who did not leave the Republic of Croatia became legal, **a decision on return** shall cease to be valid, without the adoption of an administrative act.

### ***Procedure against a third-country national having a residence permit in another EEA Member State***

#### Article 115

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<sup>3</sup> In accordance with modification of notions referred to in Article 76 of the Act on Amendments to the Foreigners Act ("Official Gazette" No. 74/13), the legislator has mistakenly omitted to modify the part of the heading reading "decision on leaving" to the correct heading reading "decision on return".

(1) The Police Administration or Police Station shall issue a warning to a third-country national residing in the Republic of Croatia illegally and holding a residence permit of another **EEA** Member State, stating that he is obliged to leave the Republic of Croatia without any delay and return to the **EEA** Member State in which he holds such residence permit. **A warning shall set a deadline when a foreigner should leave the Republic of Croatia.**

(2) If the foreigner referred to in Paragraph 1 of this Article fails to leave the Republic of Croatia, **a decision on return** shall be adopted.

(3) With respect to the foreigner referred to in Paragraph 1 of this Article who is subject to a decision on expulsion, the Police Administration or Police Station shall adopt **a decision on return** without issuing the warning referred to in Paragraph 1 of this Article.

***Procedure against a third-country national having international protection granted in another EEA Member State***

**Article 115 a.**

(1) A third-country national whose permanent residence in the Republic of Croatia terminated and who was granted international protection in the EEA Member State, shall be, by a related decision, ordered to leave for the EEA Member State where international protection was granted to him.

(2) Prior to adoption of the decision referred to in Paragraph 1 of this Article, it shall be verified whether a third country national still enjoys international protection.

(3) In the procedure of adoption of the decision referred to in Paragraph 1 of this Article, provisions related to a decision of return shall apply accordingly.

(4) If a third-country national whom the decision referred to in Paragraph 1 of this Article was issued to, does not leave the Republic of Croatia, he shall be deported to the EEA Member State where international protection was granted to him.

(5) A third-country national whose permanent residence in the Republic of Croatia terminated as he poses danger to national security, or who was finally sentenced for a serious criminal offence and poses danger for public order, while international protection was granted to him in the EEA Member state, can be also deported to the other state, if it would not violate the principle referred to in Article 118 of this Law.

***Deportation***

**Article 116**

(1) A foreigner shall be subject to deportation from **the EEA** if:

1. he failed to leave **the EEA** within the deadline set in **a decision on return**,  
 2. a decision of the state body terminating the foreigner's legal residence **or a decision on deportation** becomes enforceable, and a decision **on return** in conformity with Article 112, Paragraph 2 of this Act is not to be adopted.

**(2) Police officers shall escort the foreigner referred to in Paragraph 1 of this Article in order to secure his leaving the EEA.**

(3) A foreigner being deported may not interfere with the deportation process in any way.

(4) When implementing deportation measures the Ministry, Police Administration or Police Station may cooperate with other state bodies, other states and international and non-governmental organizations.

**(5) A foreigner shall be deported to the other EEA Member State when conditions for return, based on the readmission agreement, are met.**

**(6) The Ministry shall ensure an efficient system of monitoring deportations of which it can conclude agreements with other state bodies, international and non-governmental organizations.**

### ***Recognizing a decision on expulsion of the EEA Member State***

#### Article 117

(1) A foreigner against whom a member state of **the EEA** has issued a legally effective decision on expulsion shall be deported:

1. if he was sentenced to imprisonment in duration of at least one year, because of a criminal offence,
2. due to suspicion to have committed or intended to commit a serious criminal offence,
3. due to violations of the regulations on the entry and residence of foreigners.

(2) The member state of **the EEA** in which a foreigner has a residence permit and the state that adopted a decision on expulsion shall be notified about intention to deport a foreigner.

(3) If a member state of **the EEA** nullifies the residence permit referred to in Paragraph 2 of this Article, a foreigner shall be deported. If the residence permit is not nullified, a foreigner need not be deported.

(4) The state that adopted a decision on expulsion shall be notified of deportation.

(5) The provisions of this Article shall not apply to the nationals of a member state of **the EEA**, members of their families and members of the families of the Croatian nationals.

### ***Prohibition of deportation***



## Article 118

(1) It shall be prohibited to deport a foreigner to a state where his life or freedom would be threatened on account of his race, religion or nationality, membership of a particular social group or political opinion, or where he might be exposed to torture or inhuman or degrading treatment or punishment or a death penalty might be executed against him, and to a state where he would be in danger of being deported to such a state.

(2) It shall be prohibited to deport a minor, foreign national if that would be contrary to the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Exercise of Children's Rights.

(3) An unaccompanied minor, a foreign national shall be subject to deportation to a state in which he shall be handed over to a member of his family, to an appointed guardian or to an institution for receiving children.

***Joint flights of the EEA Member States***

## Article 119

The Ministry shall organize and take part in joint flights of **the EEA** Member States for the purpose of deportation by air.

***Assistance to the EEA Member State in the case of deportation by air***

## Article 120

(1) Upon the request of the competent bodies of the EEA Member State, the Ministry shall provide assistance in the event of transit for the purpose of deportation by air.

(2) The request for providing assistance referred to in Paragraph 1 of this Article shall be rejected if:

1. a foreigner being deported was accused in the Republic of Croatia of having committed a criminal offence or if a warrant for his arrest was issued, for the reason of serving a prison sentence,
2. it is not possible to organize a transit over other states or an admission in the country of destination,
3. it is necessary to change flights in the Republic of Croatia from one airport to another,
4. deportation is not possible because of practical reasons,
5. a foreigner being deported poses danger to public order, national security, public health or if that would be contrary to international interests of the Republic of Croatia,
6. event referred to in Article 118 of this Act exists.

(3) The provision of assistance referred to in Paragraph 1 of this Article shall be discontinued if the reasons referred to in Paragraph 2 of this Article are subsequently discovered.

#### Article 121

(1) The request referred to in Article 120, Paragraph 1 of this Act need not be approved if:

1. a foreigner can be deported by a direct flight to the country of destination,
2. the related request was not submitted at the latest 2 days before the transit,
3. the request was not submitted on the prescribed form,
4. the request is incomplete,
5. the transit would take more than 24 hours.

(2) In particularly urgent and well-founded cases referred to in Paragraph 1, Points 1 and 2 of this Article, the request shall be approved.

#### Article 122

(1) The notification about the decision deciding on the request referred to in Articles 120 and 121 of this Act shall be delivered within 2 days, and in well-founded cases the time limit may be extended for 2 more days.

(2) A decision rejecting the request for assistance must include an explanation.

### ***Restricting the freedom of movement***

#### Article 123

(1) A foreigner may be arrested, **bring forward** and detained for up to 24 hours if it would be necessary to ensure his presence in the expulsion procedure, cancellation of a short-term residence and nullification of temporary postponement of deportation.

(2) A foreigner, being deported, may be detained, **bring forward** and detained for up to 48 hours.

(3) A foreigner, being arrested, shall be immediately informed on reasons for arresting him and on possibility to request that the Diplomatic Mission or a Consular Office of his state is informed on such an arrest, **provided that an international agreement does not stipulate differently.**

(4) The competent social welfare body and the Diplomatic Mission or a Consular Office shall be immediately informed on an arrest of a minor, foreign national.

(5) A foreigner shall be released immediately upon cessation of reasons for arrest and detention, and latest until expiration of a time limit referred to in Paragraphs 1 and 2 of this Article, except when activities for deportation are ongoing or a decision on accommodation in the Reception Center for Foreigners was adopted.

### ***Preliminary accommodation in the Centre***

#### Article 124

(1) A foreigner shall have his freedom of movement restricted by accommodation in the Reception Center for Foreigners (hereinafter referred to as: the Centre) in order to ensure his presence in the procedure of issuing a decision on expulsion, if a foreigner is considered to pose a threat to national security or if he was convicted for a criminal offence prosecuted in the line of duty.

(2) The foreigner referred to in Paragraph 1 of this Article shall not be accommodated in the Centre if it is reasonably expected that the same purpose can be achieved by applying the obligations stipulated in Article 136, Paragraph 3 of this Act.

(3) Accommodation in the Centre referred to in Paragraph 1 of this Article shall be determined for a time period of three months.

#### ***Regular accommodation in the Centre***

#### Article 125

(1) A foreigner shall have his freedom of movement restricted by accommodation in the Centre if deportation cannot be carried out immediately, and if:

1. he failed to leave **the EEA** within the deadline set by **a decision on return**,
2. **the deadline for return** was not set in accordance with Article 112, Paragraph 2 of this Act,
3. there is a reasonable doubt that a foreigner is not a minor,
4. his identity should be established.

(2) The foreigner referred to in Paragraph 1 of this Article shall not be accommodated in the Centre if it is justifiably expected that the same purpose can be achieved by applying the obligations stipulated in Article 136, Paragraph 3 of this Act.

(3) The accommodation in the Centre referred to in Paragraph 1 of this Article shall be determined for a time period of up to six months.

#### ***Extending the accommodation in the Centre***

#### Article 126

Exceptionally from Article 125 of this Act, accommodation of a foreigner in the Centre may be extended by maximal 12 more months if:

1. a foreigner refused to provide personal or other information and documents required for deportation or he provided false information,
2. a foreigner prevented or in some other way caused delay of deportation,
3. it is justifiably expected to receive travel and other documents required for deportation, which were requested from the competent bodies of another state.

***Adopting a decision on accommodation in the Centre and a legal remedy***

Article 127

(1) A decision on accommodation in the Centre shall be adopted by the Police Administration or Police Station.

(2) A decision on extending the accommodation shall be adopted by the Centre.

(3) An appeal shall not be permissible against the decision referred to in Paragraph 1 of this Article, however an administrative dispute may be initiated. The Administrative Court shall decide about a complaint lodged against the decision referred to in Paragraph 1 of this Article, after an oral hearing and within 15 days from a delivery of the case file. The complaint shall not postpone enforcement of the decision.

(4) The Centre shall deliver to the Administrative Court the case file on accommodation of a foreigner in the Centre at latest 10 days before the expiration of three months of the day when a foreigner was accommodated in the Centre. The Administrative Court shall, within 10 days from delivery of the case file, decide whether a foreigner is to be released from the Centre.

(5) The Centre shall, immediately after adoption of the decision referred to in Paragraph 2 of this Article, deliver the case files referring to the extension of accommodation to the Administrative Court. The Administrative Court shall adopt a decision either annulling or confirming the decision extending accommodation in the Centre, after an oral hearing and within 15 days of the delivery of the case file.

***Authority to carry out searches and take biometric data***

Article 128

(1) In the procedure of deportation or accommodation in the Centre, police officers shall be authorized to search a foreigner and his personal effects without a court warrant for the purpose of finding and taking any objects that might be used in an attack, self-injury or escape.

**(2) A foreigner residing illegally, and is without a document proving his identity or when suspicion in his identity exists, may be photographed without his consent and finger prints and a sample of his iris can be taken from him.**

***Rights and obligations of a foreigner***

## Article 129

(1) A foreigner may not leave the Centre without an approval and shall comply with the house rules of the Centre.

(2) A foreigner shall be in the Centre entitled to health protection, pursuant to a special regulation.

***Stricter police supervision***

## Article 130

(1) A foreigner who leaves the Centre without an approval, a foreigner justifiably suspected of wanting to leave the Centre, a foreigner justifiably suspected of wanting to injure himself or others, and a foreigner who does not comply with the house rules, shall be subject to accommodation in the Centre under stricter police control for at most up to 30 days.

(2) The foreigner referred to in Paragraph 1 of this Article shall be accommodated separately from other foreigners and shall be restricted in movement inside the Centre.

(3) A decision on stricter police control shall be adopted by the Centre. An appeal against the decision shall not be permissible, but an administrative dispute may be initiated.

(4) The Administrative Court shall, after an oral hearing and within 15 days from delivery of the case file, decide on a complaint lodged against the decision referred to in Paragraph 3 of this Article. The complaint shall not postpone execution of the decision.

***Termination of accommodation in the Centre***

## Article 131

(1) Accommodation in the Centre shall terminate:

1. by deportation,
2. on expiration of the time designated for a foreigner's accommodation,
3. if a residence of a foreigner becomes legal,
4. by annulment of a decision on accommodation in the Centre,
5. by releasing a foreigner from the Centre.

(2) A foreigner shall be released from the Centre if:

1. it is evident from the circumstances that deportation will not be possible,
2. a foreigner is accommodated in the Centre pursuant to Article 124 of this Act, and a decision on expulsion becomes enforceable, provided that a new decision on accommodation in the Centre was not adopted,

3. a foreigner is accommodated in the Centre pursuant to Article 125, Paragraph 1, Point 4 of this Act, and his identity is being established, provided that a new decision on accommodation was not adopted,

4. the Administrative Court decided that a foreigner should be released from the Centre.

### ***Procedure with minors***

#### Article 132

(1) An unaccompanied minor, foreign national and a minor foreign national accompanied by his family members shall be accommodated in the Centre, only if deportation cannot be organized in some other way.

(2) Foreigners referred to in Paragraph 1 of this Article shall be accommodated in the Centre separately from other foreigners in rooms, appropriate for the accommodation of minors.

(3) Members of the same family shall be accommodated in a separate room of the Centre.

(4) Accommodation of foreigners referred to in Paragraph 1 of this Article in the Centre may not be extended.

(5) Stricter police control may also be imposed on a minor, but only together with his parent or a legal representative.

(6) A minor in the Centre shall be provided with conditions appropriate to **his** age, and with the right to education in accordance with a special regulation.

(7) If, due to particularly large number of foreigners accommodated over an extended period of time, shall not be possible to ensure separate rooms, members of the same family shall be accommodated in the Centre regardless of the conditions referred to in Paragraph 3 of this Article.

(8) If there is serious doubt as to whether a foreigner who should be accommodated in the Centre is under age, an assessment of his age can be conducted.

### **Compensation of costs of deportation**

#### Article 133

(1) A foreigner shall bear the cost of accommodation in the Centre and other costs incurred during his deportation.

(2) All funds shall be taken from a foreigner to cover costs of deportation, subject to issuance of a related certificate.

(3) The funds taken from a foreigner shall be used to settle the costs of his deportation.

(4) In order to ensure deportation, the travel and other documents of a foreigner, as well as his travel tickets, may be temporarily taken from a foreigner, subject to issuance of a related certificate.

#### Article 134

(1) If a foreigner does not have any funds to cover the costs referred to in Article 133, Paragraph 1 of this Act, the costs shall be borne by:

1. a physical person or legal entity who smuggled or tried to smuggle the foreigner across the state border illegally, or who assisted or tried to assist a foreigner to cross the state border illegally, to make a transit or to reside there,
2. a physical person or legal entity that assumed the obligation to bear the costs of a foreigner during his residence,
3. a carrier who did not transport a foreigner in accordance with Article 41 of this Act,
4. an employer who employed a foreigner contrary to the provisions on this Act,
5. an organizer of tourist or business trips referred to in Article 42 of this Act.

(2) The obligation to pay the costs shall also exist if a foreigner is not deported, unless there are reasons referred to in Article 118 of this Act.

(3) A decision shall be adopted concerning the amount of the costs of deportation referred to in Paragraph 1 of this Article.

### ***Compensation of costs between the EEA Member States***

#### Article 135

(1) The costs of deportation of a foreigner who does not have any funds, and who was subject to deportation in accordance with Article 117 of this Act, shall be settled by the state that issued a decision on expulsion.

(2) The deadline for submitting a request for the settlement of costs referred to in Paragraph 1 of this Article is one year of the day of deportation.

(3) Where more than four years expired from enforceability of a decision on expulsion to the time of deportation of a foreigner, the request for settlement shall not be approved.

(4) The costs of providing assistance referred to in Articles 120, 121 and 122 of this Act shall be collected from the state that submitted the compensation request.

### ***Temporary postponement of deportation***

#### Article 136

(1) Deportation shall be temporary postponed if there are grounds for the prohibition of deportation.

(2) Deportation may be temporary postponed where a foreigner's identity was not established, where transport is not possible, where serious difficulties would arise due to the foreigner's health condition or if there are other reasons why the foreigner cannot be deported.

(3) A decision on temporary postponement of deportation may stipulate the following obligations of a foreigner:

1. to deposit travel documents, travel papers and travel tickets,
2. to deposit certain funds,
3. to prohibit to leave a particular address of accommodation,
4. to report to a Police Station at a particular time.

(4) A foreigner whose deportation was temporary postponed shall be provided with a document which he must return at the request of the body referred to in Article 137, Paragraph 2 of this Act.

(5) A foreigner whose deportation was temporary postponed shall not be released from the obligation to leave the Republic of Croatia.

(6) A foreigner whose deportation was temporary postponed shall be entitled to health protection in accordance with a special regulation.

(7) A minor, foreign national whose deportation was temporary postponed shall be entitled to education in accordance with a special regulation.

#### Article 137

(1) Temporary postponement of deportation shall be annulled if the grounds for temporary postponement of deportation referred to in Article 136, Paragraphs 1 and 2 of this Act ceased to exist or if the foreigner fails to comply with the obligations referred to in Article 136, Paragraph 3 of this Act.

(2) The Police Administration or Police Station shall adopt a decision on temporary postponement of deportation or a decision on annulment of temporary postponement of deportation which shall be in force for a period of six months of the day of its adoption. In order to adopt a decision on annulment of temporary postponement of deportation, it shall not be necessary to interview a foreigner.

(3) An appeal may be lodged against a decision on temporary postponement of deportation and a decision annulling temporary postponement of deportation, where the Commission shall decide about the appeal. The appeal shall not postpone enforcement of a decision.

#### ***Termination of temporary postponement of deportation***

#### Article 138



(1) Temporary postponement of deportation shall be terminated by:

1. passing of time for which temporary postponement of deportation was authorized to a foreigner,
2. annulment of a decision on temporary postponement of deportation,
3. the fact that a foreigner's residence becomes legal.

(2) The foreigner referred to in Paragraph 1, Point 1 of this Article shall be subject to deportation or he shall be accommodated in the Centre.

## VII IDENTITY DOCUMENTS

### Article 139

1) A foreigner shall prove his identity by means of:

1. a travel document,
2. **a residence permit**,
3. a document issued by a shipping company to passengers on cruise ships **during a trip**
4. some other public document containing a photograph.

(2) A foreigner shall be obliged to carry and produce a document proving his identity at the request of an official person.

(3) A foreigner shall present a travel or other document used to cross the state border at the request of an official person.

(4) A foreigner not carrying an identity document shall present personal data at the request of a police officer.

(5) A foreigner may not allow other persons to use his documents, and he may not use invalid documents or another person's documents as his own.

### Article 140

(1) **A residence permit** shall be issued to a foreigner who was granted temporary residence for the time period of his approved temporary residence.

(2) **A residence permit** shall be issued to a foreigner who was granted permanent residence for the term of validity of five years.

(3) **The following remark shall be entered in the residence permit of the foreigner referred to in Article 92, Paragraph 1 of this Act who was granted permanent residence on the basis of asylum or subsidiary protection: "International protection granted by the Republic of Croatia (date)".**

(4) **The Police Administration or Police Station shall issue to a foreigner on a permanent residence, whom the other EEA Member State issued a residence permit with a remark on granted international protection, a residence permit with a same remark.**

(5) Prior to entering the remark referred to in Paragraph 4 of this Article into a residence permit issued by the other EEA Member State, it shall be verified whether a foreigner still has an international protection granted. If international protection granted to a foreigner terminated, the Police Administration or Police Station shall not enter into a residence permit the remark referred to in Paragraph 4 of this Article.

(6) If a competence in a matter of international protection of a foreigner on a permanent residence passes to a competence of the Republic of Croatia after the residence permit referred to in Paragraph 4 of this Article was issued, the Police Administration or Police Station shall change a remark in a residence permit within three months from the day when a competence passes to the Republic of Croatia.

#### Article 141

A foreigner on temporary or permanent residence shall be obliged to submit an application for issuance of a residence permit, within eight days from the day when temporary or permanent residence was granted to him.

#### Article 141.a.

(1) A residence permit form includes an electronic data carrier (RFID chip) on which biometric data of a foreigner are stored (finger prints and a photograph of a foreigner).

(2) A foreigner refusing to give the biometric data referred to in Paragraph 1 of this Article shall not be issued a residence permit.

(3) An appeal may be lodged against a decision of the Police Administration or Police Station referred to in Paragraph 2 of this Article, within 15 days of delivery of such a decision. The Commission shall decide about the appeal.

#### Article 142

(1) A residence permit shall be replaced:

1. if there is a change of data,
2. if it does not serve its purpose due to damaged or worn out condition,
3. if the photograph on the residence permit no longer corresponds to the person's appearance,
4. when the period of validity expires.

(2) An application for the replacement of **the residence permit** shall be submitted within eight days of the day of the occurrence of the circumstances referred to in Paragraph 1 of this Article.

#### Article 143

A foreigner shall be obliged to return a **residence permit** in the cases when:

1. he emigrates,
2. his residence has ceased to be valid,

3. he has acquired Croatian nationality.

#### Article 144

(1) A foreigner shall be obliged to report immediately the loss, disappearance or theft of a travel document **or a residence permit** to the competent Police Administration or Police Station, according to the place of incident or the best knowledge of the incident, and a certificate shall be issued thereof.

(2) A foreigner who has lost or in some other way misplaced abroad a travel document for a foreigner or **a residence permit** shall be obliged to immediately notify the nearest Diplomatic Mission or Consular Office of the Republic of Croatia thereof.

#### Article 145

(1) The Police Administration or Police Station shall temporarily retain a travel document of a foreigner when:

1. there is a reasonable doubt that he has committed a criminal act subject to official prosecution or a minor offence,
2. he has failed to fulfill a due proprietary obligation at the request of the competent court or another competent authority,
3. it is deemed necessary for the reason of protecting the public order, national security or public health.

(2) The document referred to in Paragraph 1 of this Article shall be retained as long as there are grounds for its retention, and a certificate shall be issued thereof.

### VIII REGISTRATION OF RESIDENCE

#### Article 146

(1) Residence means a place where a foreigner holding a temporary or permanent residence is residing.

(2) Domicile means a place where a foreigner, holding permanent residence is settled with intention to live there.

(3) A foreigner with approved permanent residence may, along with domicile, also register his residence at a place where he habitually resides, but without an intention of settling there. **Residence can be registered for a period of up to one year.**

**(4) A foreigner intending to reside at the place and address of a registered residence after expiration of one year, shall be obliged to, within 15 days of expiration of such a term, extend a registration of residence, provided that residence cannot exceed two years.**

**(5) Exceptionally from Paragraph 4 of this Article, residence of foreigners residing for educational purposes or who perform duties not being of**

**permanent character, as well as of foreigners accommodated in different institutions, religious communities or other legal entities, with foster care families and other physical persons, may last as long as education, employment or accommodation in institutions, other legal entities and with physical persons, of which foreigners shall submit appropriate documentation.**

**(6)** A foreigner on short-term residence shall register his accommodation in accordance with Article 147 of this Act.

#### Article 147

(1) A foreigner on a short-term residence shall be obliged to report his accommodation within 2 days of his entry into the Republic of Croatia, i.e. of change of the accommodation.

(2) Exceptionally from Paragraph 1 of this Article, a legal entity and physical person providing accommodation to a foreigner (accommodation provider) shall register accommodation of a foreigner on short-term residence within one day of the arrival of a foreigner for accommodation.

(3) The provision of Paragraph 2 of this Article shall apply accordingly to the following:

1. medical institutions admitting foreigners for medical treatment,
2. tourist offices and tourist agencies if they received a report on registration of a foreigner's accommodation,

(4) If the service provider at the time of arrival of a foreigner for accommodation is not in the Republic of Croatia or accommodation, for some other reason, cannot be registered in accordance with Paragraph 2 of this Article, accommodation shall be registered in accordance with Paragraph 1 of this Article.

(5) The registration shall be submitted to the Police Administration or Police Station based at the place of accommodation and may also be carried out electronically, through the Internet, at a prescribed way.

(6) Registration of a foreigner who shall be accommodated on a vessel shall be submitted to:

- the Police Station competent for border control in the port in which border control is carried out, provided that a foreigner arrives on a vessel where he shall be accommodated,
- the Police Administration or Police Station at the place where a foreigner has embarked to a vessel.

(7) Persons obliged to register accommodation in accordance with Paragraphs 1, 2 and 3 of this Article shall provide complete and accurate information in the foreigner's accommodation registration form and shall submit information about the change of duration of such accommodation without any delay.

(8) Persons obliged to register accommodation in accordance with Paragraph 3, Point 2 of this Article, shall deliver a registration form to the Police Administration or Police Station within 1 day from receiving a registration form.

#### Article 148

(1) A foreigner on temporary residence shall register his residence and address at which he is residing and any change of his residence and address at which he is residing within three days of entry in the Republic of Croatia, or of the day of changing his residence or address.

(2) A foreigner on permanent residence shall register his domicile, residence and address at which he is residing, and any change of his domicile, residence, and address, within eight days of the day of making the change.

(3) A foreigner assigned to work outside the place of residence or domicile by a decision of the employer shall not have to perform the obligation referred to in Paragraphs 1 and 2 of this Article, provided that the work shall not last longer than 90 days.

(4) In the case referred to in Paragraph 3 of this Article, the employer shall be obliged to notify the competent Police Administration or Police Station within three days thereof.

(5) The provisions of this Act referring to registration of accommodation of foreigners on short-term residence shall apply accordingly to foreigners on temporary and permanent residence.

#### Article 149

A foreigner referred to in Article 148, Paragraphs 1 and 2 of this Act shall be obliged to cancel an address which he is residing at, or residence and domicile within three days following departure from such an address, residence or domicile, at the latest.

#### Article 150

(1) A legal entity and physical person providing the services of accommodation to foreigners shall keep a record on foreigners in line with special regulations.

(2) Persons referred to in Paragraph 1 of this Article shall be obliged to provide data from the record of foreigners for review to an official person of the competent body.

### **IX MOVEMENT OF FOREIGNERS IN UNIFORM**

#### Article 151

During their residence in the Republic of Croatia, foreigners may wear foreign military

uniforms if:

1. they are residing as members of the Diplomatic Mission or Consular Office of a foreign country or some other foreign mission with a diplomatic status in the Republic of Croatia as military representatives, while the mission is under way,
2. they are on an official visit as members of a foreign military mission or foreign military delegation,
3. they are studying at military schools,
4. they are passing through the territory of the Republic of Croatia as members of foreign military missions or foreign military delegations with diplomatic or official passports,
5. they participate in foreign military exercises and training.

#### Article 152

During their residence in the Republic of Croatia, foreigners may wear foreign police or customs uniforms if:

1. they are on an official visit as members of delegations of foreign police or customs authorities,
2. they are carrying out their duties on the basis of an international treaty,
3. they are studying at police academies,
4. they are passing through the territory of the Republic of Croatia as members of foreign police or foreign customs delegations with diplomatic or official passports.

### **X ENTRY, RESIDENCE AND WORK OF NATIONALS OF THE EEA MEMBER STATES AND THEIR FAMILY MEMBERS**

#### Article 153

(1) A national of the EEA Member State and members of his family, regardless whether they are nationals of the EEA Member State or not, and who are entitled to residence in the Republic of Croatia, shall have equal rights as nationals of the Republic of Croatia in accordance with the Treaty on the Functioning of the European Union.

(2) A national of the EEA Member State and members of his family may work and provide services in the Republic of Croatia without a residence and work permit or a work registration certificate.

(3) The provisions of this Act relating to nationals of EEA Member States shall also relate to nationals of the Swiss Confederation.

(4) The provisions of this Act relating to the family members of a national of the EEA Member State shall apply to foreigners - family members of Croatian nationals.

#### ***Entry and departure of a national of the EEA Member State from the Republic of Croatia***

## Article 154

(1) A national of the EEA Member State may enter the Republic of Croatia, provided that:

1. he holds a valid travel document or personal identity card,
2. his entry and residence have not been prohibited,
3. he does not pose a threat to public order, national security or public health.

(2) A national of the EEA Member State may enter the Republic of Croatia without a visa or without an approval of residence.

(3) If a national of the EEA Member State does not hold the documents referred to in Paragraph 1, Point 1 of this Article, the border police officer shall give him an opportunity to obtain the required documents or to prove in a different manner that he is a national of the **EEA** Member State.

(4) A national of the EEA Member State holding a valid travel document or personal identity card shall be entitled to leave the Republic of Croatia in order to travel to another Member State.

***Short-term residence of a national of the EEA Member State***

## Article 155

A national of the EEA Member State shall have the right to reside in the Republic of Croatia for a period of up to 3 months of the day of entry into the Republic of Croatia, provided that he holds a valid travel document or personal identity card.

***Temporary residence of a national of the EEA Member State***

## Article 156

(1) A national of the **EEA** Member State shall be entitled to reside in the Republic of Croatia for more than three months of the day of entry into the Republic of Croatia, provided that:

1. he is employed or self-employed,
2. he has sufficient resources to maintain himself and members of his family, so that during their residence in the Republic of Croatia they would not become a burden for the social welfare system, and that he has health insurance,
3. he is enrolled as a university student or occupational trainee and has adequate health insurance, and by issuing a statement proves that he has sufficient resources to support himself and members of his family, so that during their residence in the Republic of Croatia they would not become a burden for the social welfare system,
4. he is a member of a family joining a national of the **EEA** Member State who meets the criteria referred to in Points 1, 2 and 3 of this Paragraph.

(2) At the time of an evaluation whether the funds for supporting oneself referred to in Paragraph 1, Points 2 and 3 of this Article are sufficient, the personal position of a national of the EEA Member State and his family members shall be taken into

account. It shall not be required that such funds amount to more than funds required for the realization of rights under the social welfare system in the Republic of Croatia, in accordance with special regulations.

#### Article 157

(1) A national of the **EEA** Member State intending to reside in the Republic of Croatia for a period over three months shall register his temporary residence with the competent Police Administration or Police Station based on the place of residence, within eight days of the expiration of three months of residence, at the latest.

(2) The Police Administration or Police Station shall issue a certificate of the registration of temporary residence referred to in Paragraph 1 of this Article, without any delay.

#### ***Certificate of the registration of temporary residence of a national of the EEA Member State for the purpose of work***

#### Article 158

The national of the EEA Member State referred to in Article 156, Paragraph 1, Point 1 of this Act shall be issued a certificate on the registration of temporary residence, provided that he is in possession of the following:

1. a valid personal identity card or travel document,
2. a certificate of employment or a proof of self-employment.

#### Article 159

(1) A national of the **EEA** Member State who becomes unemployed shall retain the status of an employee or self-employed person within meaning of this Act provided that:

1. he is temporarily incapable of work due to illness or accident,
2. through no fault of his own he lost his job which he performed in the Republic of Croatia for at least one year, and is registered as a job-seeker with the competent service,
3. he joins an occupational training programme. Such programme must relate to previous employment, except when a national of the **EEA** lost a job without his fault.

(2) A national of the **EEA** Member State whose employment contract concluded for a definite period of time, shorter than one year, terminated and who is registered as an unemployed person with the competent service, or if during the first 12 months of work on the basis of an employment contract concluded for an indefinite period of time in the Republic of Croatia, he lost his job through no fault of his own and is registered as a job-seeker, shall retain the status of an employee or self-employed person for a period of six months after termination of employment.

(3) The provisions of Paragraph 2 of this Article shall apply to a national of the **EEA** Member State performing seasonal work or who is employed with an



employer from another **EEA** Member State, and providing services for a foreign employer in the Republic of Croatia further to a contract concluded between a foreign contractor and a client from the Republic of Croatia.

***Certificate of registration of temporary residence of a national of the EEA Member State for the purpose of studying or occupational training***

Article 160

The national of the **EEA** Member State referred to in Article 156, Paragraph 1, Point 3 of this Act shall be issued a certificate on registration of temporary residence, provided that he:

1. is in possession of a valid personal identity card or a valid travel document,
2. is enrolled to a university or attends occupational training,
3. submits a statement concerning means of subsistence,
4. has health insurance.

***Certificate of registration of temporary residence of a national of the EEA Member State for other purposes***

Article 161

The national of the **EEA** Member State referred to in Article 156, Paragraph 1, Point 2 of this Act shall be issued a certificate of registration of temporary residence, provided that he is in possession of the following:

1. a valid personal identity card or travel document,
2. means of subsist himself,
3. health insurance.

***Family members of a national of the EEA Member State***

Article 162

The following categories shall be regarded as family members of a national of the **EEA** Member State:

1. the spouse,
2. the common law partner, in line with Croatian legislation, and persons in a durable relationship which can be demonstrated by shared residence at the same address in the duration of at least three years, and if the intention of continuing to live together is evident,
3. relatives of a national of the **EEA** Member State and of his spouse or common law partner by blood in the vertical line downwards, until they have reached 21 years of age,
4. adopted children and step-children of a national of the **EEA** Member State or of his spouse or common law partner, until they have reached 21 years of age,

5. persons referred to in Points 3 and 4 of this Paragraph who are above 21 years of age and who must be and actually have been supported by a national of the **EEA** Member State, or by his spouse or common law partner,

6. relatives by blood in the vertical line upwards, who must be and actually have been supported by a national of the **EEA** Member State or by his spouse or common law partner,

7. other members of the family of a national of the **EEA** Member State for whom an individual assessment determines that in view of their material and social positions in the country they arrived from, they are dependent on the national of the **EEA** Member State in terms of providing for their basic needs, or they are members of his household, or for whom, due to serious health-related reasons, a special personal care of the national of the **EEA** Member State is required.

***Certificate of registration of temporary residence of a family member  
who is a national of the EEA Member State***

Article 163

(1) A family member of a national of the EEA Member State who is a national of the **EEA** Member State and who intends to reside for a period over three months, shall be obliged to register his temporary residence at the latest within eight days of expiration of the three months of residence, to the Police Administration or Police Station based on the place of residence, and he shall be obliged to enclose the following:

1. a valid personal identity card or travel document,
2. a document proving that he is the family member referred to in Article 162, Paragraph 1, Points 1 through 6 of this Act,
3. relevant documents proving that in view of his material and social situation in the country which he arrived from, he is dependent on the national of the **EEA** Member State in providing for his basic needs, or is a member of his household, or that, due to serious health-related reasons, he requires special personal care by the national of the EEA Member State, provided that he is the family member referred to in Article 162, Paragraph 2, Point 7 of this Act.

(2) The Police Administration or Police Station shall issue a certificate of registration of temporary residence referred to in Paragraph 1 of this Article without any delay.

Article 164

A national of the **EEA** Member State shall not be entitled to temporary residence if:

1. he poses a threat to public order or national security,
2. he is prohibited to entry and to reside in the Republic of Croatia.

***Termination of temporary residence of a national of the EEA Member State***

Article 165

(1) Temporary residence of a national of the **EEA** Member State shall terminate if:

1. he is prohibited to entry and to reside in the Republic of Croatia,
2. he obtained temporary residence by having provided false information or having concealed the true information and circumstances which were decisive for the registration of temporary residence,
3. he no longer meets the conditions for temporary residence,
4. he cancels his residence in the Republic of Croatia.

(2) A decision on termination of temporary residence shall be adopted by the Police Administration or Police Station. An appeal against the decision may be lodged, where the Commission shall decide about the appeal.

(3) Temporary residence of a national of the **EEA** Member State and of a member of his family shall not terminate if he does not have sufficient funds for supporting himself during his residence in the Republic of Croatia, provided that the national of such **EEA** Member State is employed or self-employed or provided that he arrived with intention of employment, and he proves that he continues to actively seek a job where it could be reasonably assumed that he would be able to find a job.

***Entry of a family member who is not a national of the EEA Member State in the Republic of Croatia***

Article 166

The family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State may enter the Republic of Croatia for the purpose of family reunification with a national of the **EEA** Member State, on presentation of a valid travel document which includes a visa, if a visa is required, or on presentation of a valid passport and a residence card, **issued by the competent Police Administration or Police Station or the other EEA Member State**, except when an international treaty provides differently.

Article 167

(1) The family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State shall be granted entry to the Republic of Croatia, provided that:

1. he holds the documents referred to in Article 166 of this Act,
2. his entry and residence have not been prohibited,
3. he does not pose a threat to public order, national security or public health.

(2) A border police officer shall provide the family member referred to in Paragraph 1 of this Article who does not hold a valid travel document or visa for entry with an opportunity to obtain such documents or to prove that he enjoys the right of freedom of movement and residence as a family member of a national of the **EEA** Member State in some other way.

(3) The family member referred to in Paragraph 1 of this Article who does not pose a threat to public order, national security or public health of the Republic of Croatia

shall be provided with a visa at the border crossing. Such a visa shall be issued free of charge, in an accelerated procedure.

(4) The family member referred to in Article 1 of this Act who has temporary residence in the Republic of Croatia shall not be required a visa for entry to the Republic of Croatia.

(5) The family member referred to in Paragraph 1 of this Article holding a valid travel document shall be entitled to leave the Republic of Croatia in order to travel to another Member State.

***Short-term residence of a family member who is not a national of the EEA Member State***

Article 168

The family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State shall be entitled to reside at the territory of the Republic of Croatia for a period of up to three months of the day of entry to the Republic of Croatia, provided that he holds a valid travel document.

***Temporary residence for a family member who is not a national of the EEA Member State***

Article 169

(1) The family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State shall be entitled to residence at the territory of the Republic of Croatia for a period over three months of the day of entry, if he is accompanying a national of the **EEA** Member State or joining him, provided that the national of the **EEA** Member State meets conditions referred to in Article 156, Paragraph 1, Points 1, 2 or 3 of this Act.

(2) The family member referred to in Paragraph 1 of this Article shall submit an application for a residence card, which proves that he is entitled to temporary residence, within eight days of the expiration of the three months of residence at the latest, to the Police Administration or Police Station based on the place of temporary residence, where a certificate thereof shall be issued without delay.

(3) The family member referred to in Paragraph 1 of this Article shall be provided with a "Residence Card for a Family Member of an EU citizen" provided that:

1. he holds a valid travel document;
2. he encloses a document proving that he is the family member referred to in Article 162, Paragraph 1, Points 1 through 6 of this Act,
3. he encloses a document issued by the competent body of the state which he arrives from, confirming in an official manner, that he is a dependant family member or a member of the household of a national of the **EEA** Member State, or he encloses proof that, in view of serious health-related reasons, special personal care of the national of the **EEA** Member State is required, provided that

he is the family member referred to in Article 162, Paragraph 1, Point 7 of this Act,

4. he does not pose a threat to public order or national security,
5. he is not prohibited to enter and reside in the Republic of Croatia.

(4) The residence card for a family member who is an EU citizen shall be issued with the term of validity of five years or a shorter term of validity if a national of the **EEA** Member State intends to reside in the Republic of Croatia for a period of less than five years.

(5) The validity of the residence card for a family member referred to in Paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia for the period of:

1. up to six months a year,
2. up to 12 months without interruption, for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional development, assignment to work in another state,
3. military service.

### ***Right to appeal***

#### Article 170

A national of the **EEA** Member State and a member of his family shall be entitled to lodge an appeal against a decision of the Police Administration or Police Station rejecting issuance of a certificate of the registration of temporary residence or a residence card for a member of the family of an EU citizen. The Commission shall decide about the appeal.

### ***Retaining the right of temporary residence by a family member of a national of the EEA Member State***

#### Article 171

(1) In the case of death or departure of a national of the **EEA** Member State, his family member who is also a national of the **EEA** Member State shall retain the right to temporary residence, provided that he proves to be an employee or free-lancer or that he has sufficient means of supporting himself and his family members and that he has health insurance. Such a family member shall also retain the right to temporary residence if residing in the Republic of Croatia for the purposes of studies and presents a statement concerning means of supporting himself and his family members and if he has health insurance.

(2) In the case of death of a national of the **EEA** Member State with whom the family member has resided in the Republic of Croatia for at least a year, his family member who is not a national of the **EEA** Member State shall retain the right to temporary residence, provided that he proves to be an employee or free-lancer or that he has sufficient means of supporting himself and his family members and that he has health insurance.

(3) Children of a national of the **EEA** Member State and other parent taking care of children, regardless of their nationality, shall retain the right to temporary residence if a national of the **EEA** Member State died or left the Republic of Croatia, provided that children reside in the Republic of Croatia and are enrolled to an education institution, until they complete their education.

(4) In the case of divorce or marriage annulment, a family member of a national of the **EEA** Member State, who is also a national of the **EEA** Member State, shall retain the right to temporary residence, provided that he is an employee or free-lancer or has sufficient means of supporting himself and his family members and has health insurance. Such a family member shall also retain the right to temporary residence if residing in the Republic of Croatia for the purposes of studies and presents a statement concerning means of supporting himself and his family members and if he has health insurance.

(5) In the case of divorce or marriage annulment, a family member of a national of the **EEA** Member State, who is not a national of the **EEA** Member State and who is an employee or free-lancer, who has sufficient means of supporting himself and his family members and has health insurance, shall retain the right to temporary residence in the following cases:

1. if the marriage lasted for at least 3 years, provided that the spouses resided in the Republic of Croatia one year at least,
2. for the purpose of exercising the parental right over the children of the national of the **EEA** Member State, who have been referred to him for care or upbringing on the basis of an agreement among the spouses or a court decision,
3. for the purpose of exercising the parental right over the minor children who reside in the Republic of Croatia and who have been referred to the other parent for care or upbringing on the basis of an agreement among the spouses or a court decision,
4. if this is justified by exceptionally severe circumstances, such as family violence.

(6) The provisions of this Article shall apply to common-law partners and persons in a durable relationship accordingly.

***Termination of temporary residence of a family member who is not a national of the EEA Member State***

Article 172

(1) Temporary residence of the family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State shall terminate, provided that:

1. his entry and residence have been prohibited,
2. he cancels his residence in the Republic of Croatia,
3. he acquired temporary residence by presenting false data or hiding the real aim and circumstances which were crucial for registration of temporary residence,
4. he no longer meets conditions for temporary residence,
5. during his temporary residence, he resided outside the Republic of Croatia for more than six months a year,

6. during his temporary residence, he resided outside the Republic of Croatia for more than one year without interruptions, unless he was absent for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional training, assignment to work in another state, serving military service.

(2) A decision on termination of temporary residence shall be adopted by the Police Administration or Police Station. An appeal against the decision may be lodged. The Commission shall decide about the appeal.

### ***Permanent residence of a national of the EEA Member State***

#### Article 173

(1) A national of the **EEA** Member State shall be entitled to a permanent residence after a period of 5 years of an uninterrupted legal residence in the Republic of Croatia.

(2) The uninterrupted residence from Paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia:

1. of up to 6 months per year,
2. of up to 12 months continuously for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional training, assignment to work in another country,
3. for duration of military service.

(3) The uninterrupted residence shall be proved by any evidence which may be admitted in the administrative procedure in the Republic of Croatia, and continuity shall be terminated by an enforceable decision on expulsion.

(4) The Police Administration or Police Station shall issue a residence card confirming permanent residence of a national of the **EEA** Member State, at his request, as soon as possible, after having verified the duration of residence.

(5) An appeal against the decision of the Police Administration or Police Station referred to in Paragraph 4 of this Article may be lodged. The Commission shall decide about the appeal.

#### Article 174

(1) Exceptionally from Article 173, Paragraph 1, the **EEA** Member State national shall exercise the right to permanent residence, provided that:

1. he, being an employee or free-lancer, has stopped working meeting the pension requirements in the Republic of Croatia, and provided that he was employed for at least 12 preceding months and resided uninterruptedly in the Republic of Croatia for more than 3 years,
2. he has gone into early retirement, provided that he was employed for at least 12 preceding months and has resided uninterruptedly in the Republic of Croatia for more than 3 years,

3. he, being an employee or free-lancer stopped working in the Republic of Croatia due to permanent incapacity for work, provided that he has resided uninterruptedly in the Republic of Croatia for more than two years,

4. he, being an employee or free-lancer in the Republic of Croatia has stopped working due to permanent incapacity for work which has resulted from an occupational injury or professional disease, based on which he has met the disability pension requirements in the Republic of Croatia, irrespective of the duration of residence in the Republic of Croatia,

5. he, being an employee or free-lancer, after 3 years of uninterrupted employment and residence in the Republic of Croatia, became employed in another **EEA** Member State, but retained residence in the Republic of Croatia and he keeps returning to the Republic of Croatia on a daily basis or at least once a week.

(2) The period of employment of an employee or free-lancer working at the territory of another **EEA** Member State and who retains residence in the Republic of Croatia shall be regarded as the period spent in the Republic of Croatia, for realization of right listed in Paragraph 1 Points 1, 2, 3 and 4 of this Article.

(3) The period of unemployment, non-caused by an employee, registered with the competent Employment Institute and the period in which an employee was prevented from working due to illness or injury, shall be regarded as the period of employment.

(4) Irrespective of the duration of residence and employment in the Republic of Croatia, permanent residence shall be granted to the national of the **EEA** Member State referred to in Paragraph 1 Points 1, 2, 3, and 4 of this Article, whose spouse resides with him in the Republic of Croatia and who is a Croatian national or whose nationality terminated after a marriage was concluded.

### ***Termination of permanent residence of a national of the EEA Member State***

#### Article 175

(1) Permanent residence of a national of the **EEA** Member State shall terminate if:

1. his entry and residence have been prohibited,
2. he has resided outside the Republic of Croatia for more than two years for an interrupted period of time.

(2) The decision on termination of permanent residence referred to in Paragraph 1 of this Article shall be adopted by the Police Administration or Police Station. An appeal against the decision may be lodged. The Commission shall decide about the appeal.

### ***Permanent residence for a family member who is not a national of the EEA Member State***

#### Article 176



(1) The family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State, and who has been legally residing in the Republic of Croatia with a national of the **EEA** Member State for at least five years without interruptions, shall be entitled to permanent residence.

(2) The uninterrupted period of residence referred to in Paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia:

1. of up to six months a year,
2. of up to 12 months without interruptions, for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional training, assignment to work in another state,
3. for duration of military service.

(3) The uninterrupted period of residence shall be proved by any proof which may be admitted in the administrative procedure in the Republic of Croatia, and continuity shall be terminated by an enforceable decision on expulsion.

***An exception to the general condition for acquisition of permanent residence***

Article 177

(1) The family member referred to in Article 162 of this Act who has been residing in the Republic of Croatia with a national of the **EEA** Member State for less than five years without interruptions shall be entitled to permanent residence if:

1. the national of the **EEA** Member State died during temporary residence acquired for the purpose of work which lasted for two years without interruptions prior to death, or if his death was the result of a work-related injury or professional disease,
2. he is the spouse who lost Croatian nationality by marriage with an employee or self-employed person who is a national of the **EEA** Member State.

(2) The family member residing in the Republic of Croatia with a national of the **EEA** Member State who acquired the right of permanent residence pursuant to Article 174 of this Act shall be entitled to permanent residence, regardless of the duration of residence in the Republic of Croatia.

***Permanent residence card for a family member who is not a national of the EEA Member State***

Article 178

(1) The family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State and who is entitled to permanent residence shall be provided with a permanent residence permit within six months of the submission of the related application.

(2) A permanent residence application shall be submitted to the Police Administration or Police Station based on the place of residence, before the

expiration of validity of a residence card for a family member who is a national of the **EEA** state.

(3) The residence card referred to in Paragraph 2 of this Article shall be issued with a term of validity of up to 10 years and shall be automatically renewed.

(4) Residence of the family member referred to in Paragraph 1 of this Article outside the Republic of Croatia for a period under two years without interruptions, shall not affect the validity of the permanent residence permit.

(5) An appeal may be lodged against the decision of the Police Administration or Police Station concerning the permanent residence application. The Commission shall decide about the appeal.

***Termination of permanent residence for a family member who is not a national of the EEA Member State***

Article 179

(1) Permanent residence of the family member referred to in Article 162 of this Act who is not a national of the **EEA** Member State shall terminate if:

1. his entry and residence have been prohibited,
2. he is residing outside the Republic of Croatia for over two years without interruptions.

(2) The decision on termination of permanent residence referred to in Paragraph 1 of this Article shall be adopted by the Police Administration or Police Station. An appeal against the decision may be lodged. The Commission shall decide about the appeal.

***Expulsion of a national of the EEA Member State and a member of his family***

Article 180

(1) A national of the **EEA** Member State and his family member may be expelled from the Republic of Croatia if it shall be necessary on the grounds of protecting the public order, national security or public health.

(2) A national of the **EEA** Member State and his family member may not be expelled if the disease causing a threat to public health occurred 3 months after his entry into the Republic of Croatia.

(3) When adopting a decision on expulsion of a national of the **EEA** Member State and a member of his family, the duration of residence, age, health condition, family and economic circumstances, level of his social and cultural integration in the Republic of Croatia and his ties with the country of origin, shall be taken into account.

(4) A decision on expulsion of a national of the **EEA** Member State and a member of his family:

1. who is on permanent residence in the Republic of Croatia,
2. who has been legally residing in the Republic of Croatia for an uninterrupted

period of 10 years,

3. who is a minor,

may be adopted only when one of the grounds referred to in Article 106 of this Act exists

(5) Within the meaning of Article 105, Paragraph 1, Point 1 of this Act, a national of the **EEA** Member State and a member of his family shall be regarded as residing illegally, if they are residing in the Republic of Croatia during the period of the prohibition of their entry and residence.

(6) **Deadline for leaving to the other EEA Member State** a given to a national of the **EEA** Member State and a member of his family shall not be shorter than 30 days. **In the procedure when a decision concerning deadline for leaving to the other EEA Member State is to be issued, provisions relating to a decision on return shall apply accordingly.**

(7) *(Deleted)*

#### Article 181

(1) A national of the **EEA** Member State and a member of his family may not reside in the Republic of Croatia during the prohibition of entry and residence, unless it would be necessary that he personally presents his defense in front of the body deciding on his expulsion, on the basis of request of the body concerned.

(2) A national of the **EEA** Member State and a member of his family who was prohibited to enter and reside in the Republic of Croatia may submit a request for the shortening of the prohibition of entry and residence period and for the annulment of the decision on expulsion in accordance with Article 109 of this Act.

(3) If a decision on expulsion of a national of the **EEA** Member State or a member of his family has not been enforced within two years, the body that adopted such a decision shall examine whether there are grounds referred to in Paragraph 1 of this Article and if it is established that there are no such grounds, the decision on expulsion shall be annulled.

#### Article 182

**The provisions of Title VI of this Act, other than the provisions of Article 101, Paragraph 2, Article 104, Article 105, Paragraph 2, Article 107, Paragraphs 5 and 6, Article 108, Paragraph 3, Article 110, Article 112, Paragraph 5, Article 114, Paragraph 2, Articles 115, Article 117, Article 119, Article 120, Article 121, Article 122 and Article 135 of this Act, shall apply to a national of the EEA Member State and his family member accordingly.**

#### Article 183

(1) A certificate of the registration of temporary residence and a document confirming permanent residence, which are issued to a national of the **EEA**

Member State, and a certificate of the submission of an application for a residence card for a family member of a citizen of the Union, a residence card for a family member of a citizen of the Union and a permanent residence card, which are issued to a family member who is not a national of the **EEA** Member State, shall not constitute preconditions for realization of the rights or for performing administrative formalities, provided that the capacity of the beneficiary of the right may be proved by some other piece of evidence.

(2) A national of the **EEA** Member State and members of his family shall be obliged to carry the documents referred to in Paragraph 1 of this Article and present them for review to an official, at his request.

(3) A national of the **EEA** Member State and members of his family who do not possess the documents referred to in Paragraph 1 of this Article or some other identity document, shall be obliged to provide personal information at the request of a police officer.

(4) A national of the **EEA** Member State and members of his family may not give their documents to someone else for use and they may not use an invalid document or other person's document as their own.

**(5) A national of the EEA Member State and a member of his family shall be obliged to register their residence or domicile within 15 days of the day of arrival to the Republic of Croatia, or of the change of residence or domicile.**

(6) Termination of validity of the documents referred to in Paragraph 1 of this Article shall not constitute the basis for termination of residence or expulsion from the Republic of Croatia.

## **XI RESIDENCE AND WORK OF THIRD-COUNTRY NATIONALS WHO HAVE BEEN GRANTED PERMANENT RESIDENCE IN ANOTHER EEA MEMBER STATE AND OF THEIR FAMILY MEMBERS**

### ***Entry and residence of a third-country national holding a permanent residence permit in another EEA Member State***

#### Article 184

(1) A third-country national having approved permanent residence in another **EEA** Member State may reside at the territory of the Republic of Croatia for a period of up to three months of the day of entry into the Republic of Croatia or until the expiration of the term of validity of the visa or residence card issued by the other **EEA** Member State, provided that the period of validity of the visa or residence card is shorter than three months.

(2) The third-country national referred to in Paragraph 1 of this Article intending to reside in the Republic of Croatia for a period of over three months shall submit an application for the approval of temporary residence to the Police Administration or Police Station before the expiration of the term of validity of the

visa or residence card issued by another Member State. A certificate shall be issued of the application submitted.

(3) The third-country national referred to in Paragraph 1 of this Article may reside in the Republic of Croatia based on a certificate of the submission of an application for temporary residence until the decision on his application becomes enforceable.

***Approval of temporary residence of a third-country national having approved permanent residence in another EEA Member State***

Article 185

The third-country national referred to in Article 184 of this Act shall be granted temporary residence, provided that:

1. he holds a valid travel document,
2. has sufficient means for supporting himself and his family members,
3. has health insurance, and
4. he meets other requirements for approval of temporary residence in view of the purpose of residence.

***Approval of temporary residence of a family member***

Article 186

The family member of the third-country national referred to in Article 184 of this Act who has been granted temporary or permanent residence in the Republic of Croatia shall be granted temporary residence for the purpose of family reunification, provided that:

1. he has been granted residence in another **EEA** Member State, and
2. he lived in the same household with the third-country national in the state in which the third-country national holds permanent residence.

Article 187

As family members of a third-country national, referred to in Article 184 of this Act shall be regarded:

1. the spouses,
2. the minor children of the spouses, their minor adopted children, and the minor children of each of them, who have not established their own family,
3. the parents or adoptive parents of minor children.

***Submitting an application for temporary residence***

Article 188

(1) The third-country national referred to in Article 184 of this Act and a member of his family may also submit an application for temporary residence to the Diplomatic Mission or Consular Office of the Republic of Croatia in the **EEA** Member State in which they have been granted residence.

(2) The foreigners referred to in Paragraph 1 of this Article may enter into the Republic of Croatia before a decision on their application for a temporary residence

permit has been issued, and shall be obliged to notify the competent Police Administration or Police Station thereof.

(3) The competent Police Administration or Police Station, the Diplomatic Mission or Consular Office of the Republic of Croatia shall issue a certificate confirming that the foreigners referred to in Paragraph 1 of this Article may reside in the Republic of Croatia until the decision on their application becomes final.

### ***Notifying other EEA Member States***

#### Article 189

(1) The Police Administration or Police Station shall notify the competent authority of another **EEA** Member State in which a foreigner has been granted permanent residence about the approval of temporary or permanent residence, extension of temporary residence or a decision based on which he shall be obliged to leave the country.

**(2) If responsibility for international protection of a foreigner is passed from the competence of the Republic of Croatia to the other EEA Member State, the competent Police Administration or Police Station shall issue a residence permit with a changed remark within three months of receiving an application of the competent authority of the other EEA Member State, at the latest.**

**(3) If international protection in the other EEA Member State is granted to a foreigner who has permanent residence in the Republic of Croatia, the competent Police Administration or Police Station shall issue a residence permit with a changed remark within three months of receiving an application of the competent authority of the other EEA Member State, at the latest.**

#### Article 190

The provisions of other Titles of this Act which are not contrary to the provisions of this Title and which are not regulated by this Title, shall apply to third-country nationals referred to in Article 184 of this Act and their family members accordingly.

## **XII RESIDENCE AND WORK OF HIGHLY QUALIFIED THIRD-COUNTRY NATIONALS**

### ***Issuing a residence and work permit, the “EU Blue Card”***

#### Article 191

(1) A highly qualified third-country national shall submit an application for the issuing of a residence and work permit to the Diplomatic Mission or Consular Office of the Republic of Croatia or the Police Administration or Police Station based on the place of residence.

(2) A residence and work permit (the “EU Blue Card”) for highly qualified third-country nationals shall be at the same time regarded as an approval for temporary residence and work at the territory of the Republic of Croatia.

(3) The permit referred to in Paragraph 2 of this Act shall be issued with the term of validity of up to two years.

(4) If an employment contract was concluded for a period shorter than two years, a residence and work permit shall be issued for the period of employment contract increased by three additional months.

(5) A residence and work permit shall be granted to a third-country national who, along with meeting the requirements referred to in Article 54 of this Act, encloses the following:

1. an employment contract or other relevant contract for the performance of highly qualified jobs, in the duration of one year at least,

2. proof of university education or completed undergraduate or graduate university studies or an integrated undergraduate and graduate university study or specialized graduate occupational study.

(6) The enclosed employment contract or other relevant contract must indicate the gross annual salary which may not be less than 1.5 of the average gross annual salary paid in the branch in which a third-country national is to be employed, following the official data published by the competent statistical body.

### ***Refusing to issue the “EU Blue Card”***

#### Article 192

(1) An application for issuing of the residence and work permit shall be refused if a third-country national fails to meet the conditions referred to in Article 191, Paragraphs 5 and 6 of this Act or whenever it is established that the documents enclosed have been fraudulently acquired, falsified or changed without authorization.

(2) The Police Administration or Police Station may refuse to issue the residence and work permit if an employer is in breach of employment regulations or if a third-country national is in breach of the provisions of this Act relating to the entry, residence and work of foreigners.

(3) The Police Administration or Police Station shall decide about the application for issuing of a residence and work permit within 90 days of the submission of the application.

(4) An appeal against the decision of the Police administration or Police Station may be lodged. The Ministry shall decide about the appeal.

### ***Work based on the “EU Blue Card”***

## Article 193

(1) A third-country national to whom the “EU Blue Card” (hereinafter referred to as: the “EU Blue Card” holder) was issued, may work in the Republic of Croatia only on such jobs for which a residence and work permit was issued to him and only for an employer with whom he contracted employment.

(2) An employer may assign the “EU Blue Card” holder only to such jobs for which a residence and work permit was issued.

(3) Where the employment contract or other relevant contract terminates and where other conditions based on which a residence and work permit was issued cease to exist, an employer and the “EU Blue Card” holder shall be obliged to notify the Police Administration or Police Station within eight days of the occurrence of the circumstances which form the grounds for termination of a residence and work permit.

***Extension of the “EU Blue Card”***

## Article 194

(1) An application for the extension of the “EU Blue Card” shall be submitted to the Police Administration or Police Station based on the place of temporary residence of the “EU Blue Card” holder, 30 days before the expiration of a valid permit, at the latest.

(2) The “EU Blue Card” holder who submitted an application for extension of a residence and work permit before its expiration may remain in the Republic of Croatia until a decision concerning his application becomes enforceable.

***Change of an employer***

## Article 195

(1) The “EU Blue Card” holder who changes his employer within the first two years of residence in the Republic of Croatia shall submit an application for issuing a new “EU Blue Card” to the Police Administration or Police Station, within eight days of the date of termination of employment with the initial employer.

(2) After the period of two years, the “EU Blue Card” holder shall notify the competent Police Administration or Police Station of the change of job, within eight days of the change and submit the new employment contract or other relevant contract with the new employer.

(3) The “EU Blue Card” referred to in Paragraph 2 of this Article shall be valid until its expiration.

***Rights of the “EU Blue Card” holder***

## Article 196



(1) The “EU Blue Card” holder in the Republic of Croatia shall be guaranteed rights in conformity with Article 86 and Article 98, Paragraph 1, Points 2 through 7, and Paragraph 2 of this Act.

(2) The “EU Blue Card” holder shall be entitled to recognition of his diploma and professional qualification in accordance with special regulations.

### ***Termination of validity of an “EU Blue Card”***

#### Article 197

(1) A residence and work permit issued to the “EU Blue Card” holder shall terminate provided that:

1. he failed to notify the Police Administration or Police Station of the change of an employer,
2. he works for an employer for whom the “EU Blue Card” was not issued to him,
3. he performs jobs for which the “EU Blue Card” was not issued, contrary to the provisions of this Act,
4. he performs other jobs for which he could not have obtained the “EU Blue Card”,
5. he does not have any means for supporting himself and he applied for social welfare assistance,
6. he no longer meets the conditions on the basis of which a residence and work permit was issued,
7. during the validity of the “EU Blue Card”, he was unemployed for more than three months without interruptions or remained unemployed twice or more times,
8. he is considered to pose a threat to public order, national security or public health,
9. he is prohibited to enter and reside in the Republic of Croatia.

(2) Validity of the “EU Blue Card” of the holder who, during the term of its validity, becomes unemployed for a continuous period of up to three months at most, shall not terminate.

(3) The “EU Blue Card” holder may seek another job in the case referred to in Paragraph 2 of this Article, of which he shall be obliged to notify the Police Administration or Police Station.

(4) The Police Administration or Police Station shall adopt a decision terminating the validity of the “EU Blue Card” against which an appeal may be lodged. The Commission shall decide about the appeal.

### ***Temporary residence of a family member of the “EU Blue Card” holder***

#### Article 198

(1) Temporary residence for the purpose of family reunification may be approved to the family member of the "EU Blue Card" holder referred to in Article 56 of this Act under the conditions stipulated by this Act.

(2) An application for family reunification may be submitted to the Diplomatic Mission or Consular Office of the Republic of Croatia or at the Police Administration or Police Station based on the place of residence.

(3) Temporary residence shall be granted to a family member for the same time period for which a residence and work permit was issued to a third-country national with whom reunification in the Republic of Croatia is requested.

(4) A family member with approved temporary residence for the purpose of family reunification may find employment in the Republic of Croatia in accordance with Article 73 of this Act.

### ***Permanent residence of the "EU Blue Card" holder***

#### Article 199

(1) Permanent residence may be granted to a third country national, the "EU Blue Card" holder who, prior to submission of the application in the Republic of Croatia, has the "EU Blue Card" issued for an uninterrupted period of five years.

(2) Exceptionally from Paragraph 1 of this Article, permanent residence may be granted to a third-country national who resided at the territory of the other EU Member State for an uninterrupted period of five years as the "EU Blue Card" holder, out of which at least two years prior to submission of an application, as the "EU Blue Card" holder in the Republic of Croatia.

(3) Permanent residence may be granted to any "EU Blue Card" holder who meets the conditions referred to in Article 96, Paragraph 1 of this Act:

(4) Absence from the **EEA** of up to 12 consecutive or separately up to 18 months shall not affect the uninterrupted period of residence referred to in Paragraphs 1 and 2 of this Article.

(5) The period of absence from the **EEA** referred to in Paragraph 4 of this Article may be extended to up to 24 consecutive months if a third-country national proves that he was absent from the EEA in view of his economic activity in the capacity of an employed or self-employed person or that he performed a volunteer work or studied in the country of his origin.

(6) "The former EU Blue Card holder" remark shall be included in a permanent residence permit.

### ***Termination of permanent residence of the "former EU Blue Card holder"***

#### Article 200

(1) Permanent residence of a third-country national who is the "former EU Blue Card holder" shall terminate if:

1. his entry and residence have been prohibited,
2. he moved out or resided abroad without interruptions for more than 24 consecutive months.

### ***Moving of the "EU Blue Card" holder***

#### Article 201

(1) A third-country national holding the "EU Blue Card" issued in another **EEA** Member State may move and apply for a residence and work permit in the Republic of Croatia, 18 months of the date of the issuance of the "EU Blue Card".

(2) The application referred to in Paragraph 1 of this Article shall be submitted in accordance with Article 191 of this Act one month of the date of entry to the Republic of Croatia at the latest.

(3) The Police Administration or Police Station shall notify the **EEA** Member State referred to in Paragraph 1 of this Article of the decision concerning the application referred to in Paragraph 2 of this Article.

(4) The Republic of Croatia shall authorize the entry and residence of the "EU Blue Card" holder referred to in Article 191, Paragraph 2 of this Act and a member of his family, if some other **EEA** Member State refused to issue them the "EU Blue Card" or if applied expulsion measures against them.

(5) Paragraph 4 of this Article shall also apply if the "EU Blue Card" referred to in Article 191 of this Act expired or ceased to be valid.

(6) The "EU Blue Card" holder returning to the Republic of Croatia together with members of his family in accordance with Paragraph 4 of this Article shall be entitled to work, provided that he holds a valid "EU Blue Card", and shall be obliged to notify the Police Administration or Police Station of the change of an employer in accordance with Article 195 of this Act. If the "EU Blue Card" is no longer valid, he shall be obliged to submit a new application for its issuance, in accordance with Article 191 of this Act.

#### Article 202

(1) The family members of the third-country national referred to in Article 56 of this Act, whom the "EU Blue Card" was issued to in the Republic of Croatia in accordance with Article 201, shall be entitled to join him, if they resided with him legally in another **EEA** Member State.

(2) The family members referred to in Paragraph 1 of this Article shall be obliged to submit an application for temporary residence for the purpose of family reunification to the Police Administration or Police Station based on the place of residence, within one month of the date of entry to the Republic of Croatia.

(3) The following shall be necessary to enclose to the application referred to in Paragraph 2 of this Article:

1. valid travel document or visa, if required,
2. residence permit proving that they resided, as family members, at the territory of the Member State referred to in Paragraph 1 of this Article,
3. proof of health insurance, and
4. proof of having sufficient means for supporting themselves.

#### Article 203

Other provisions of this Act, unless contrary to the provisions of this Title, shall also apply accordingly to highly qualified third-country nationals and their family members.

### XIII RECORDS

#### Article 204

(1) For the purpose of efficiently controlling implementation of procedures laid down by this Act, the Ministry shall keep records of the following:

1. foreigners who have been issued travel documents for foreigners,
- 2. foreigners who have been refused entry and prohibited exit**
3. foreigners on short-term, temporary and permanent residence,
4. foreigners who have been granted a residence and work permit ,
5. foreigners whose residence has terminated,
6. foreigners against whom a **measure to ensure return** has been applied,
- 7. residence permits,**
8. travel documents for foreigners,
9. temporarily retained foreign travel documents,
10. registration and cancellation of accommodation of foreigners on short-term residence, residence and domicile and on home address of foreigners whose residence has been approved,
11. taken fingerprints, **an iris** and photographs of foreigners against whom the measures of leaving the country have been applied,
12. documents issued to the foreigners referred to in Titles X, XI and XII of this Act.

(2) A personal identification number, assigned and used pursuant to the Personal Identification Number Act, shall form a part of records referred to in Paragraph 1 of this Article.

#### Article 205

(1) The Ministry competent for foreign affairs shall keep records of applications for issuance of visas, extension of visas, visas issued, visas refused, visas annulled and visas cancelled.

(2) The records referred to in Paragraph 1 of this Article shall be kept within the Croatian Visa Data Base, pursuant to Article 20 of this Act.

(3) The Ministry competent for foreign affairs shall keep records of applications for issuance of travel documents for foreigners, travel documents for foreigners issued, residence granted to foreigners, and which have been submitted to and issued by

Diplomatic Missions or Consular Offices of the Republic of Croatia.

#### Article 206

Personal data contained in the records specified under Articles 204 and 205 of this Act shall be collected, filed and processed in accordance with the special regulation pertaining to personal data protection, if it is in the interest of a foreigner and if it can be assumed that he would not object it, or when it shall be necessary for the reason of verification of foreigner's data.

### XIV INSPECTION AND ADMINISTRATIVE SUPERVISION

#### Article 207

(1) State administrative bodies shall, within the framework of their competences, exercise inspection supervision of the implementation of the part of this Act related to employment of foreigners.

(2) The Ministry shall exercise inspection supervision of the implementation of the part of this Act related to the obligation to register the residence of foreigners.

(3) When, through the inspection supervision, it is established that a work of a foreigner has been arranged contrary to the provisions of this Act, an indictment shall be submitted to Misdemeanor Court, a misdemeanor order or obligatory misdemeanor order shall be adopted against a foreigner, legal entity or physical person who have employed a foreigner or use foreigners' work, against responsible person within legal entity or a foreigner who provides services on behalf of a foreign employer.

**(4) Exceptionally from Paragraph 3 of this Article, an indictment shall not be submitted against a foreigner or an employer if the Police Administration or Police Station does not, within prescribed time, decide on the request referred to in Article 53, Paragraph 3 and Article 79, Paragraph 2 of this Act.**

(5) Inspection supervision referring to conditions of work and rights of assigned workers shall be implemented by the state body competent for inspection of work.

(6) Exceptionally from Paragraph 4 of this Article, inspection supervision of the implementation of the provisions of this Act referring to conditions of work and rights of assigned workers shall be implemented by other administrative state body, when it is prescribed by a special regulation.

(7) Administrative supervision of the implementation of this Act shall be exercised by the state bodies within their competence.

(8) Administrative supervision of the implementation of provisions of this Act referring to conditions of work and rights of assigned workers shall be exercised by the main state administrative body competent for labour affairs, unless otherwise stipulated by a special regulation.

## Article 208

(1) The competent inspector of the body referred to in Article 207, Paragraph 1 of this Act shall, by adopting an oral decision to be entered in the records, prohibit the employer - legal entity or employer-physical person, to perform related activities for a period of 30 days, i.e. prohibit a foreigner to provide services on behalf of a foreign employer in the supervised business facilities or premises, if it is established during supervision that a foreign worker has worked for an employer contrary to provisions of this Act regulating obligation of obtaining a residence and work permit or a certificate of registered work.

(2) The decision referred to in Paragraph 1 of this Article shall be enforced by sealing of the business premises, machinery, equipment and other working equipment, or in another appropriate manner, within 2 days of the day of issuing an oral decision entered in the records.

(3) Exceptionally, the measure of prohibiting the performance of an activity referred to in Paragraph 1 of this Article shall not be enforced and an oral decision shall be annulled, if an employer-legal entity or employer-physical person whom the measure has been pronounced, within **5 days** of the day of pronouncing the measure, presents evidence to the competent inspector, referred to in Paragraph 1 of this Article, that a fine amounting to up to HRK 30.000, 00 per a foreigner has been paid to the benefit of the State budget.

(4) If a police officer of the Ministry establishes, within the framework of his competences, that the circumstances referred to in Paragraph 1 of this Article exist, he shall submit an indictment or adopt a misdemeanor order and inform, without any delay, the competent body referred to in Article 207, Paragraph 1 of this Act thereof.

**(5) Exceptionally, the measure of prohibiting the performance of activities referred to in Paragraph 1 of this Article shall not be pronounced against a foreigner or an employer, provided that the Police Administration or Police Station does not , within a prescribed time, decide on the application referred to in Article 53, Paragraph 3 and Article 79, Paragraph 2 of this Act.**

## Article 209

An appeal lodged against the decision referred to in Article 208 of this Act shall not postpone the execution of the decision.

## Article 210

During implementation of measure of sealing business premises, a legal entity or physical person to whom an oral decision referred to in Article 208, Paragraph 1 of this Act relates to, may request in writing, while the measure of sealing the premises is in force, that the sealed premises be temporarily unsealed, and, in the presence of the inspector, to immediately remove damageable foodstuffs as well as to take other safety measures for the purpose of damage prevention.

## Article 211

For the purpose of supervision by inspection, legal entities and physical persons shall provide all data and they shall enable access to the closed or fenced premises and business facilities.

***Obligation of payment of public contribution for employment of a foreigner staying illegally in the Republic of Croatia***

Article 212

(1) An employer who has employed a foreigner or used the work of a foreigner, staying illegally at the territory of the Republic of Croatia, shall be obliged to pay public contribution, a default interest and a fine concerned.

(2) Within the meaning of Paragraph 1 of this Article, obligation of public contribution shall mean a relevant amount of money expressed in Croatian kunas, including all taxes and compulsory social insurance contributions, which an employer would be obliged to pay for a legally employed worker.

***Establishing duration of work of a foreigner***

Article 213

A period of a foreigner's work, shall be considered a period of time, including at least three previous months of the time when a foreigner was happen to found at work, unless it is established that such a period would be contradictory to the pieces of evidence submitted by an employer or a foreigner exclusively.

***Calculation of obligation of public contribution***

Article 214

(1) An amount of obligation of public contribution referred to in Article 212 of this Act shall be calculated as per the established calculation basis, starting from an amount of directly and indirectly paid receipts, expressed in Croatian kunas, i.e. from the market value of the in kind receipts.

(2) Exceptionally from Paragraph 1 of this Article when there is no available data or proof on directly and indirectly paid receipts expressed in Croatian kunas, or there is no data or proof on a type and market value of the in kind receipts, an amount of public contribution obligation shall be calculated as per the established calculation basis, starting from an amount of value, which means an equivalent value of receipts that would be assigned to a foreigner in the case of employment. This can include an amount of regular salary paid for the same or similar work and the same duration of work which a worker, employed by the same employer, would be entitled to, pursuant to the Collective Agreement or the Minimal Salary Act

(3) In kind receipts, referred to in Paragraph 1 of this Article shall be considered as an employer's delivery to a foreigner material goods or recognition of rights to use goods and/or services. Value of in kind contribution shall be determined as per related market value and as regulated by the income tax regulations.

#### Article 215

(1) Basis for calculation of public contribution determined in accordance with Article 214, Paragraph 1 of this Act shall be considered as a net receipt.

(2) Basis for calculation of public contribution determined in accordance with Article 214, Paragraph 2 of this Act shall be considered as a gross receipt and it shall include an amount of public contribution obligation and a net receipt of a worker.

(3) Basis for calculation of public contribution determined in accordance with Paragraphs 1 and 2 of this Article shall be determined in a unique amount, regardless of duration of work.

#### Article 216

(1) The public contribution obligation, as per the related basis - net receipt referred to in Article 215, Paragraph 1 of this Act, shall be calculated by applying the related rate to the basis in a following manner:

- the rate of 66,48% to the part of the basis of up to HRK 3.168 ,00,
- the rate of 95,33 % to the part of the basis exceeding HRK 3.168,00 up to HRK 8.568,00 (the next HRK 5.400,00),
- the rate of 144, 17 % to the part of the basis exceeding HRK 8.568,00.

(2) The public contribution obligation, as per the related basis - gross receipt referred to in Article 215, Paragraph 2 of this Act, shall be calculated by applying the related rate to the basis in a following manner:

- the rate of 46,80% to the part of the basis of up to HRK 4.500,00 ,
- the rate of 57,20 % to the part of the basis exceeding HRK 4.500,00, up to HRK 13.500,00 (the next HRK 9.000,00)
- the rate of 69, 20 % to the part of the basis exceeding HRK 13.500,00.

#### Article 217

(1) Public contribution obligation shall become due for payment within 15 days of delivery of the related decision and shall be paid to the benefit of the state budget, as its general income. The type of income stipulated by the Order on the Mode of Depositing Budget Income, Compulsory Contributions and Income for Financing Other Public Needs, of the Ministry of Finance, should be specified by referring in an invoice to a related set of numbers.

(2) Public contribution obligation, not being settled on time, shall be increased by the related interest, including calculation for the period between date when obligation became due and the date of payment, pursuant to provisions regulating obligation of calculation and payment of interest to public contributions not being settled in a timely manner.

#### Article 218

(1)The state bodies, referred to in Article 207, Paragraph 1 of this Act, which during



inspection supervision determine an employer who employs a foreigner residing illegally in the Republic of Croatia, shall be obliged to notify the Tax Administration accordingly. The Tax Administration shall, by adopting a related decision, determine an employer-contributor to public contribution, a basis for calculation of public contribution, period of a foreigner's work and an amount to be settled.

(2) Records on payment of public contribution obligation shall be kept by the Tax Administration. When obligation is not timely settled, the procedure on forcible payment shall be initiated.

#### Article 219

(1) Procedure of forcible settlement of payment pursuant to Article 218, Paragraph 2 of this Act, as well as procedures related to: reimbursement of over-paid obligation and obligation paid on no legal grounds, writing-of an obligation which would not be possible to settle, selling of debts, statute of limitation, deferring of payment and guarantees and procedures related to other issues not regulated by this Act, shall be implemented by the Tax Administration pursuant to the General Tax Act.

(2) A compensation amount for a foreigner residing illegally in the Republic of Croatia and an amount of established and settled obligation for public contributions related to such compensation, shall not be considered as acceptable tax expenditures of an employer.

### XV PENAL PROVISIONS

#### Article 220

(1) A fine of between HRK 500, 00 and HRK **5.000,00** shall be imposed on a foreigner, if he:

1. uses a travel document he did not enter with to the Republic of Croatia or fails to exit the Republic of Croatia with the travel document used for entering the Republic of Croatia (Article 3),
2. fails to apply for temporary residence for a child within the legally prescribed time (Article 51, Paragraph 1),
3. fails to apply for extension of temporary residence within 30 days prior to expiration of the validity period of temporary residence (Article 53, Paragraph 1),
4. resides in the Republic of Croatia contrary to the purpose for which temporary residence has been granted to him (Article 72, Paragraph 1, Point 5),
5. fails to report to the police officer at a border crossing (Article 112, Paragraph 9),
6. fails to return the document on the temporary postponement of deportation (Article 136, Paragraph 4)
7. fails to inform the competent Police Administration or Police Station about the cessation of conditions, based on which a residence and work permit has been issued (Article 91, Paragraph 2),
8. does not have a work registration certificate (Article 84, Paragraph 1)
9. fails to present a document proving his identity to the official of the competent authority at his request, or fails to carry it with him (Article 139, Paragraph 2),
- 10. fails to obtain a residence permit within a prescribed time (Article 141),**

11. fails to submit an application for the replacement **of the residence permit** within a prescribed time (Article 142, Paragraph 2),
12. fails to return **a residence permit** (Article 143)
13. fails to report loss, disappearance or theft of the documents (Article 144),
14. fails to report or cancel accommodation, place of residence or place of domicile, or fails to specify, at the registration form, complete and accurate information, or fails to immediately submit information on change of the duration of accommodation (Articles 147, 148 and 149),
15. wears a foreign military, police or customs uniform during his residence in the Republic of Croatia contrary to Articles 151 and 152 of this Act,
- 16. resides in the Republic of Croatia illegally, as residing longer than prescribed by law, but no longer than 15 days (Article 101).**

(2) A fine amounting from HRK 500,00 to HRK 3.000,00 shall be imposed on an employer - physical person, whereas a fine of between HRK 5.000,00 and HRK 7.000,00 shall be imposed on an employer - legal entity and a responsible person in a legal entity, if they:

1. fail to conclude an employment contract or another certificate with a foreigner whose services they use (Article 85, Paragraph 1),
2. fail to notify the competent Police Administration or Police Station about the cessation of conditions based on which a residence and work permit has been issued (Article 91, Paragraph 2),
3. fail to notify the Police Administration or Police Station on relocation of employees for working outside the place of residence or domicile (Article 148, Paragraph 4).

#### Article 221

(1) A fine in the amount of HRK 100, 00 shall be imposed on a national of the **EEA** Member State and a member of his family, who:

1. at the request of an official, fails to submit for review a document proving his identity, or fails to carry it with him, refuses to provide his personal data to a police officer at his request, gives his own documents to the other person for use or, uses an invalid document or other person's document as his own (Article 183, Paragraphs 2, 3 and 4).

**(2) A fine amounting from HRK 500, 00 to HRK 5.000,00 shall be imposed on a national of the EEA Member State and his family member, who:**

- 1. fails to register or cancel residence or domicile (Article 183, Paragraph 5),**
- 2. resides in the Republic of Croatia during prohibited period of entry and residence.**

(3) A fine amounting from HRK 500, 00 to HRK 3.000,00 shall be imposed on a family member of a national of the **EEA** Member State who:

1. fails to register a temporary residence within a prescribed time (Article 157, Paragraph 1 and Article 163, Paragraph 1),

2. fails to submit an application for temporary residence within a prescribed time (Article 169, Paragraph 2),
3. fails to submit an application for permanent residence within a prescribed time (Article 178, Paragraph 2).

(4) A fine amounting from HRK 500, 00 to HRK 3.000,00 shall be imposed on a third-country national who is the "EU Blue Card holder" and who:

1. fails to notify the Police Administration or Police Station of termination of the conditions based on which the residence and work permit, - the "EU Blue Card", was issued (Article 193, Paragraph 3),
2. fails to submit an application for extension of his residence and work permit - the "EU Blue Card", within 30 days before the expiration of the deadline of the valid residence and residence permit (Article 194, Paragraph 1),
3. fails to submit an application for the issuing of the residence and work permit - the "EU Blue Card", within 8 days (Article 195, Paragraph 1),
4. fails to notify the Police Administration or Police Station of the change of his employer (Article 195, Paragraph 2).

(5) A fine amounting from HRK 500, 00 to HRK 3.000,00 shall be imposed on an employer physical person, and a fine amounting from HRK 5.000,00 to HRK 7.000,00 shall be imposed on an employer - legal entity and a responsible person of the legal entity, who fail to notify the Police Administration or Police Station of the termination of the conditions based on which the "EU Blue Card" was issued (Article 193, Paragraph 3).

#### Article 222

(1) A prison sentence of up to 60 days or a fine amounting from HRK 3.000,00 to HRK 7.000,00 shall be imposed on a foreigner, if he:

1. moves outside an area which his movement is restricted to (Article 4, Paragraph 2),
2. resides in the Republic of Croatia illegally (Article 101),
3. obstructs deportation (Article 116, Paragraph 3),
4. left the Centre without approval or failed to respect the House Rules in the Centre (Article 129, Paragraph 1),
5. fails to comply with obligations assigned to him (Article 112, Paragraph 7 and Article 136, Paragraph 3)
6. upon request of a police officer, refuses to present a travel or other document used to cross the state border (Article 139, Paragraph 3),
7. does not have an identity document and fails to present the personal data to a police officer upon his request (Article 139, Paragraph 4),
8. allows another person to use his documents proving his identity, or he uses an invalid document or another person's document as his own (Article 139, Paragraph 5).

(2) In the cases of misdemeanor referred to in Paragraph 1 of this Article, the protective measure of expulsion of a foreigner may be pronounced independently

and without pronouncing a sentence.

(3) Misdemeanor proceedings for the minor offences referred to in Paragraphs 1 and 2 of this Article may not be initiated after 3 years of the day when the minor offence was committed.

#### Article 223

(1) A fine amounting from HRK 3.000,00 to HRK 7.000,00 shall be imposed on a third country national who is the „EU Blue Card " holder and who acts contrary to the provisions of Article 193, Paragraph 1 of this Act.

(2) In the cases of misdemeanor referred to in Paragraph 1 of this Article, the protective measure of expulsion of a foreigner may be pronounced to a third-country national, independently and without pronouncing a sentence.

(3) The misdemeanor procedure for minor offences referred to in Paragraph 1 of this Article may not be initiated on expiration of three years of the day when the minor offence was committed.

#### Article 224

(1) A fine amounting from HRK 7,000.00 to HRK 10,000.00 shall be imposed on a foreigner who:

1. works without a residence and work permit (Article 73, Paragraph 1),
2. works contrary to Article 73, Paragraph 5 of this Act.

(2) In the case of misdemeanors referred to in Paragraph 1 of this Article, the protective measure of expulsion may be pronounced independently and without pronouncing a sentence.

(3) The misdemeanor procedure for minor offences referred to in Paragraph 1 of this Article may not be initiated on expiration of three years of the date on which the minor offence was committed.

#### Article 225

(1) A fine amounting to HRK 23.000,00 per every transported foreigner shall be imposed on a carrier transporting a foreigner who is without a valid travel document or other document used for crossing the state border, valid visa or residence permit (Article 41, Paragraph 1).

(2) A fine amounting to HRK 23.000,00 per every transported foreigner shall be imposed on a carrier- physical person who fails to transport a foreigner from a border crossing or from the Republic of Croatia at his own cost or fails to assume the costs of foreigners' return (Article 41, Paragraphs 2 and 3).

(3) A prison sentence of up to 60 days and a fine amounting to HRK 23.000,00 per every assisted foreigner shall be imposed on a physical person assisting a foreigner in illegal crossing, transiting and illegal residence in the Republic of Croatia (Article 43).

(4) A fine amounting to HRK 50.000,00 shall be imposed on a legal entity in the case referred to in Paragraphs 2 and 3 of this Article, whereas a fine amounting to HRK 23.000,00 shall be imposed on a responsible person within a legal entity per every transported or assisted foreigner.

(5) A protective measure of confiscation of items and a protective measure of prohibition of the performance of an activity may be pronounced for the minor offences referred to in Paragraphs 3 and 4 of this Article.

(6) A protective measure of expulsion from the country may be pronounced to a foreigner, independently and without a pronounced sentence, for the minor offences referred to in Paragraphs 2 and 3 of this Article.

(7) Misdemeanor proceedings for the minor offences referred to in Paragraphs 1, 2, 3 and 4 of this Article may not be initiated after expiration of 3 years of the day when the minor offence was committed.

#### Article 226

(1) A fine amounting from HRK 10.000,00 to HRK 15.000,00 per a foreigner shall be imposed on an employer - physical person who has employed a foreigner or who uses a foreigner's services, whereas a fine amounting from HRK 50.000,00 and HRK 100.000,00 per a foreigner shall be imposed on an employer - legal entity that has employed a foreigner or uses a foreigner's work, provided that they:

1. employ a foreigner not holding a residence and work permit or a work registration certificate (Article 73, Paragraph 1),
2. employ a foreigner contrary to the provision of Article 73, Paragraph 6 of this Act.

(2) A fine amounting from HRK 10.000,00 to HRK 30.000,00 shall be imposed on an employer - physical person who has employed a foreigner or uses a work of a foreigner residing illegally in the Republic of Croatia whereas a fine amounting from HRK 70.000,00 to HRK 150.000,00 shall be imposed on an employer- legal entity for every employed foreigner residing illegally in the Republic of Croatia or whose services are being used by an employer (Article 73, Paragraph 7).

(3) A fine amounting from HRK 10.000,00 to HRK 50.000,00 shall be imposed on a responsible person of the legal entity for the minor offences referred to in Paragraph 1 of this Article.

(4) A fine amounting from HRK 20.000,00 to HRK 70.000,00 shall be imposed on a responsible person of the legal entity for the minor offences referred to in Paragraph 2 of this Article.

(5) A protective measure of prohibition of performing activities may be pronounced for the minor offences referred to in Paragraphs 1 and 2 of this Article.

(6) A fine amounting from HRK 10.000,00 to HRK 15.000,00 shall be imposed on an employer- physical person whereas a fine amounting from HRK 50.000,00 to HRK 100.000,00 shall be imposed on an employer- legal entity for not providing data or for not making access to closed or fenced premises or business facilities (Article 211).

(7) The misdemeanor proceedings for the minor offences referred to in Paragraphs 1 and 2 of this Article may not be initiated after 3 years of the day when the minor offence was committed.

#### Article 227

(1) 1) A fine amounting from HRK 10.000,00 to HRK 15.000,00 shall be imposed on an employer - physical person, for each third-country national who is the "EU Blue Card" holder whom he employs or uses his work, whereas a fine amounting from HRK 50.000,00 to HRK 100.000,00 shall be imposed on an employer-legal entity or a responsible person within a legal entity, for each third-country national who is the "EU Blue Card" holder whom he employs or uses his work, contrary to Article 193, Paragraph 2 of this Act.

(2) For the misdemeanor referred to in Paragraph 1 of this Article, the protective measure of prohibition to perform the activity may be pronounced.

3) The misdemeanor procedure for the minor offence referred to in Paragraph 1 of this Article may not be initiated after 3 years of the day when the minor offence was committed.

#### Article 228

(1) A fine amounting from HRK 10.000,00 to HRK 30.000,00 shall be imposed on a foreign employer - legal entity for a minor offence if he fails to submit a Statement on assignment prior to assignment or submits an incomplete or incorrect Statement of assignment (Article 89).

(2) A fine amounting from HRK 1.000,00 to HRK 3.000,00 for the minor offence referred to in Paragraph 1 of this Article shall be imposed on a foreign employer- physical person and a responsible person of a legal entity.

(3) A fine amounting from HRK 31.000,00 to HRK 60.000,00 per each a foreigner, shall be imposed on every receiver of services, if he knows or could have known that he uses a work of an assigned worker not being legally employed by a foreign employer (Article 86, Paragraph 8).

(4) A fine amounting from HRK 4.000,00 to HRK 6.000,00, as per every foreigner, shall be imposed on a receiver of services being a physical person and a responsible person of a legal entity, for committing the minor offence referred to in Paragraph 3 of this Article.

#### Article 229

(1) A fine amounting from HRK 300,00 to HRK 2.000,00 shall be imposed on a physical person, and a fine amounting from HRK 5.000,00 to HRK 7.000,00 shall be imposed on a legal entity, if they:

1. fail to register or fail to cancel accommodation, residence or domicile of a foreigner, or do not include complete and accurate information on the application form, or fail to submit information on the change of duration of accommodation without any delay (Articles 147 and 149),

2. fail to present for review to an official person of the competent body information from the record of foreigners to whom the service of accommodation is being provided (Article 150, Paragraph 2).

(2) In the cases of misdemeanor referred to in Paragraph 1 of this Article, a fine amounting from HRK 500, 00 to HRK 3.000,00 shall be imposed on the responsible person within the legal entity.

## XVI FINAL AND TRANSITIONAL PROVISIONS

### Article 230

(1) The Government of the Republic of Croatia shall adopt the legislation on the Croatian visa regime referred to in Article 11, Paragraph 3 of this Act and on the Croatian visa information system referred to in Article 20 of this Act at a proposal of the Ministry competent for foreign affairs.

(2) The Government of the Republic of Croatia shall, by its Ordinance, prescribe the modality for calculation and the amount of subsistence means as lay down by Articles 54 and 96 of this Act.

### Article 231

(1) The Minister competent for foreign affairs, subject to consent of the Minister competent for internal affairs, shall adopt the regulation on:

1. issuing of visas, on design and content of the form of a guarantee letter, and design and content of the form of the decision on the refusal, annulment or revocation of visas,
2. design and content of the visa application form, visas and the design and content of the form for affixing a visa.

### Article 232

(1) The Minister competent for internal affairs shall adopt regulations on the following:

- design and content of the form on denying entry into the Republic of Croatia,
- design and content of the form on ordering return of a foreigner,
- design and content of the application form for granting temporary and permanent residence,
- design and content of a permission for temporary and permanent residence,
- design and content of the form for seamen in transit who need visa for entering the Republic of Croatia,
- design and content of **the decision on return** and form on warning on obligation to leave the Republic of Croatia, a certificate on short-term residence, denied entry and residence stickers, cancellation of residence stickers, a certificate on retained funds, certificate on settled deportation costs, documents on temporary postponement of deportation, a form of statement on personal data of a foreigner,
- design and content of the application form for residence and work permit,

- design and content of the form of a **residence permit**,
- design and content of the form for registration of accommodation, registration and cancellation of residence and domicile, and for change of an address,
- modality of issuance, application forms and forms of travel documents for foreigners,
- treatment of foreigners and settlement of costs when entry is denied,
- modality of determining the conditions for entry, residence and work of foreigners in the Republic of Croatia,
- modality of determining the conditions for entry, residence and work of highly qualified third country nationals,
- design and content of applications forms for issuance of the "EU Blue Card",
- design and content of the form of approval of the "EU Blue Card",
- way of establishing conditions for entry and residence of nationals of **EEA** Member States and their family members,
- design and content of the application form for issuance of temporary and permanent residence for nationals of the **EEA** Member State and their family members,
- design and content of the form of certificate confirming registration of temporary residence, or of a document proving permanent residence, which are issued to a national of the **EEA** Member State, a certificate on submitted application for issuance of a residence card for a family member of a citizen of the Union, a residence card for a family member of a citizen of the Union and a permanent residence card issued to a family member who is not a national of the **EEA** Member State,
- way of proving that residence in the Republic of Croatia is legal,
- on expulsion and prohibition of entry and residence,
- way of determining the **deadline for return**,
- way of providing assistance in the case of transiting for the purpose of deportation by air, organization and participation in joint flights of **EEA** Member States,
- way of applying for short-term residence of a foreigner, by an electronic means,
- way of conducting official checking,
- content and way of maintaining the records referred to in Article 204 of this Act.

(2) The Minister competent for internal affairs shall determine the following:

1. border crossing points on which the Police Station competent for supervising the crossing of the state border may issue visas,
2. the way of calculation of deportation costs,
3. the house rules on residing in the Centre.

(3) The Minister of Interior, with consent of the Minister competent for education, shall lay down the programme of studying the Croatian language and Latin script, the way of taking exams and the amount of costs which the participants must bear.

(4) The Minister competent for science, with consent of the Minister competent for internal affairs, shall adopt a regulation on establishing conditions for approval of



temporary residence for the purposes of scientific research.

(5) The Minister competent for science, with consent of the Minister competent for internal affairs, shall adopt a regulation on establishing conditions for approval of temporary residence for the purposes of secondary education.

#### Article 233

Implementing regulations, based on the powers laid down by this Act, shall be adopted within 10 months of the entry into force of this Act.

#### Article 234

(1) Temporary residences granted, work and business permits issued and work registration certificates without a work or business permit issued in accordance with the Foreigners Act ("Official Gazette" No. 79/07 and 36/09) shall continue to have effect until the expiration of their term.

(2) Foreigners who were granted temporary residence in accordance with Article 65 of the Foreigners Act ("Official Gazette" No. 79/07 and 36/09), may extend their temporary residence until completion of regular secondary education.

(3) Foreigners who were granted temporary residence in accordance with Article 68 of the Act on Amendments to the Foreigners Act ("Official Gazette" No. 36/09), and who own real estate in the Republic of Croatia, may have their temporary residence extended for a period of up to one year.

(4) Documents on temporary stay issued in conformity with the Foreigners Act ("Official Gazette" No. 79/07 and 36/09) shall, after the entry into force of this Act, have effect as documents on the temporary postponement of deportation.

#### Article 235

Proceedings initiated prior to entering into force of this Act shall be completed in conformity with the provisions of the Foreigners Act ("Official Gazette" No. 79/07 and 36/09).

#### Article 236

Pursuant to a Treaty on Accession of the Republic of Croatia to the European Union, the Government of the Republic of Croatia may after accession of the Republic of Croatia to the European Union, by its Ordinance, lay down implementation rules referring to work of nationals of the European Union Member States and members of their families and which are being implemented at the time of signing a Treaty of Accession, with regard to nationals of those Member States that are to implement national measures or measures resulting from Bilateral Agreements, for the period of implementation of such measures.

#### Article 237

(1) The provisions of Article 47, Paragraph 5, Article 76, Paragraph 1, Point 2 and Article 78, Paragraph 5 of this Act shall cease to have effect on the day of accession of the Republic of Croatia to the European Union.

(2) Implementing regulations adopted pursuant to the Foreigners Act (“Official Gazette” No. 79/07 and 36/09) shall continue to have effect until the entry into force of the implementing regulations adopted pursuant to the powers referred to in this Act, unless they are contrary to its provisions.

(3) The Foreigners Act (“Official Gazette” No. 79/07 and 36/09) shall cease to have effect on the entry into force of this Act.

#### Article 238

This Act shall be published in the “Official Gazette” and shall enter into force on 01 January 2012, except for Article 47 Paragraph 1, Point 6 and Paragraph 3, Article 64 Paragraph 3, Article 86 through Article 89, Article 110, Article 115, Article 117, Article 119, Article 120 through Article 122, Article 132, Paragraph 2, Article 135, Article 153 through Article 203, Article 207, Paragraphs 4, 5 and 7, Article 221, Article 223, Article 227 and Article 228 of this Act, which shall enter into force on the day of accession of the Republic of Croatia to the European Union.

Class No: 217-01/11-01/01  
Zagreb, 28 October 2011

THE CROATIAN PARLIAMENT  
The President of the Croatian Parliament  
Luka Bebić

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#### Provisions of the

**Act on Amendments to the Foreigners Act  
 (“Official Gazette” No. 74/13 of 19 June 2013)**

**remained after unofficial revision of the text**

#### Article 76

**Throughout the whole text of the Foreigners Act (“Official Gazette” No 130/11) the words:**

- “identity card for a foreigner“ shall be replaced by words: “ residence permit“ in an appropriate case,
- “European Economic Area“ shall be replaced by words “European Economic Area“ in an appropriate case, and a word “EEA“ shall be replaced by “EEA“ in an appropriate case (*there is no difference in English translation, the same wording used*),

- “measures for leaving the Republic of Croatia“ shall be replaced by words “measures for ensuring return“ in an appropriate case,
- “ a decision for leaving the Republic of Croatia“ shall be replaced by words “ a decision for return“ in an appropriate case
- “a deadline for leaving the Republic of Croatia“shall be replaced by words “a deadline for return“in an appropriate case.

#### **Article 77**

The Minister competent for internal affairs shall adopt a Rule book on the following:

- design and content of the form on a special travel document for a foreigner and documents issued on the basis of international agreements referred to in Article 3 of this Act,
- design and content of the certificate referred to in Article 15, Paragraph 2 of this Act,
- design and content of the decision on return and form on warning on obligation to leave for the EEA Member State referred to in Article 232, Paragraph 1, Sub-paragraph 6 of the Foreigners Act,
- proceedings of payment of costs of free legal aid referred to in Article 46 of this Act and a related tariff of legal services provided, as well a way of determination of sufficient funds.

#### **Article 78**

The Minister competent for internal affairs shall, with the opinions provided by the Minister competent for the social policy and youth, the Minister competent for health, the Minister competent for education and the Ombudsman for Children, adopt a Rule Book on implementation of a special protection of minors referred to in Article 100 of the Foreigners Act (“Official Gazette” No 130/11).

#### **Article 79**

The competent Ministers shall adopt the Rule Books referred to in Article 77, Paragraph 1, Sub-paragraphs 1 and 2 and Article 78 of this Act within six months of the day of entering into force of this Act.

The competent Ministers shall adopt the Rule Books referred to in Article 77, Paragraph 1, Sub-paragraphs 3 and 4 of this Act within six months of the day of accession of the Republic of Croatia to the European Union.

#### **Article 80**

Deadlines for leaving the Republic of Croatia determined by the decisions on leaving the Republic of Croatia adopted prior to entering into force of this Act, shall be valid and shall be calculated on the basis of the related provisions of the Foreigners Act (“Official Gazette” No 130/11).

### Article 81

Proceedings initiated prior to entering into force of this Act shall be completed in conformity with provisions of the Foreigners Act (“Official Gazette” No 130/11), unless the provisions of this Act shall be more favorable for the party.

### Article 82

Provisions of the Article 36 of the Foreigners Act shall not be implemented at the internal border of the Republic of Croatia when the Schengen Implementation Agreement shall enter into force in the Republic of Croatia.

The internal border of the Republic of Croatia referred to in Paragraph 1 of this Article is considered to be the internal border determined by the Act on the Supervision of the State Border (“Official Gazette” No 173/03, 100/04,, 141/06, 8/07, 146/08 and 130/11).

### Article 83

Article 37, Paragraph 1 of the Foreigners Act shall cease to be valid on the day of accession of the Republic of Croatia to the European Union.

### Article 84

This Act shall enter into force on the **eight day of its publishing in the “Official Gazette”, except for Article 5, Article 25, Paragraphs 4 and 5, Article 41, Article 46, Article 47, Article 48, Article 49, Article 50, Article 51, Article 52 Paragraphs 1, 2, 4 and 5, Article 55, Article 59, Paragraphs 4, 5 and 6 Article 63, Article 64, Article 65, Article 66, Article 67, Article 72, Article 76, Sub-paragraphs 3, 4 and 5 and Article 77, Sub-paragraphs 3 and 4 of this Act, which shall enter into force on the day of accession of the Republic of Croatia to the European Union, as well as Article 21 and Article 22, Paragraph 1, Point 5 and Paragraph 2 of the Foreigners Act (“Official Gazette” No 130/11), in the part referring to collection and destruction of biometric data, which provisions shall enter into force on 01 January 2015.**

Class: 022-03/13-01/102

Zagreb, 07 June 2013

**THE CROATIAN PARLIAMENT**  
The President of the Croatian Parliament  
Josip Leko