ANNUAL REPORT 2015
ON MIGRATION AND ASYLUM POLICY
IN CROATIA
(PART 2)
Executive Summary

The HR European Migration Network (EMN) Annual Policy Report (APR) 2015 aims to provide an insight into the most significant political and legislative developments across the year in the areas of migration and asylum.

The report informs about the most important changes and developments in the field of migration and asylum in Croatia in 2015 with a focus on third-country nationals and stateless persons. It observes the changes, developments and activities at the legislative, institutional and practical levels from 01 January 2015 till 31 December 2015, and puts them into the context of EU policies and legislation.

The report also presents selected statistics, which form a separate statistical annex. With respect to the institutional framework, no substantial changes occurred in Croatia in 2015 that would have an impact on Croatia’s migration and international protection policies. The centre of gravity of the developments in the legislative field however refers to the adoption of the new Act on international and temporary protection entered on force on 02 July 2015. By this law Croatia has transposed relevant EU directives such as Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), (SL L 180, 29.6.2013); Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (SL L 180/96, 29.06.2013).
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1. INTRODUCTION

The European Migration Network (EMN) HR Annual Policy Report (APR) 2015 has two main aims:
- to outline the situation and significant developments (political, legal and administrative) in 2015 in the field of migration and asylum in the Croatia; and
- to document the state of implementation of the EU legislation and the impact of the European policy developments at a national level.

The report describes changes, developments and activities at the legislative, institutional and practical levels of migration and international protection in Croatia from 01 January 2015 till 31 December 2015, putting them in the context of EU policies and legislation. The report tackles issues of legal migration and mobility, international protection including asylum, unaccompanied minors and the other vulnerable groups, combating trafficking in human beings, migration and development, irregular migration including smuggling, and returns. The report also includes selected statistics, which form a separate statistical annex.

The report is based on desk-based research and no primary research was undertaken. Most of the information was provided by individuals from the relevant sectors of the Ministry of Interior of Republic of Croatia (hereinafter referred as MoI) and the other government departments.
2. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

2.1. General political developments

It is important to highlight the parliamentary elections held on 8th November 2015. The elections were particular interesting because of unexpected turnover on political scene. In addition to the two major parties HDZ (Croatian Democratic Party) and SDP (Social Democrats Party), a new party MOST (Bridge) emerged, which stands for tripartition coalition of the two major parties and tried to reconcile large differences among them. The result of the parliamentary election 2015 was the win of coalition formed of MOST- HDZ-other minor parties, named Patriotic coalition. The coalition gave support to Mr. Tihomir Orešković as the new Prime Minister who is not a member of any political party.

The coalition pledged to increase the economic power by attracting more investment, to actively use EU funds for further economic development as well as major review and restructuring of the government administration.

2.2. General overview of main policy and/or legislative changes

As a member of the European Union, laws of the Republic of Croatia concerning migration and asylum must be in compliance with the relevant EU regulations. Therefore Croatia is obliged to duly transpose and implement EU legislation.

The significant laws development in the area of migration and asylum in 2015 in Croatia is the establishment of the new Act on International and Temporary protection (Official Gazette, No 70/2015), which has replaced an old Act on Asylum. The draft of Act has been opened for a public discussion where more than a half of the comments were proposed by the NGOs, lawyers and International organisations and have been officially accepted. Therefore, it can be said that the Act is a result of a common effort of the government and the other relevant actors mentioned above. Also draft of the Act was presented to the Economic-social Council as well as to the Coordination of Asylum which gathers civil association such as Croatian Law Centre, Centre for Peace Studies, Croatian Red Cross, lawyers, international organisations (UNHCR, IOM), social workers and the government representatives.

Primarily the aim of the development of the new Act was transposing EU directives. Also the objective was to ensure access to international protection and on the other side to prevent misuse of asylum procedure and to make a balance between them. The Act on International and Temporary Protection entered into the force on 02 July 2015. Furthermore, the new regulations on free legal aid and on the free accommodation have been drafted.

Since 16 September 2015 the rest of the year was marked with migration crisis. During the last quarter of 2015 more than 500 000 migrants passed through Croatia but only 26 of them sought asylum in Croatia, although they were provided with information on aspects of integration in Croatia. As a transit country Croatia acted by providing humanitarian aid to migrants. Reception centre in Opatovac was established and by its closure, winterized transit reception centre in Slavonski Brod was open. All reception material and non-material conditions were provided for free and during 24 hours per day.

The number of delegations such as UNHCR, UNICEF, Nobel women and embassies have visited the centre and praised to the Croatian Government.

In December the Annual conference on developments in asylum field was held in Osijek. It was an opportunity for all the organizations in the Centre to share their experiences and work with migrants to the public. The conference was organized by MoI, Croatian Red Cross and UNHCR. Ms. Anita
Dakić, the Senior Advisor Specialist, presented on the main developments on asylum system in Croatia and Mr Zvonimir Vrbljanin, the Head of the Directorate for Migration, presented on the aspect of illegal migration.

Furthermore, the Round table on governing the refugee crisis in Europe was held on the 18th December 2015 in Zagreb in Hotel Dubrovnik and I was organized by the Trade unions. The aim of this public event was sending message for solidarity and responsibility by trade unions in Europe. The participants involved were: Mladen Novosel, president of SSSH, Krešimir Sever president of NHS, Rudy de Leeuw ETUC president, Antje Gersein BDA (Germany) and Anita Dakić (MoI), Luca Visentitnì general secretary of the ETUC. Countries: Hungary, Slovenia, Sweden and Slovak Republic participated in discussion.

3. ORGANISATIONAL STRUCTURE OF ASYLUM AND MIGRATION POLICY

3.1. Migration

Ministry of the Interior is the government body which has the highest level of responsibility in relation to legal migration, the reception of asylum seekers, illegal migration and return, border control and acquisition of citizenship. Ministry of Foreign and European affairs is the main body responsible for visa affairs, including its Diplomatic Missions and Consular Offices, which are also competent bodies for submitting an application for residence permit or residence and work permit.

Police Administrations or Police Stations of the MoI are the first instance of the decision making bodies concerning approval and termination of temporary residence permits, work and residence permits, registration of temporary residence of EEA nationals and their permanent residence, as well as granting temporary and permanent residence to their family members who are third-country nationals and to family members-third country nationals of Croatian nationals.

Regarding appeals, against the first instance decision if an appeal is permitted, it can be lodged to an Appeal Commission appointed by the Government of the Republic of Croatia.

Against the decision of an Appeal Commission, or if an appeal against the decision on the matter is not permitted, an administrative dispute may be initiated with the competent Administrative Court.

The Ministry of Labour and Pension system also has significant role in work migration, namely through bringing 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. The quota is set by the Decision of the Government of the Republic of Croatia.

3.2. Asylum

Designated and competent authority for asylum procedure is MoI, Directorate for Aliens and Asylum, Department for Asylum located in Zagreb. Department composes different stages of procedure particular Dublin (incoming, outgoing request and transfers) and Eurodac procedure, national asylum procedure, COI (informational documentation centre) and officers engaged in integration issues.

Department for Asylum is also located in Hotel at Reception Centre for asylum seekers in Zagreb together with staff of Reception Centre. Decision makers are conducting interviews, making decisions and advocating decision before the Administrative court.

Dublin procedure officers are examining both incoming and outgoing requests, conducting interviews, taking decision on admissibility, advocating decision before the Administrative court, organizing the Dublin transfers and developing an evidence record.
Other state bodies also have significant role in creating migration policy, primarily concerning integration. Those are: Ministry of social welfare and youth, Ministry of Education, science and sport, Ministry of Health, Croatian Institute for Health Insurance, Ministry of Labour and pension system, Croatian Employment Service, Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, and Education and Training Agency.

4. OVERVIEW OF MIGRATION CRISIS

Since the 16th September 2015 when Hungary closed its border to Serbia, Western Balkan (WB) migration route has been forcibly directed to the Republic of Croatia. Daily influx of migrants from Serbia during September was app. 6.212 person, and during October app. 4.847. It is significant that on border crossing point Tovarnik more than 11 000 migrants have entered per day.

Graph 1.

Migrant entry by day covering period from 16th September until 19th October 2015.

On the 17th September 2015 the Government of the Republic of Croatia made decision on establishing a Headquarter for coordination activities regarding influx of migrants into the Republic of Croatia. Establishment of this decision Government has ensured coordinated activities of all relevant authorities with purpose of humanitarian approach to migrants. With that aim on 20th September 2015 Temporary reception Centre in Opatovac was established and was built within 24 hours. Accommodation in Opatovac was provided in tents (not heated) with the capacity of 5000 places. For the reason of upcoming cold weather on 3rd November 2015 Winterized Temporary Reception Centre in Slavonski Brod was established and Opatovac was closed. This Centre has the capacity of 5000 places in heated tents, also equipped with heated containers for vulnerable groups and medical services was ensured during 24 hours per day. The entire Centre consists of 6 sectors.

1 Source: MoI
with the purpose of accommodating migrants. Each of six sectors has been set up as a separate and particular unit, not depending on the other sectors. In the every sector there is a specially designated area intended for the accommodation of the vulnerable groups (meaning that while the other migrants are accommodated in the heated tents, vulnerable groups are placed in the heated containers). Also, every sector is equipped with showers, toilets, station for charging mobiles, free Wi-Fi and containers for the distribution of clothes and shoes. All migrants have been directly transported by train from Šid (Serbia) to Winterized Temporary Reception Centre in Slavonski Brod. This kind of transportation is part of Protocol signed between MoI of Croatia and Serbia, on 30th October 2015. Transpost of migrants generally runs without any problems.

**Picture 1.**
Ground-plan of the Winterized Reception Transit Centre in Slavonski Brod.²

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**4.1. Organization and structure of Winterized Reception Transit Center in Slavonski Brod from the air**

In the Winterized Temporary Reception Centre representatives of the International organizations such as IOM, UNHCR and UNICEF and NGOs are present 24 hours per day. There are 25 associations in total. Besides very much needed humanitarian activities, their role is to provide information of the asylum system, rights and obligations of applicants for international protection and possibilities of integration in the Republic of Croatia. The relevant information is provided written in Arabic, Urdu, Farsi and English languages. The information on the use of services in the centre is provided on the mentioned languages by video-wall before registration. Although the centre is not intended for a stay longer than 48 hours some civil society association have organized daily activities and education for children. The playgrounds are well organized at two tents of 250 and 150 m² where children are looked after at least by a 6 volunteers. Since the 16th September

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² Source: Website of the National Protection and Rescue Directorate
2015 till the end of December 2015 more than 500 000 migrants passed through Croatia in organized way, transported whether by free busses or trains to Hungary and later to Slovenia. All migrants in need, particular children have been provided with food, water/tea, clothing, medical service and psychosocial support.

**Picture 2.**
Winterized Reception Transit Center in Slavonski Brod.³

**Graph 2.**
Overview migrant entry by day covering period from 16th September until 31th December 2015.⁴
Chart 1.
Overview migrant profile based on sex shows significant rate of men of 54%, then children in rate of 29% and women 17%.

Chart 2.
Migrants based on country of origin in %.\(^6\)

Graphic overview shows that only 15% of migrants were in possessing of identification documents and 85% have not.

\(^5\) Source: MoI

\(^6\) Source: MoI
5. LEGAL MIGRATION AND MOBILITY

Since there were no changes concerning the provisions of the Foreigners Act in 2015, in relation to legal migration and mobility of third-country nationals, general overview of legislation concerning the mentioned matters is given, in order to ease the understanding of legal migration in the Republic of Croatia.

5.1. General legislation overview

The legal system relating to legal migration is namely regulated by the Foreigners Act (Official Gazette, no 130/11 and 74/13), and emanating from that Act, several Ordinances of regulation concerning determining conditions for entry, residence and work of foreigners in the Republic of Croatia. The Foreigners Act regulates conditions for entry, movement, residence and work of foreigners as well as working conditions and rights of workers assigned to work in the Republic of Croatia.

There were no changes in 2015 regarding the provisions of the above mentioned Act.

The Ordinance of the regulation of status and work of foreigners in the Republic of Croatia (Official Gazette, No 52/12, 81/13, 38/15) was brought in 2012 by the minister of the interior affairs, which prescribes, among other things, the mode of determining conditions for residence and work of foreigners. The Ordinance was amended in 2015.

Ordinance of the regulation on mode of determining conditions for entry and residence in the Republic of Croatia of citizens of EEA Member States and their family members and family members of Croatian nationals (Official Gazette, No 126/12, 81/13, 38/15, 85/15) was also brought by the minister of the interior affairs in 2012 and was a subsequently amended in 2013 and 2015.

Ordinance of the rules on residence and work of highly qualified third country nationals in the Republic of Croatia (Official Gazette, No 120/12, 81/13, 38/15) was amended in 2015.

Decision on annual quota for the employment of foreigners is brought every year by the Government of the Republic of Croatia. With this Decision, a number of work permits for employment of third-country nationals is set (i.e. concerning the extension of the already issued work permits and for new employment).

5.2. General organization overview

MoI of the Republic of Croatia is relevant body in relation to legal migration, namely concerning the issuance of the residence permits, the residence and work permits, work registration certificates as well as registering a temporary and the permanent residence of EEA nationals and issuance of a temporary and the permanent residence of their family members, as well as residence (temporary and permanent) of family members of Croatian nationals. Ministry of Foreign and European affairs is the main body responsible for the visa affairs, diplomatic missions and consular offices of the Republic of Croatia which are competent to receive applications for a residence permits or a residence and work permits of the third-country nationals.

General rule as prescribed by the Foreigners Act is that an application for a temporary residence of a third-country nationals is to be submitted to the component Diplomatic Mission or Consular Office of the Republic of Croatia. Application for a temporary residence of a third-country national

7 This general rule does not apply to family members of EEA nationals when they move and reside freely within the territory of the Member States with EEA nationals, highly qualified third-country nationals applying for EU Blue Card
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 intended residence of the third-country national, or the registered office of the employer or the place of work in the Republic of Croatia. In certain cases, as pursuant to the provisions of Foreigners Act, third-country nationals may, even if required visa for entrance into the Republic of Croatia, submit application directly to Police Administrations or Police Stations in the territory of the Republic of Croatia.

Competent Police Administrations or Police Stations of the MoI are the first instance decision making bodies concerning approval and termination of the temporary residence permits and the work and residence permits, issuing of work registration certificates and registering the temporary and the permanent residence of EEA nationals and their family members, as well as residence of family members of Croatian nationals. The MoI is the decision making body in matters concerning the approval and the termination of the permanent residence of third-country nationals (the long-term stay and the national permanent stay).

Against the first instance decision, if an appeal is permitted, it can be lodged to an Appeal Commission appointed by the Government of the Republic of Croatia. Against the decision of an Appeal Commission, or if an appeal against the decision on the matter is not permitted, an administrative dispute may be initiated with the competent Administrative Court (there are 4 Administrative Courts and High Administrative Court of the Republic of Croatia).

The Ministry of Labour and Pension system also has significant role in work migration, namely through bringing proposal for the annual quota for the 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. This quota is set by the Decision of the Government of the Republic of Croatia.

5.3. Economic migration

Regarding granting residence and work permits to the third-country nationals, there were no changes in 2015 concerning the provisions of Foreigners Act. However, concerning the work of third-country nationals, a new Decision on quota for employment of foreigners was set for 2015.

5.3.1. General overview

The third-country nationals may work in the Republic of Croatia on the basis of issued residence and work permit (outside or further to annual quota) or a work registration certificate, unless provided otherwise by Foreigners Act.

and their family members and third-country nationals who have been granted permanent residence in another EEA Member State.

8 This category includes third-country nationals who arrives to study at the faculty as a regular student or undergraduate, graduate or post-graduate degree, scientific researcher, third-country national working under youth mobility programmes, carried out by the Republic of Croatia in cooperation with other states, scientists and third-country nationals employed in scientific legal entities to perform scientific work, teaching or other research positions, university professors-native speakers of foreign languages, foreign language instructors and other lecturers at the Croatian universities or registered schools for foreign languages or third-country nationals working pursuant to an international treaty.

9 See Article 73. of the Foreigner Act for the categories of third-country nationals who can work without issued residence and work permit or work registration certificate (e.g. when granted permanent residence, asylum, subsidiary or temporary protection, status of regular student or scolar where they perform their work through authorised agents, without contracting employment, temporary residence for the purpose of scientific research…)
Residence and work permit is issued in a single procedure in which the competent authority (Police Administration or Police station) at the same time decides on residence and work of third-country national, by issuing a residence and work permit. This type of permit can be issued with the validity of up to one year\(^\text{10}\) and it can be renewed, if not otherwise prescribed by above mentioned Act.

Once issued with a residence and work permit, third-country national may work only on such jobs for which the permit or a work registration certificate was issued, and only with the employer with whom he contracted employment. Also, employer may employ a third-country national only for such jobs for which he/she was issued a residence and work permit or a work registration certificate.

The third-country national that doesn’t require visa to enter the Republic of Croatia, can apply for residence and work permit within the territory of the Republic of Croatia (to competent Police Administration or Police Station). Application can also be submitted by an employer. Some categories of third-country nationals are allowed to submit application for residence and work permit within the territory of the Republic of Croatia, even if they require visa for entrance.

Work registration certificate allows a certain categories of the third-country nationals to work up to 30, 60 or 90 days in a calendar year.

**5.3.2. Residence and work permit pursuant to annual quota**

Concerning management and regulation of labour migration from the third countries, every year the Government of the Republic of Croatia sets the annual quota for the employment of foreigners by the Decision, for extension of the already issued work permits within quota and for new employment (by number).

Several authorities are involved in the process of determining the annual quota. The ministry responsible for labour affairs makes a proposal for the annual quota for employment of foreigners on the basis of the opinion of Croatian Employment Institute, Croatian Chamber of Economy, Croatian Chamber of Crafts and representatives of social partners, and is determined in accordance with the migration policy and taking into account conditions on the labour market.

With this Decision the annual quota, activities and professions where employment is to be permitted and the number of work permits for each of these activities are determined and a quota for seasonal employment can also be determined. Concerning seasonal workers, if determined by the mentioned Decision, residence and work permit for purpose of seasonal employment can be issued to perform seasonal work for at most six months in the course of one year. The third-country nationals issued with such permit 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.

For the year 2015 the Government brought new Decision on annual quota for employment of foreigners\(^\text{11}\), which came into force on 20\textsuperscript{th} December 2014. With this Decision, total annual quota for employment of foreigners in 2015 was 1,730 permits, which includes quota for extension of the already issued work permits set for 1,500 permits and quota for new employment which was set for 215 permits. The specific sectors that were involved for new employment were: agriculture and forestry, tourism, culture, transportation, health industry, science and education and processing industry. Also, having in mind the situation on the labour market, the quota for sessional employment was set for 15 permits in the field of agriculture and forestry.

\(^{10}\) In certain cases as pursuant to Foreigners Act, it can be issued up to two years, see Article 80, Paragraph 3.

\(^{11}\) Official Gazzette of the Republic of Croatia, No. 151/14, [http://narodne-novine.nn.hr/default.aspx](http://narodne-novine.nn.hr/default.aspx)
Out of 230 permits for a new employment and seasonal employment within quota, total of 152 residence and work permits were issued from 1st January 2015 till 31st December 2015. In the same period the total of 582 residence and work permits within annual quota were extended. Tables below show activities and professions for which quota was set up (new employment and extension) and the number of issued permits for each profession.

Table 1.

Residence and work permits issued from 1st January till 31st December 2015 for new employment pursuant to Decision of the Government of the Republic of Croatia on annual quota for the employment of foreigners.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Professions</th>
<th>Set by quota</th>
<th>Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture and forestry</td>
<td>Cattle-breeder and shepherd helper</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Seasonal employment-vaccination of fruits and grape-vines</td>
<td>15</td>
<td>12</td>
</tr>
<tr>
<td>Tourism and catering industry</td>
<td>Tourism animator</td>
<td>15</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>Tourism agent</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>National cuisine cook</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Masseur for specific massages</td>
<td>40</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>Diving instructor</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Culture</td>
<td>Drama artist</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Ballet artist</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Ballet pedagogue</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Ballet master</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Orchestral artist</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Opera singer</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Conductor</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Transportation</td>
<td>Driver of cargo vehicles in international transportation</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Health care</td>
<td>Medicine doctor-scientist</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Dental medicine doctor-scientist</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Medicine doctor</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Education and science</td>
<td>Resident-health care profession</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Foreign language lector-native speaker</td>
<td>7</td>
<td>-</td>
</tr>
<tr>
<td>Processing industry</td>
<td>Programmer for machinery in weaving manufacture Shima or other specialised machinery</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Mechanic specialist for machinery in weaving manufacture Shima or other specialised machinery</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Glass blower</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td><strong>SUM TOTAL</strong></td>
<td></td>
<td><strong>230</strong></td>
<td><strong>152</strong></td>
</tr>
</tbody>
</table>

Table 2.

Extended residence and work permits within annual quota in 2015 by sectors.

<table>
<thead>
<tr>
<th>Construction industry</th>
<th>274</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourism and catering industry</td>
<td>125</td>
</tr>
</tbody>
</table>

---

Comparing to 2014 it can be seen that the number of permits for new employment within annual quota in 2015 was reduced in total, but for some sectors, the number of permits actually increased (e.g. namely concerning the field of transportation and the health care professionals). The number of the extended residence and work permits in 2015 is also lower than in 2014. Construction industry was the sector with the most extended residence and work permits both in 2014 and 2015.

**Table 3.**

Tables below present the top ten nationalities of the third-country nationals issued with residence and work permit within annual quota for new employment in 2015.\(^{15}\)

<table>
<thead>
<tr>
<th>Issued residence and work permits within annual quota for new employment in 2015-top ten nationalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bosnia and Herzegovina</td>
</tr>
<tr>
<td>Thailand</td>
</tr>
<tr>
<td>Serbia</td>
</tr>
<tr>
<td>Macedonia</td>
</tr>
<tr>
<td>China</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>R. Korea</td>
</tr>
<tr>
<td>India</td>
</tr>
<tr>
<td>Philippines</td>
</tr>
<tr>
<td>Montenegro</td>
</tr>
</tbody>
</table>

Comparing the nationalities of the third-country nationals issued with the residence and work permits for new employment pursuant to annual quota in 2014 and 2015, it can be seen that amongst the top nationalities are Bosnia and Herzegovina, followed by Thailand nationals and nationals of the Republic of Serbia and The Former Yugoslav Republic of Macedonia.

Regarding seasonal employment in 2015, residence and work permits for seasonal employment were granted to nationals of Bosnia and Herzegovina (3) and Serbia (9).

**Table 4.**

Issued residence and work permits within annual quota for extension by nationalities\(^{16}\).

\(^{15}\) Source: MOI, http://www.mup.hr/main.aspx?id=172024

\(^{16}\) Source: MOI, http://www.mup.hr/main.aspx?id=172024
When looking at statistical data for nationality of the third country nationals issued with residence and work permits within an annual quota but for extension in 2015, it can be observed that again the top nationality is Bosnia and Herzegovina followed by China, Macedonia, Serbia and Kosovo.

### 5.3.3. Residence and work permits issued outside annual quota

There were no new changes in 2015 concerning the issuance of residence and work permits outside annual quota.

Categories of third-country nationals who can be issued with permits outside annual quota are specified in The Foreigners Act and include total of 30 different categories of persons, provided that other legal requirements and also additional requirements are met, as prescribed by above mentioned Act, and in 2015 there were no changes regarding this categories of third-country nationals.

In 2015 total of 1 032 residence and work permits outside annual quota for new employment were issued. Out of that number, the top ten third-country nationals were: USA (107), Bosnia and Herzegovina (98), Serbia (73), Russia (69), China (47), Ukraine (37), Macedonia (32), R. Korea (29), Turkey (27) and India (23).

Also, in 2015 total of 822 residence and work permits outside annual quota but for extension were granted. Top ten third-country nationals who were granted extension of residence and work permits outside annual quota were: Bosnia and Herzegovina (90), Russia (83), Serbia (65), USA (65), China (64), Ukraine (35), Kosovo (31), Macedonia (26), Turkey (26) and Canada (12).

### 5.3.4. Posted workers

The third country nationals who are posted workers from the other EU Member State do not need to apply for a residence and work permit or the work registration certificate if their work takes no longer than three months. But if posted worker is assigned to work in the Republic of Croatia for the period longer than three months, he/she is obliged to regulate temporary residence for the

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17 Not counting EU nationals who were under restrictions on access to Croatian labour market, only third-country nationals were counted.


19 Not counting EU nationals who were under restrictions on access to Croatian labour market, only third-country nationals were counted.
purpose of performing an assigned work. The Foreigners Act contains provisions regarding working and employment conditions for the posted workers.

5.3.5. Work registration certificate

The Work registration certificate can be issued to the specific category of the third-country nationals prescribed under the above mentioned Act for taking up the work for a shorter period of time, i.e. up to 30, 60 or 90 days in a calendar year, depending on type of work that is to be done. There were no changes in 2015.

5.3.6. EU Blue Card

The highly qualified third country nationals can apply for EU Blue Card. The provision of Foreigners Act regarding issuance of EU Blue Card came into force on 1st of July 2013 when the Republic of Croatia became Member State of EU. In 2015 there were no changes concerning Foreigners Act.

5.3.7. ICT Directive and Seasonal Workers Directive


5.3.8. Developments referring to the EU

When the Republic of Croatia became the 28th Member State of the EU on 01 July 2013, several EU Member States introduced limitations to full freedom of movement for the Croatian workers for a transitional period (Austria, Belgium, Cyprus, France, Germany, Greece, Italy, Luxembourg, Malta, the Netherlands, Spain, Slovenia and the United Kingdom).

On 30 June 2015, the first phase of the transitional arrangements for the Croatian workers came to an end. Belgium, Cyprus, France, Germany, Greece, Italy, Luxembourg and Spain have decided to allow Croatian citizens full access to their labour markets as of 1st July 2015. Therefore the Republic of Croatia does not apply the above mentioned Regulation to nationals of Belgium, Cyprus, France, Germany, Greece, Italy, Luxembourg and Spain, and nationals of the mentioned Member States can work in the Republic of Croatia without residence and work permits or work registration certificates.

The following states: Austria, Malta, the Netherlands, Slovenia and the United Kingdom have decided to maintain their restrictions for another three years, so the Republic of Croatia has equivalent transitional restrictions for the workers from those Member States.

5.3.9. Regulated professions and recognition of foreign professional qualifications

The new Act on regulated professions and recognition of foreign professional qualifications (Official Gazette, no 82/15) came into effect in 2015.

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20 Article 82 and 83 of the Foreigners Act
5.4. Family reunification

Immigration for the purpose of family reunification represents a large share of the immigration flows (see tables below). There were no new changes in 2015.

5.4.1. Statistics

Table 5.

The top ten nationalities with valid temporary residence on 31 December 2015 for the purpose of family reunification.

<table>
<thead>
<tr>
<th>The third country nationals-family members of EEA member states nationals and family members of Croatian nationals with valid temporary residence on 31 December 2015-top ten nationalities</th>
<th>The third country nationals with the valid temporary residence on 31 December 2015 granted for the purpose of family reunification-top ten nationalities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Bosnia and Herzegovina</td>
</tr>
<tr>
<td>Serbia</td>
<td>Kosovo</td>
</tr>
<tr>
<td>Macedonia</td>
<td>China</td>
</tr>
<tr>
<td>Kosovo</td>
<td>Russia</td>
</tr>
<tr>
<td>Russia</td>
<td>Macedonia</td>
</tr>
<tr>
<td>Ukraine</td>
<td>Serbia</td>
</tr>
<tr>
<td>USA</td>
<td>Syria</td>
</tr>
<tr>
<td>Philippines</td>
<td>USA</td>
</tr>
<tr>
<td>Montenegro</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Syria</td>
<td>R. Korea</td>
</tr>
</tbody>
</table>

Number of the third-country nationals with a valid temporary residence on 31st December 2015 granted for the purpose of a family reunification as a family member of EEA member state national or Croatian national was 7440, and the number of third country nationals with a valid temporary residence for the purpose of family reunification on 31st December 2015 was 1560.

5.5. Students and researchers

No new measures concerning the provisions of The Foreigners Act in relation to the temporary residence of students and researches in 2015.

5.5.1. Students

Third-country nationals can be granted temporary residence for the purpose of studies, if they: are studying at a higher education institution of the Republic of Croatia, or are arriving under the exchange of students, i.e. mobility of young persons, or are arriving for the purpose of internships through the authorized institution or following international or inter-university agreements, provide that other requirement are met. An internship of this category of the third-country nationals is not considered as a work and once they were granted temporary residence for the purpose of studies, they can work without residence and work permit or work registration certificate, provided that they have status of regular student and perform work through authorized agents, without contracting employment.


22 Source: MOI
5.5.2. Researchers

The third-country nationals who concluded a visiting contract and if other conditions referred to in The Foreigners Act are met, can be issued a temporary residence in the Republic of Croatia, up to one year. They are not obliged to enclose proof of health insurance and are entitled to tax rebate in conformity with the related regulations of the Republic of Croatia.

Concerning the mobility of researches granted residence permit in another EU Member State, third-country national 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 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. If such work in the Republic of Croatia lasts longer than three months for the purpose of conducting his research, third-country national shall be obliged to regulate temporary residence.

When granted a temporary residence in the Republic of Croatia for the purpose of scientific research, the third-country nationals can work without residence and work permit or a work registration certificate.

5.5.2.1. Statistics

On 31st December 2015, total number of valid temporary residence issued to third-country nationals for the purpose of scientific research was 19, and regarding nationalities they were as follows: Bosnia and Herzegovina (1), Serbia (3), China (1), Russia (2), Macedonia (1), USA (2), Ukraine (2), R. Korea (1), India (3), Japan (1), Australia (1) and Iran (1).

5.6. Third country nationals granted long-term residence in another MS

Third country nationals who have been granted long-term residence in another MS, and intend to reside in the Republic of Croatia for more than three months, can apply for residence permit within the territory of the Republic of Croatia, to the competent Police Administration or Police station. Application can also be submitted to the Diplomatic Mission or Consular Office of the Republic of Croatia in the EEA Member State in which they have been granted residence. Family members can join if they have been granted residence in another MS and if they lived in the same household with the third-country national in the state in which the third-country national holds permanent residence. Family members can 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.

No changes in 2015.

6. INTEGRATION, NATURALISATION AND CITIZENSHIP

6.1. Naturalisation and citizenship

Croatian citizenship, requirements for its acquisition and its termination, are specified in the Law on Croatian citizenship. According to the Law on Croatian citizenship (Official Gazette, No 53/91,

http://www.mup.hr/main.aspx?id=172024
70/91, 28/92, 113/93, 4/94, 130/11 and 110/15, it is acquired: by origin; by birth within the area of the Republic of Croatia; by naturalization and pursuant to international treaties.

The same Law prescribes the conditions for cease of Croatian citizenship: by dismissal; by renouncement and pursuant to international treaties.

Persons that have acquired Croatian citizenship by origin or birth within the area of the Republic of Croatia are entered into the records on citizenship while being entered into the register of births. A request to be entered into the records can be submitted abroad, at a diplomatic mission or consular office of the Republic of Croatia. Affairs related to the acquisition of the Croatian citizenship by origin and birth within the area of the Republic of Croatia is handled by the competent public administration offices, or the municipal authority of the City of Zagreb. Request for the acquisition of Croatian citizenship by naturalization or termination of Croatian citizenship is submitted personally to the police authority, i.e. at a police department, unless the person in question has a disability, in which case request can be submitted by a legal representative or an authorized person. MoI handles the affairs related to the acquisition of Croatian citizenship by naturalization and international treaties, and affairs related to the termination of Croatian citizenship.

Law on Croatian citizenship was amended in 2015, by Law on Amendments to the Law on Croatian citizenship which came into force in October 201524, concerning the article 30 of the Law, on persons who are considered to be a Croatian citizen.

6.2. Integration

Migration Policy of the Republic of Croatia 2013 – 2015, was adopted by the Croatian Parliament at its session on 22nd February 2013. Its purpose was to ensure that migration movements in the Republic of Croatia benefit the economic, social, and cultural development of the state and society. In that sense, all state authorities, together with other stakeholders, were to act promptly and in concert to find effective answers to the positive and negative effects of migration movements.

The Government of the Republic of Croatia adopted a Decision on appointing the president and part of the members of the Standing Committee for the implementation of the integration of foreigners into Croatian society, at a meeting held on 4th April 2013. The Working Group of the Standing Committee for the implementation of the integration of foreigners into Croatian society was appointed on 15 April 2013, and an the Action Plan on the removal of obstacles to the exercise of particular rights in the area of the integration of foreigners 2013-2015 was drawn up.

There were no changes regarding Migration policy and the Action plan in 2015, since these documents and measures cover all of 2015.

6.2.1. Brochure for integration of foreigners into Croatian society

Under the above mentioned Action plan, as a part of inter-agency cooperation, one of the planned activities was to develop an information guide with the basic information for the integration of foreigners in the Croatian society. In September 2014 first meeting of the working group of Permanent committee for implementation of integration of aliens into Croatian society was held and during 2015 the guide was developed by the Office for Human Rights and the Rights of National Minorities of the Government of the Republic of Croatia, in cooperation with Ministry of Social Policy and Youth, Ministry of the Interior, Ministry of Science, Education and Sport, Ministry of Labour and Pension system, Ministry of Health, Ministry of Construction and Spatial Planning, as well as civil society organisations. The Guide Through Integration – Basic Information for the

24 [http://narodne-novine.nn.hr/default.aspx](http://narodne-novine.nn.hr/default.aspx)
Integration of Aliens into Croatian Society is a basic information for the integration of aliens into Croatian society consists of several main chapters covering all of the areas that are of the most importance to foreigners who come to Croatia by giving the general information about the Republic of Croatia, continuing with the information on regularization of the status of foreigners, employment of foreign nationals in the Republic of Croatia, habitation, education, social welfare and health protection.


6.2.2. Beneficiaries of International protection

At the end of 2014 the Ministry of Science, Education and Sports brought a Decision to adopt the Program of learning of Croatian language, history and culture for asylum seekers and foreigners under subsidiary protection for inclusion in Croatian society (“Official Gazette”, N. 154/14). It was the basis for the Ministry of Science, Education and Sport to sign contracts in 2015 with educational institutions for Croatian lessons for persons under international protection in 5 Croatian cities (Zagreb, Velika Gorica, Kutina, Poreč, and Pula).

According to the International and Temporary Protection Act (Official Gazette No 70/15) Act 67, Article 1 persons granted with asylum or subsidiary protection as well as their family members are entitled to right to housing provided that they do not possess adequate financial resources or other belongings which would enable them to finance the accommodation costs independently. After being granted with status of international protection these persons have the right to submit the request for housing to the competent social welfare centre. Please be noted that the right to housing is specifically tailored measure for beneficiaries of asylum/subsidiary protection due to their specific and often vulnerable situation. The duration of this right is limited to the period of two years from the moment of status approval. Housing costs are financed from the state budget, namely the funds for the social welfare system.

Right to accommodation is regulated by the Ordinance on Modalities and Conditions for Obtaining the Right to Accommodation for Beneficiaries of International Protection and Modalities of their Financial Participation in Accommodation Costs (Official Gazette No 03/16). This document was drafted by the Ministry of Social Policy and Youth as a competent body for the matter at the end of 2015 following the obligations deriving from the above mentioned International and Temporary Protection Act.

In relation to the issue of social welfare rights, amendments to the Social Welfare Act (Official Gazette 157/13, 152/14 and 99/15) were adopted in September 2015. We highlight that according to the Social Welfare Act, Act 22, Article 2 persons granted with asylum or subsidiary protection, human trafficking victims as well as their family members who are legally staying in Croatia are entitled to rights in the social welfare system. Please be noted that these rights are not tailor made only for a beneficiaries of international protection. The level of rights available to beneficiaries of international protection equals the level of entitlements to all other Croatian citizens residing in Croatia.

Among other changes brought by the latest amendments, in this context we should mention that the amount of guaranteed minimum benefit (cash benefit for claimants whose resources are below a specified minimum income standard) was raised from previous HRK 800 to HRK 920 for individuals who are incapable to work and also for the child of a single parent from a previous HRK 320 to a HRK 440.
6.3. Managing migration, including visa policy and Schengen Governance

The Republic of Croatia is preparing to become a member of a Schengen area. Having that in mind, Schengen evaluation will take place in June 2016. For the purpose of further harmonization with Directive 2008/115/EC of the European Parliament and of the Council of 16\textsuperscript{th} December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, amendments to the Foreigners Act are planned in 2016.

Regarding accommodation capacities, procedure for increasing capacities for accommodation of migrants in open type objects (in Slavonski Brod and Čepin) is initiated, as well as for first acceptance in case of massive influx of migrants via sea (in Zadar, Šibenik and Dubrovnik). Also, construction of the two new reception centres for foreigners in Trilj and Tovarnik is ongoing, in order to increase an accommodation facilities concerning detention.

6.4. Visa policy

In 2015 Regulation on Visa System has been adopted by the Croatian Government which prescribes visa regime of the Republic of Croatia in accordance with Article 4 of Council Regulation (EC) No 539/2001 of 15\textsuperscript{th} 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 (OJ L 81, 21.03.2001), as last amended by Regulation (EU) No 509/2014 of the European Parliament and of the Council of 15\textsuperscript{th} May 2014, as well as financial means that a third-country nationals require in order to cover his/her subsistence during his/her short-term stay in the Republic of Croatia and return to the country of origin or transit to a third country.

7. INTERNATIONAL PROTECTION (ASYLUM)

7.1. International protection procedures

Designated and competent authority for asylum procedure is MoI, Service for Aliens and Asylum, Department for Asylum located in Zagreb. Department composes different stages of procedure particular Dublin (incoming, out coming request and transfers) and Eurodac procedure, national asylum procedure, COI (informational documentation centre) and officers engaged in integration issues.

Status of applicant is obtaining by expressing the intention for applying the international protection no matter on written or orally. The application could be made on border crossing points or inland at police administrations/police stations as well as at detention centre. Exceptionally, an intention to apply for international protection may also be expressed in the Reception Centre for Applicants for International Protection in extraordinary circumstances in order to allow access to the procedure for approving international protection. Competent bodies shall register the applicant in the records of the MoI no later than 3 working days from the day the applicant expressed his/her intention to apply for international protection. If application is made at hospital or jail the Reception Centre shall register the applicant in the records of the Ministry within 6 working days from the day when he/she expressed his/her intention.

The body which undertook registration shall issue a certificate of registration of the applicant in the records of the MoI, and, as necessary, shall set a time limit in which the applicant must report to the Reception Centre to lodge an application.

An application is lodged directly with the Reception Centre, orally for the record, whereby the procedure for approval of international protection begins. Applicants is permitted to lodge an
application in the Reception Centre within the shortest possible time and no later than within 15 days from registration of their status in the records of the Ministry.

Department for Asylum is located at Hotel Porin. Reception Centre for asylum seekers is in Zagreb together with staff of Reception Centre. Decision makers are conducting interviews, making decisions and advocating decision before the Administrative court.

7.2. Legislative changes

7.2.1. Obtaining status

The new Act on International and temporary protection (Official gazette No 70/2015) is fully in line with CEAS. The Act entered into force on 2nd July 2015. The Act prescribes new notion of international protection which includes asylum and subsidiary protection. Important change refers to obtaining status soon after application is made whether orally or written since then applicant has entire rights and duties. Also there are provisions on institutes as safe country of origin, safe third country and safe European third country. The subsequent application is linked to right on residence so where applicant submits 2nd subsequent application he has no right to stay in Croatia.

During 2015 MoI recorded significant decreased number of applicants. According to statistic data there were 211 applicants and only 5 unaccompanied minors. Therefore, Republic of Croatia remains to be only transit country for asylum seekers and not destination country. The fact is that an applicant arrives without identification document. Therefore, the only way to determine identity is upon his/her statement. Although every applicant is fingerprinted results of Eurodac shows multiple applications in different Member States where applicant provided several names as well as several nationalities. New Act on International and Temporary protection lays down that applicant can be fingerprinted without his/her consent but it is hardly applicable in practice.

7.2.2. Interview

An interview is an obligation and may be omitted where: a decision may be taken on the basis of the evidence available to approve international protection; the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control; the admissibility of a subsequent application is being assessed.

7.2.3. Applicants in need of procedural and reception guarantees

The Act has introduced a new category of applicants: those who need reception or procedural guarantees. The identification starts soon after the application is made and is ongoing till the decision on the application is taken. This category of an applicant cannot be subject of accelerated procedure and procedure on border crossing points.

The Act defines stronger and clear role of social guardian (who does not have a conflict of interest with the child and is trained to work with children) for unaccompanied minor. It particular means that guardian shall be present to minor during all procedure, prepare minor for interviewing by explaining both meanings and consequences of the interview in a language which it may justifiably be assumed that minor understands and in which is able to communicate. Unaccompanied minor cannot be subject of an accelerated procedure except where: a subsequent application is admissible; the applicant represents a risk for the national security or public order of the Republic of Croatia and where it is possible to apply the concept of safe country of origin. A minor can be detained when it is by an individual assessment, established that this form of accommodation is necessary and where it is possible to place minor separately from adults, for the shortest possible duration. Applications by unaccompanied minor have priority in decision-making.
7.2.4. Detention

Provisions on a detention are fully put in line with Procedural directive 2013/32/EU. Detention is applicable only where it is by an individual assessment, established that other alternative measures would not achieve the purpose of restriction of freedom of movement. Very important to highlight is the existence of the prescribed conditions to determine significant risk of absconding. Detention may be imposed on maximum 3 months and exceptionally can be extended up to 3 months. Additionally, the time limit is more transparent so duration of the regular procedure is maximum 6 months. In accelerate procedure decision shall be taken within 2 months and if it is not possible the regular procedure shall be applied.

7.2.5. Material reception condition

Material reception conditions are activated as soon as an applicant arrives at Reception Centre. Regarding material reception conditions the list is extensive and includes: accommodation at Reception Centre, clothing and food providing in kind, remuneration of the cost of public transport for the purpose of the procedure for the approval international protection, and financial assistance. Under certain prescribed material reception conditions can be restricted or denied.

7.2.6. Legal counselling

Considering the rights of an applicant there were no legislative changes except introduced right on legal counselling which is realized upon the applicant’s request. The right to counselling shall be provided by the organizations working to protect the rights of refugees or by attorneys with whom the Ministry shall conclude an agreement on the provision of legal counselling. The legal counselling is free only to applicants who have no financial resources or things of significant value that enable them to have an appropriate standard of living.

7.2.7. Appeal procedure

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

7.2.8. Statistic on asylum applicants

It is important to emphasis that during 2015 there were 70 subsequent applications of total 211. In previous years was low rate (in 2014 there were 72 of 454 applications and in 2013 34 of 1086). In case of second subsequent application applicant loses right on residence.

Chart 3.

Picture below shows comparison to 2014 during 2015 number of withdrawn applications was decreased from for more than 70% to 23%.^25

^25 Source: MoI
7.2.9. Dublin

Dublin III Regulation is directly applicable in practice. Croatia respects Dublin suspension toward Greece following the MSS v Belgium & Greece (C-411/10 and C-493/10) ruling of the European Court of Human Rights (ECtHR). The third country nationals and stateless persons who are included into the procedure to be transferred to responsible Member State remains the equal rights and obligations as every other applicant for an international protection as long as he/she stays in the Republic of Croatia.

Chart 4.

Picture above shows comparison of incoming and outgoing request.

Significant changes happened during 2015 in Dublin procedure regarding incoming requests. Graphic overview above shows rate of 858 incoming requests which 4 times increase in comparison to 2014. This is largely consequent of migrant influx and its registration in Eurodac.
Very low number of accepted outcome request is a result of the fact that Croatia has been the first Member States of entry and application of an Article 13 of the Dublin III Regulation since Dublin suspension in relation to Greece.

Chart 5.

Number of incoming and outcoming Dublin requests in 2014/2015.26

![Chart 5](image1)

Chart 6.

Number of acceptance income/outcome during 2014/2015.27

![Chart 6](image2)

Regarding Dublin transfers during 2015 there were very small number of carried out to Croatia in comparison to number of accepted requests.

Chart 7.

26 Source: MOI

27 Source: MOI
Comparison of acceptance and number of transfers carried out during 2014/2015.  

7.2.10. EASO

During 2015 there was no particular activity in meaning of educations or workshops because of fact that large number of education of asylum and Dublin stuff were conducted in 2014. However, since EASO has established Asylum Intervene pool, Republic of Croatia replied positive on EASO’s call for deployment to Greece. On 7th December 2015, a team of six experts included reception staff, social workers and decision makers was deployed to Greece on Lesvos and stayed till 8th January 2016. During their deployment they helped with engaging the accommodated minors in a meaningful activities and daily routine as well as introducing valuable procedure for the daily operation of the Center.

8. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

8.1. Unaccompanied minors (seeking asylum)

An unaccompanied minor means a third-country national or a stateless person younger than eighteen years of age who entered the Republic of Croatia unaccompanied by an adult person responsible for him/her in the sense of parental care, pursuant to the legislation of the Republic of Croatia, until placed under the care of such a person, and includes all minors who are left unaccompanied after they entered the Republic of Croatia. Unaccompanied minors enjoy a strong protection in the Republic of Croatia. Soon after a minor entered to Croatia, police informs the Centre for social welfare and a guardian for children is appointed immediately. In the practice it means that no activity shall be conducted without presence of a guardian.

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28 Source: MOI

29 As well as unaccompanied minors and victims of trafficking in human beings, ‘vulnerable groups’ include minors, disabled people, elderly people, pregnant women, single parents with minor children, persons with mental health problems and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, based on the definition of ‘vulnerable group’ in the proposed recast of the Directive laying down minimum standards for the reception of asylum seekers (“Receptions Directive”).
Very important concept in the Act on International and Temporary Protection is the best interest of a minor. When implementing the provisions of this Act, all procedures shall be conducted in line with the principle of the best interests of the minor. The best interests of the minor shall be assessed, taking into account: the welfare and social development of the minor, and his/her origin, the protection and safety of the minor, especially if the possibility exists that he/she is a victim of trafficking in human beings, the minor's opinion, depending on his/her age and maturity, the possibility of family reunification, etc.

One of the significant changes in prior mentioned Act is a clear division of a competency in asylum procedure. Following the guardian ad litem of an unaccompanied minor undertakes all the necessary activities, including contact and cooperation with the competent ministries, other state and foreign bodies, and NGOs, in order to reunite the minor with his/her family if this is in the best interests of the minor. The guardian has duty to prepare and inform a minor on his/her rights and duties, on consequences of interview etc.

Many of family reunification of unaccompanied minors was conducted by Dublin procedure so minors were successfully transferred to responsible Member State.

The procedure to assess the minor's age shall be conducted where there is doubt regarding the age of an unaccompanied minor. The assessment of the minor's age is be conducting on the basis of the information available on the minor, including the expert opinions of persons involved in work with the minor. It means that priority is given to non-medical methods. Where that available information is not sufficient, a medical examination will be conducted, with the prior written consent of the minor and the guardian ad litem. The medical examination includes a physical examination, X-ray of the teeth and/or hands, with full respect for the dignity of the unaccompanied minor. In the case of unjustified refusal of consent, the unaccompanied minor shall be deemed to be an adult applicant. The application cannot be refused exclusively on the basis of the fact that consent to perform a medical examination was not given.

Decrease of number of unaccompanied minor asylum seekers has been noted: in 2014, 10 unaccompanied minor asylum seekers has been registered, which is a significant decrease in relation with previous years (2011 – 197; 2012-70; 2013-55). Since July 2014, unaccompanied minor asylum seekers were accommodated in renovated Reception centre for asylum seekers in Kutina.

8.2. Unaccompanied minors NOT seeking asylum

Foreigners Act also contains provisions regarding the approval of temporary residence of unaccompanied minor for the humanitarian reasons, and in 2015 there were no changes concerning this matter.

8.3. Other vulnerable groups

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

The Act on International and Temporary Protection recognises differences between a vulnerable group and applicants in need of special procedural and/or reception guarantees as persons who, in view of their personal circumstances, are not completely capable of exercising their rights or obligations without the appropriate support.
The policy intends to set up a priority of an early identification of such persons in order to provide and ensure certain specific needs. Pursuant to Act on International and Temporary Protection there is an obligation of conducting an identification of a vulnerable persons as it is ongoing process. Having that in mind the identification is to be conducted through different stages of procedure, right since the application for international protection was made till decision on application has been taken. Particular it means that police officers, case workers, reception staff, decision makers are all together stakeholders of the identification. So far the particular mechanism has not been developed but foreseen to be during 2016.

9. COUNTERING TRAFFICKING IN HUMAN BEINGS

No relevant changes during 2015.

In 2015 pursuant to the provisions of the Foreigners Act and the Protocol on procedures during voluntary return of victims of human trafficking, in cooperation with Ministry of Social Policy and Youth, one minor-victim of human trafficking was returned to the country of origin (Macedonia).

10. IRREGULAR MIGRATION INCLUDING SMUGGLING

10.1. Legislative

Matters concerning irregular migration are regulated by Foreigners Act and several Books of rules. Criminal Code of the Republic of Croatia (Official Gazette, No 125/11, 144/12, 56/15, 61/15) prescribes as a criminal act the act of enabling or helping, out of self-interest, of illegal entry, movement and residence of other person in the Republic of Croatia, other Member State of the EU or signatory State of Schengen Agreement.


Border control is regulated by State Border Surveillance Act, Regulation on border crossings in the Republic of Croatia, Book of rules on methods of conducting state border surveillance, and other Regulation and Books of rules.

10.2. National measures to reduce irregular migration

There were no new changes in 2015 concerning this matter. The government of the Republic of Croatia accepted IX Report on implementation of Strategy of integrated border management of the Republic of Croatia 2014. The Report is delivered to the Government on 8th July 2015.

The IT infrastructure with purpose of border management at the external border was assessed as satisfactory, concerning that Croatia is a new member state in part of National Border Management Information System. The National Border Management Information System (NBMIS) was implemented on BCP’s at the external border (with Serbia, Montenegro, Bosnia and Herzegovina, at airports and maritime), and enables automatic checks of a person, vehicle, travel document and objects through database of the MoI, verification of the validity of a travel document, checking by means of the Interpol database, etc. The Protection System of land border (green border) was based
on the Concept of land border protection, which should be a subsystem of the National Information System for State Border (NBMIS).

Up to that period, all border crossing points should be prepared and equipped for connection with SIS II and VIS. Regarding the National Schengen Information System, it does not yet exist. A Feasibility Study has been drafted and it showed that the system can be implemented but there are certain actions need to be taken on the national IT infrastructure concerning organization, legal background, security settings which need to be aligned with the criteria needed for SIS II. Also, it is necessary to build the National system and undergo testing and data migration in order to operationally connect to the central SIS II.

The MoI conducted intensive procurement of specialized equipment for detection of forged documents for border crossing points at the external border (thought Schengen Facility Fund – SFF). According to that FADO system was installed and police officers are well trained for its implementation. It is foreseen to ensure update of knowledge during every year. 220 cases of misuse of travel documents were recorded in 2015.

Continuous measures and actions are being taken in order to preserve the favourable security situation, especially in the control of external borders of the EU, ensuring public order and fighting against crime in border areas in compliance with regulations governing the protection of data and implementation of border surveillance system at the external EU “green” border (central information system, development of application, integration of equipment, stationary systems of day/night surveillance cameras, perimeter protection systems, ground surveillance radars, etc.). Croatian border surveillance system will be focusing initially on the eastern “green” borders with Bosnia and Herzegovina, Republic of Serbia and Montenegro.

10.3. Living conditions of illegally-staying third-country nationals

Under programme IPA 2011 the Project “Upgrading the capacities for minors and other vulnerable groups of illegal migrants in the Reception Centre for Foreigners” was implemented. By this funding existing Reception Centre Ježev has been extended in order to ensure the new object for accommodation of minors and other vulnerable persons. Construction work ended in July 2015, and not being fully equipped what is foreseen during 2016. The capacity is 24 persons.

New Transit Reception Center for foreigners was built in Tovarnik, near border to Serbia. The construction started on January 12 2015, the deadline for construction was December 15 2015, but was expanded until February 20 2016. The programme was financed through the Schengen Facility. The capacity is 62 people, and the equipment is planned for 2016.

Also, the other one Transit Reception Center for foreigners was built in Trilj. Construction started on 22 May 2014, and the deadline for construction was until end of January 2016, but the extension of deadline for construction was approved until April 1 2016. The project was financed through the Schengen Facility programme. The capacity is 62 people, and the equipment is planned during 2016.

In case of the large migration influx via sea, the accommodation of illegal migrants is ensured in Zadar and Šibenik. The adaptation of the accommodation of the similar purposes is ongoing in Dubrovnik. Also, measures are being taken in order to ensure premises for intervention accommodation or detention of a large number of illegal migrants in all Police stations on the border. On the territory of Police Administration vukovarsko-srijemska, the capacity for intervention accommodation or detention for a total of 35 illegal migrants is ensured (on PGP Bajakovo).
10.4. Smuggling

In 2015 a training course for a border police officers was held and total of 49 persons were included. The course was organized in a way that police officers were divided into two groups. It is important to mention that one of the topics was on fight against organized crime, with duration of 10 hours per one group. Within the main topic, a subtopic on fight against people smuggling was held with duration of 3 hours per group.

During 2015 Police Administration Zagrebačka, in order to provide additional education to police officers, distributed work material concerning fight against people smuggling to all of its organizational units. Materials provided included introduction to the theme, dominant differences between the terms people smuggling and trafficking, provisions of international law and criminal law concerning that matter, statistical data, ways of identification, indicators and examples from practice. Total of 1268 police officers were included within this education.

In order to provide assistance to Greece concerning protection of EU external borders, the Republic of Croatia was a part of joint operation “Poseidon Sea 2015” under FRONTEX organization, on sea border between Greece and Turkey. From 1st September 2015 till 30th November 2015, police vessel „Sv. Dujam“ took part in this operation, alongside 24 officers of the maritime police and 3 police liaison officers in International coordination Centre in Piraeus. During this operation 3 416 persons were rescued and 4 persons were held up under suspicion of people smuggling.

Organized crime groups are increasingly supplying illegal migrants with false travel documents and thus facilitate their entry into the European Union. It is a case of mostly false or forged documents, but also the original documents used in a fraudulent way, and documents that have been obtained on false grounds. It is shown that fraudulent documents are increasingly used by tourists and business visitors. One of the major problems that police officers are facing is identification of migrants since the most of them (irregular migrants) do not possess personal documents. Often describe themselves as juveniles in order not to be prosecuted and situated in the shelter of open type, which facilitates their re-attempts leaving territory and going to destination countries of the European Union.

11. RETURN

The Republic of Croatia has readmission agreement signed with Azerbaijan, Serbia, Bosnia and Herzegonvina and Montenegro. Therefore, Croatia has bilateral readmission agreements with all neighbouring third countries, including implementing protocols, and because everyday based readmission procedures based on bilateral agreements is satisfied, Croatia did not initialized signing implementing protocols for EU readmission agreements.

Table 6.

Data on number of persons accepted and return towards neighbouring countries.30

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bosna and Herzegovina</td>
<td>1</td>
<td>0</td>
<td>-100,00</td>
<td>60</td>
<td>46</td>
<td>-23,33</td>
</tr>
</tbody>
</table>

30 Source: MOI
Croatia does not have assisted voluntary return, but is planning to establish it. Voluntary return is encouraged in a way that when making decision on return, Police Administration or Police station determines the period for voluntary departure, which is between 7 to 30 days which depends on the personal circumstances. Also, entry ban can be shortened and lifted if the foreigner has left the EEA in accordance with the return decision. SIRENE (Supplementary Information Request at the National Entries) office is functioning, and the Republic of Croatia is preparing to enter the Schengen area and access to the SIS II.

Table 7.
Overview of forced return based on nationalities. 31

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Forced return</th>
<th>Total</th>
<th>Forced return</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014.</td>
<td>2015.</td>
<td>+ - %</td>
<td>Pursuant readmission agreement</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>169</td>
<td>41</td>
<td>-75,7</td>
<td>41</td>
</tr>
<tr>
<td>Albania</td>
<td>241</td>
<td>177</td>
<td>-26,6</td>
<td>102</td>
</tr>
<tr>
<td>Algeria</td>
<td>9</td>
<td>1</td>
<td>-88,9</td>
<td>1</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>36</td>
<td>11</td>
<td>-69,4</td>
<td>12</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>149</td>
<td>126</td>
<td>-15,4</td>
<td>12</td>
</tr>
<tr>
<td>Eritrea</td>
<td>45</td>
<td>-100,0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kosovo</td>
<td>222</td>
<td>93</td>
<td>-58,1</td>
<td>20</td>
</tr>
<tr>
<td>Macedonia</td>
<td>24</td>
<td>13</td>
<td>-45,8</td>
<td>1</td>
</tr>
<tr>
<td>Nigeria</td>
<td>17</td>
<td>-100,0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pakistan</td>
<td>75</td>
<td>10</td>
<td>-86,7</td>
<td>10</td>
</tr>
<tr>
<td>Syria</td>
<td>190</td>
<td>56</td>
<td>-70,5</td>
<td>53</td>
</tr>
<tr>
<td>Somalia</td>
<td>24</td>
<td>7</td>
<td>-70,8</td>
<td>7</td>
</tr>
<tr>
<td>Serbia</td>
<td>68</td>
<td>64</td>
<td>-5,9</td>
<td>15</td>
</tr>
<tr>
<td>Tunisia</td>
<td>3</td>
<td>4</td>
<td>+33,3</td>
<td>2</td>
</tr>
<tr>
<td>Turkey</td>
<td>48</td>
<td>20</td>
<td>-58,3</td>
<td>18</td>
</tr>
<tr>
<td>Others</td>
<td>96</td>
<td>68</td>
<td>-29,2</td>
<td>54</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1.416</td>
<td>691</td>
<td>-51,2</td>
<td>346</td>
</tr>
</tbody>
</table>

Based on the Amendments of the Ordinance of rules on the procedure for foreigners (Official Gazette, No 126/14), it was public announced for a monitoring organization. NGO “Croatian Law Centre (HPC)” from Zagreb was elected and the contract was signed. The monitoring period was from 16th April 2015 to 30th June 2015, and it was financed form European Return Fund (under SOLID programme). Based on the Ordinance of rules on free legal aid in the procedure of

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31 Source: MOI
expulsion and return of foreigners (OG 28 /14), the application of free legal aid started on 3rd February 2015.

Cooperation in joint return actions in 2015 the Republic of Croatia has participated in one joint flight with EU Member States. Flight was organized for the purpose to return 4 Kosovo nationals to their country of origin.