

FAMILY REUNIFICATION IN CROATIA

Information for persons granted international protection



WHAT IS FAMILY REUNIFICATION?

According to the Croatian legislation, the right to family reunification is the right enjoyed by family members of a person who has been granted international protection (asylum or subsidiary protection). Your family members have the right to come to Croatia and continue living there under the terms laid down by law.

WHO IS ENTITLED TO FAMILY REUNIFICATION?

Your family members who are entitled to be reunited with you in Croatia are:

- your spouse or a non-marital partner or same-sex partner (if you have several wives or husbands, only one wife or one husband will be granted the right to family reunification)
- your minor (biological or adopted) child; a minor (biological or adopted) child of your partner who exercises parental care over the child;
- your adult child who, due to illness or health condition, is unable to take care of himself or herself;
- if you are a child, your parents or other legal representatives;
- your parents with whom you lived in a common household, if they are found to be dependent on your care.

HOW TO PROVE A FAMILY RELATIONSHIP?

A family relationship is proven by official documents, for example, a certificate of marriage registration, an extract from birth records etc.

If you cannot obtain official documents to prove a particular family relationship, other circumstances, based on which the existence of such a relationship can be assessed, will be taken into account.

If you are a child, your special guardian will take all necessary actions, contact ministries, other state and foreign bodies and non-governmental organisations in order to reunite you with your family if this is in your best interest.

The decision to reject an application cannot be based solely on the fact that there are no official documents proving a particular family relationship!

WHO IS NOT ENTITLED TO FAMILY REUNIFICATION?

The right to family reunification is not enjoyed by a family member when there are grounds for excluding this member from asylum and subsidiary protection, and for reasons of protection of national security or public order of Croatia.

WHAT RIGHTS DO FAMILY MEMBERS HAVE WHEN THEY COME TO CROATIA?

Family members will have the same rights in Croatia as you.

WHAT IS THE LEGAL POSITION OF FAMILY MEMBERS WHEN THEY COME TO CROATIA?

If you are a child who has not started his or her own family, you will have the same legal position as the person with whom you are reuniting in Croatia, that is, you will be granted asylum or subsidiary protection.

Other family members will be granted a temporary stay in Croatia.

FAMILY REUNIFICATION UNDER THE FOREIGNER'S ACT

WHAT ARE THE CONDITIONS FOR FAMILY REUNIFICATION UNDER THE FOREIGNER'S ACT

A temporary stay for the purpose of family reunification will be granted to a member of the immediate family of a third country national who has been granted international protection under the Foreigner's Act under the following conditions:

- if he or she proves the purpose of the temporary stay,
- if he or she holds a valid travel document,
- if he or she is not prohibited from entering and staying in the Republic of Croatia,
- if he or she is not considered to be a threat to public order, national security or public health.

Having means for subsistence and holding health insurance is not required!

WHO IS ENTITLED TO FAMILY REUNIFICATION UNDER THE FOREIGNER'S ACT?

You are entitled to family reunification if you are a third-country national who meets the legal requirements for a temporary stay in Croatia and if you are a member of the immediate family of a person already staying in Croatia. In this case, you will be granted a temporary stay in Croatia.

The Foreigner's Act also lists persons who can be reunited with you. They are:

- your spouse,
- your non-marital partner,
- your minor child who has not started his or her own family,
- your parents or adoptive parents if you are a child.

Under the Foreigner's Act, exceptionally, some other relative may also be regarded as a member of the immediate family, provided that there are special personal or serious humanitarian grounds for family reunification in Croatia!

WHERE AND HOW IS A FAMILY REUNIFICATION PROCEDURE INITIATED?

The procedure consists of two phases:

1. submitting an application for a temporary stay;
2. submitting an application for a visa or a residence permit.

1. TEMPORARY STAY APPLICATION FORM (FORM 1A)

- you need to submit this form at a diplomatic mission or a consular post of Croatia,
- exceptionally, you can also submit it at the police station in the place where you intend to stay, but only if you do not need a visa to enter Croatia,
- you need to submit it in your own name, either personally or through express and secure mail,
- documents that you enclose must be originals or certified copies, and foreign documents must be translated by a court interpreter into Croatian language and they must be certified,
- when a diplomatic mission or a consular post receives an application, it will forward it to the relevant police station in Croatia for processing.

WHO DECIDES ON AN APPLICATION FOR A TEMPORARY STAY?

The Ministry of the Interior decides on the application through a police station.

WHAT DOCUMENTS DO YOU NEED TO HAVE?

In addition to the completed application, you also need to enclose:

- a 35x45 mm colour photograph,
- a copy of a valid travel document which will be certified by an official after you show them the original travel document,
- proof justifying the purpose of your stay.

WHAT CAN SERVE AS PROOF JUSTIFYING THE PURPOSE OF A STAY?

Proof justifying the purpose of a stay can include:

If you are proving a marriage:

- a marriage certificate (issued less than six months ago),

If you are proving a non-marital partnership:

- a birth certificate (issued less than six months ago) or a single status certificate if the marital status is not indicated

in the birth certificate or an extract from a register of non-marital partnerships if such a register is kept in your country,

- a statement of the non-marital partners on cohabitation (cohabitation for the last three years prior to the submission of the application, witness statements on the existence and duration of the non-marital partnership and other proof of the existence and duration of the non-marital partnership),
- if a common child was born during the non-marital partnership, you need to enclose the child's and the non-marital partners' birth certificates (issued less than six months ago), or a single status certificate if the marital status is not indicated in the birth certificate.

If you are proving a child-parent relationship:

- a birth certificate or a decision of the competent authority on the adoption of the child,

If you are proving other kinship or the existence of serious personal or humanitarian grounds:

- documentation which indisputably shows kinship or the existence of serious personal or humanitarian grounds for family reunification
- if other kinship or the existence of serious personal or humanitarian grounds for family reunification is being proven, the police station may check the facts that prove the existence of personal or humanitarian grounds through a diplomatic mission or a consular post.

The police station will request a check in order to determine whether you present a threat to public order.

WHERE AND HOW CAN AN APPLICATION BE SUPPLEMENTED?

You can supplement the application with the requested documentation with the body that received the application.

The documentation can also be supplemented by the person with whom you are reuniting at the relevant police station in Croatia, which will notify the diplomatic mission or the consular post of Croatia of such a supplement.

WHEN WILL FAMILY REUNIFICATION NOT BE GRANTED?

- if a spouse or a non-marital partner is married or is in a long-term relationship with another person,
- if you entered into a marriage of convenience,
- if there are grounds for exclusion from asylum and subsidiary protection, and for reasons of protection of national security or public order of Croatia,
- If the attached documentation was fraudulently acquired, tampered or forged;
- If there is evidence or serious and objective reasons that the third-country national will reside in the Republic of Croatia for a purpose other than that for which she/he applies for a temporary residence permit,

- A third-country national may be refused a temporary residence permit if a warning has been issued in the Schengen Information System for the purpose of refusing entry and stay.

FOR HOW LONG IS A TEMPORARY STAY GRANTED?

- for up to one year, and it is extended each year for another year,
- if you have an uninterrupted temporary stay permit for the purpose of family reunification for a period of at least two years, temporary stay may be granted for the same purpose for two years or until the expiry of the validity of the temporary stay permit of the person with whom family reunification is sought.

2. SUBMITTING AN APPLICATION FOR A VISA

WHEN A TEMPORARY STAY IS GRANTED, AN APPLICATION FOR A SHORT-TERM VISA MUST BE SUBMITTED:

- it must be submitted on the prescribed form no more than 3 months before the arrival in Croatia.
- documents concerning the purpose and conditions of the stay in Croatia need to be enclosed with the application,
- you must have travel medical insurance to cover any expenses which might arise during the stay in Croatia,
- if you are submitting the application for the first time, you are required to appear in person at a diplomatic mission or a consular post of the Republic of Croatia, so that the following biometric identifiers might be collected:
 - you will be photographed at the time of application,
 - all your fingerprints will be collected,
 - if your fingerprints were collected earlier (less than 59 months ago), they will not be collected again, unless there is reasonable doubt concerning your identity.

WHEN WILL A VISA APPLICATION BE ADMISSIBLE?

The application will be admissible if:

- it was submitted less than 3 months before the intended trip,
- it was submitted on the prescribed form,
- it includes a travel document,
- it includes a photograph,
- biometric identifiers were collected,
- the prescribed administrative fee was paid.

Exceptionally, an application that does not meet all of the above conditions can be considered admissible if there are humanitarian grounds or if it is in the national interest of Croatia!

YOUR TRAVEL DOCUMENT MUST:

- be valid for at least 3 months after the intended date of departure from Croatia,
- include at least two empty pages,
- be issued in the previous 10 years.

Exceptionally, in justified matters requiring urgency, a visa may be affixed in a travel document with a shorter period of validity.

WHAT IF THE COMPETENT AUTHORITY DECIDES THAT YOUR VISA APPLICATION IS NOT ADMISSIBLE?

If the above conditions are not met, the visa application is not admissible and all the documents you have enclosed will be returned, collected biometric identifiers will be destroyed and the amount of the paid administrative fee will be refunded.

IN WHAT TIME WILL A VISA APPLICATION BE DECIDED ON?

A visa application is decided on within 15 days from the date when you submit the application.

The deadline can be extended to 30 or 60 days if there are justified reasons to do so.

CAN I BE DENIED A VISA?

A visa may be denied for legally-prescribed reasons.

A decision denying a visa and the grounds for denial will be delivered to you in the prescribed form.

You are entitled to file an appeal within 15 days from the delivery of the decision.

An appeal is submitted to a diplomatic mission or a consular post of the Republic of Croatia.

An appeal is decided on by the Ministry of Foreign and European Affairs of the Republic of Croatia.

An appeal will not postpone enforcement of the decision.

SUBMITTING AN APPLICATION FOR A RESIDENCE PERMIT

NOTE: Under the Ordinance on the amendments to the Ordinance on the status and work of third-country nationals in the Republic of Croatia, instead of a visa application, the procedure for issuing a residence permit through diplomatic missions/consular posts will be implemented when the technical conditions are met and in the following way:

WHEN A TEMPORARY STAY IS GRANTED, AN APPLICATION FOR A RESIDENCE PERMIT MUST BE SUBMITTED:

- if you come from a country whose citizens are required to have a visa to enter Croatia, instead of a visa, you will need to submit an application for a residence permit.

WHAT IS THE PROCEDURE FOR ISSUING A RESIDENCE PERMIT?

- the application is submitted to a diplomatic mission or a consular post of Croatia;
- after your identity is established, the data are written in the residence permit application form from the system of the Ministry of Foreign and European Affairs, which you need to review and sign;
- your fingerprints will be collected, except in the case of children of up to 6 years old; additionally, a signature will not be required in the case of children of up to 12 years;
- you will be issued a certificate of submitted application by the diplomatic mission or the consular post of Croatia;
- in the residence permit for a family member of a refugee and a foreigner under subsidiary protection who is a third-country national, the words "temporary stay" should be entered under the heading: "type of permit", and the words "family member of a refugee" or

"family member of a foreigner under subsidiary protection" should be entered under the heading: "notes";

- if you do not know your residential address in Croatia and/or personal identification number (PIN/OIB), they will not be entered, but you will have to register your stay and residential address within 3 days of entering Croatia at the police administration/station in Croatia.

IN WHAT PERIOD OF TIME SHOULD I COLLECT A RESIDENCE PERMIT?

The issued residence permit is collected solely at the diplomatic mission or the consular post in which the application was submitted;

If you do not collect the residence permit **within 15 days from the date of delivery of the notice for collection**, or if you waive collecting the permit, the diplomatic mission or the consular post will revoke the residence permit.



Whom you can turn to for assistance?

UNHCR, The UN Refugee Agency

Tel. +385 1 3713 555

Web: www.unhcr.org/hr

e-mail: hrvza@unhcr.org

Hrvatski pravni centar (Croatian Law Center)

Hebrangova 21, Zagreb

Tel: +385 91 405 88 33

Web: www.hpc.hr, www.azil.com.hr

e-mail: hpc@hpc.hr

List of Diplomatic Missions and Consular Offices of Croatia

<http://www.mvep.hr/hr/predstavnistva>

