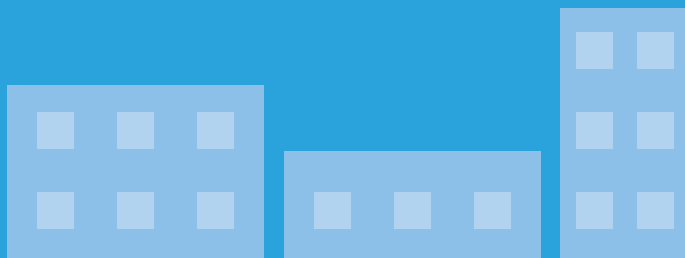


# ALTHOUGH YOU ARE A REFUGEE, YOU TOO HAVE THE **RIGHT** TO:

- Croatian citizenship and family reunification
- employment rights and rights while unemployed, recognition of qualifications
- social welfare rights, accommodation, acquisition of immovables
- free legal aid



Croatian Law Centre, Zagreb, 2020

Translation into English of the Croatian edition "Iako si izbjeglica, i ti imaš pravo: na hrvatsko državljanstvo, na spajanje obitelji, na rad i prava za vrijeme nezaposlenosti, na priznavanje kvalifikacija, na prava iz sustava socijalne skrbi, na smještaj, na stjecanje nekretnina, na besplatnu pravnu pomoć", Croatian Law Centre, Zagreb, 2020

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Sanja Pavić, Gojko Štulina, Lana Tučkorić  
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## FOREWORD

In 2000, 20 June was proclaimed as World Refugee Day by the General Assembly of the United Nations. It was first celebrated in 2001, on the 50<sup>th</sup> anniversary of the adoption of the Convention Relating to the Status of Refugees of 1951. World Refugee Day is dedicated to the courage and strength of refugees, people who have been forced to leave their homes and their countries for fear of persecution. On this day, various activities are organised all over the world to increase awareness of the problems faced by refugees.

The Croatian Law Centre (CLC), a project partner since 2003 of the Office of the United Nations High Commissioner for Refugees in Croatia (UNHCR), joined in 2014 many civil society organisations in this country which, on World Refugee Day, show various types of support for those whose human rights are seriously violated and who therefore flee from their countries.

In 2014, we organised a climb to Sljeme under the title “2,700 steps for 2.7 million Syrian refugees” supported by the National Park of Medvednica and the Zagreb Mountain Guides Station. In 2015, an event on the shore of Jarun Lake, “1,800 pebbles for 1,800 of those missing in the Mediterranean Sea” was organised to remember the migrants and refugees lost in the Mediterranean Sea. In 2016, there was a public performance at 11 different locations in Zagreb under the title “STAY WITH ME!”. The following year, in 2017, with the students of the Legal Clinic of the Faculty of Law of the University of Zagreb, members of the Group to Support Asylum Seekers and Foreigners and of *Radio Mreža*, we created a video entitled “Everyone is entitled to a shelter” where the students presented their reasons for deciding to support and offer help to refugees, both permanently and voluntarily, by applying their legal knowledge. On the same day in 2018, we opened our doors to refugees and welcomed them to our country. In the CLC

office, they were able to use the Internet and the Skype platform, or obtain free legal aid. In 2019, we took part in the radio programme on local integration called "A Free Society" and spotlighted many challenges encountered by refugees when integrating into our society.

On the occasion of World Refugee Day in 2020, the CLC developed nine instructional video materials entitled "You too have the right to..." where CLC lawyers presented in a very simple manner all the rights guaranteed to persons granted international protection by showing them how to exercise these rights in practice.

All the texts used in these video clips are presented in this e-publication so as to be accessible to as wide a circle as possible of persons who have been granted international protection in Croatia, as well as to those who offer help and provide support to refugees when exercising their rights. This is why we have decided to publish this brochure in Croatian, English, Arabic and Farsi.

We hope that this publication will contribute to faster and more efficient legal support to any refugees in Croatia.

We sincerely thank the authors and translators of these texts, and also express our gratitude to UNHCR and to all those who have taken part in the preparation and publication of this brochure.

Zagreb, 6 November 2020

For the CLC team:  
Anamarija Kovač, LL.M



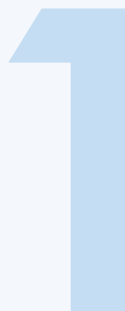
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# HOW TO EXERCISE THE RIGHT TO CROATIAN CITIZENSHIP

(Sanja Pavić)



## **I have been granted asylum in Croatia and would like to become a Croatian national. Am I entitled to it?**

Yes, you are, but under some specific conditions. You must be 18 and you must have continuously lived in Croatia, as a registered resident, for 8 years following the day of your application. You must also have the status of resident. In addition, you must possess knowledge of the Croatian language and Latin script, understand Croatian culture and the social system of the country (but this is not obligatory if you are over 60 years of age). You must also respect the legal order of the Republic of Croatia, be a regular tax payer and fulfil all other obligations (duties and contributions). There must not be any security impediments to your acceptance. To cap all this, a very important requirement is to seek and obtain your country's certificate of not being its national any longer (release from citizenship). You must at least receive a certificate that you will be given release when you acquire Croatian citizenship.

## **What happens if I cannot get release from my country's citizenship?**

If your country does not allow release from its citizenship, or imposes some requirements you are unable to meet, it is sufficient to state that you renounce your foreign citizenship. If at the time of filing an application you are not released from your country's citizenship, or you do not have any proof that you will get the



release prior to becoming a Croatian national, you may be issued a guarantee that you will be granted Croatian citizenship if you have fulfilled all other conditions.

### **What if I am married to a Croatian national?**

If you are married to a Croatian national, have a residence permit and live in Croatia, it is necessary that you respect its legal order, have paid all your debts and obligations and that there are no security impediments to be granted Croatian citizenship.

### **When can I become a permanent resident?**

You may acquire a permanent residence permit if, until the day of filing an application, you had continuously and legally resided in Croatia for five years (the period of being granted asylum or subsidiary protection is included). If during those five years you were outside Croatia on several occasions for up to ten months altogether, or just once for up to six months, these periods are also included in the continuous residence. At the time when your application for permanent residence is filed, you must possess a temporary residence permit in Croatia. You will not be granted a permanent residence permit if either your asylum or your subsidiary protection status has been annulled.

In the time period required to be granted a permanent residence permit, only half of the period from the day of the submission of the application for international protection (on the basis of which you acquired the status) is included until the day you were granted international protection. The entire period of time will be included if it exceeds 18 months.

### **What else do I need to be granted permanent residence?**

You must have the necessary means to cover your maintenance costs and health insurance. You must also possess the necessary knowledge of the Croatian language and Latin script. You should also not pose any danger to the country's public order, national



security or public health. Under the law, you must have a valid passport, but you do not need it if you cannot get it at your country's diplomatic mission or consular office in the Republic of Croatia and your identity can unmistakably be established in some other way.

Your application for a permanent residence permit must be submitted at the police station in the place where you live.

### **What documents do I need to apply for Croatian citizenship?**

You must submit an application for the acquisition of Croatian citizenship (you can find the form to fill in on the web page of the Ministry of the Interior if you visit the following link: <https://mup.gov.hr/UserDocsImages//2020/Obrasci/Dr%C5%BEavljanstvo//Zahtjev%20za%20stjecanje%20hrvatskog%20dr%C5%BEavljanstva%20priro%C4%91enjem%20punoljetne%20osobe.pdf>), a CV where you briefly state your reasons for applying. Your marriage certificate must also be included (if you got married in Croatia, it is not necessary), as well as your birth certificate (unless either you, or your child, were born in Croatia), proof of citizenship (a citizenship certificate, a certified copy of a valid passport and/or your personal ID card), proof of no criminal record not older than 6 months, a certified copy of a valid identification document with your photo and a clearly visible stamp showing that the duties, or the consular fees, have been paid.

### **Where do I submit my application and who renders the decision?**

You must submit your application at the police station in the place where you live. If you are a disabled person, your legal representative or an authorised agent may do it for you.

Your application will be decided by the Ministry of the Interior within a period of no longer than 60 days following the day when it was submitted together with all other valid documents.

You become a Croatian national on the day of the receipt of the decision on the acquisition of Croatian citizenship.





## **If I acquire Croatian citizenship, what about my child's citizenship?**

If your child is a minor, he or she also acquires Croatian citizenship if you, your spouse, your common-law partner or your informal life partner has acquired Croatian citizenship, if only one of you acquires Croatian citizenship and the child lives in the Republic of Croatia and is a permanent resident, or if only one of you has acquired Croatian citizenship and the other person is without any citizenship, or his or her citizenship is unknown, and the child does not live in Croatia.

A parent files the application for the child, and the other parent, or the child's guardian, must give his or her consent in writing.





## HOW TO EXERCISE THE RIGHT TO FAMILY REUNIFICATION

(Tatjana Holjevac)

# 2

### Am I allowed to bring my family to Croatia?

Yes, you may bring some members of your family because as an asylee, or a foreigner under subsidiary protection, you are entitled to do so. They are allowed to come to Croatia and continue living here in accordance with the conditions established by law. They will be given temporary residence permits of up to one year which must then be extended year by year.

### Which members of my family may come to Croatia?

The following family members are entitled to reunify with you in Croatia:

- your spouse, your common-law partner or your informal life partner. If you have several wives or husbands, you are allowed to bring only one of them;
- your minor child or your partner's minor child (if your partner is the child's caretaker);
- your child who has reached the age of majority if he or she is ill or is in such a health condition that the child cannot care for himself or herself;
- if you are a child, your parents may come, or someone who looked after you in your country instead of your parents;
- your parents, who you used to live with in a common household if it is established that they depend on you and your care because they are either very ill or elderly.



It is possible that other members of your family are also allowed to come to Croatia if they can prove that there are special personal or serious humanitarian reasons for your reunification in Croatia!

### **How can we prove being a family?**

By providing official documents such as marriage certificates, birth certificates and the like. If you are unable to provide any official documents to prove that you are related, you still cannot be prevented from bringing your family to Croatia. In such a situation, it would be a good idea to contact our lawyers at the Croatian Law Centre to obtain free legal advice about how to succeed in reunification.

If you are a child whose parents are not in Croatia, you will be assisted by a guardian who will speak with the institutions and/or bodies involved in family reunification and help you with your reunification.

### **What rights do my family members have when arriving in Croatia?**

In Croatia, your family members will enjoy the same rights you are entitled to.

### **What is the legal position of my family members when they come to Croatia?**

If your family member is an unmarried child, he or she will have the same status as the person who he or she is reuniting with, i.e. the status of an asylee or a foreigner under subsidiary protection. Other family members will be granted temporary residence in Croatia.

### **What are the conditions for the reunification of a family?**

Temporary residence for the purpose of family reunification will be granted to a close family member of a foreigner under international protection if the following conditions are met:



- he or she is able to prove the purpose of his or her temporary residence;
- he or she possesses a valid passport;
- he or she is not banned from entering and staying in Croatia;
- he or she does not pose any danger to public order, national security or public health.

Your family member who reunites with you does not need to have any means for his or her maintenance or health insurance!

### **Where and how do you start the procedure of family reunification and who renders the decision?**

Your family member must first apply for temporary residence and, after it has been granted, he or she applies for a visa.

An application for temporary residence must be submitted by your family member to a diplomatic mission or consular office of Croatia. Exceptionally, it may also be submitted at a police station where you intend to reside but only if no visa is needed to enter Croatia. The application must be submitted in his or her own name, in person or by express and safe mail.

All the enclosed documents must be originals or certified copies; foreign documents must be translated into Croatian by a court interpreter and properly certified. When the application is received by a diplomatic mission or consular office, it will be sent to the competent police station in Croatia for further proceedings.

The application will be resolved by the Ministry of the Interior via the competent police station.

### **What documents must be enclosed with my family members' applications when they intend to come to Croatia for reunification?**

The following must be enclosed:

- a colour photograph;



- a copy of a valid passport certified by the official who has been presented with its original;
- proof justifying the purpose of his or her stay.

Members of your family who want to reunify may also be required to supply additional documents.

You may also do it for them at the competent police station in Croatia who will inform accordingly the relevant diplomatic mission or consular office.

### **How does a family member, who wants to reunify, apply for a visa?**

After being granted temporary residence, he or she then applies for a short-term visa. A prescribed form must be filled in not later than three months before coming to Croatia. Any documents showing the purpose and the conditions of the stay in Croatia must be enclosed and the applicant must have travel health insurance covering any costs while staying in Croatia. If the application is submitted for the first time, the applicant must personally approach a diplomatic mission or consular office of Croatia for biometric identification: he or she will be photographed while applying and fingerprints of all fingers will be taken. However, if fingerprints have already been taken (within a period of 59 months), they will not be taken again, unless there is justified suspicion regarding the applicant's identity.

Exceptionally, an application not meeting all the aforementioned requirements may be accepted should any humanitarian reasons or the national interest of the Republic of Croatia be involved!

### **What is the time limit for the issuance of a visa?**

The application for the issuance of a visa will be resolved within 15 days from the day when the family members wishing to reunify submitted it.

If there are some justified reasons for an extension, the time limit may be extended for a maximum of 60 days.





## HOW TO EXERCISE THE RIGHT TO EMPLOYMENT

(Lana Tučkorić)

# 3

### Am I allowed to work?

Yes, you are. The right to work is one of the fundamental human rights, and it is enjoyed by all people, including asylees and foreigners under subsidiary protection. Indeed, it is guaranteed by numerous international, European and national documents.

The right to work does not guarantee that you will get a job but you have the right to look for one, or to opt for self-employment. Some examples of self-employment are tailoring, repairs of household appliances, web or graphic design.

If you have the status of an asylee or a foreigner under subsidiary protection, you are allowed to work in Croatia without any residence or work permit, or a work registration certificate.

### How can I find employment in Croatia?

If you are unemployed, you may read employment ads or contact an organisation offering job-finding services such as the Red Cross or the Jesuit Refugee Service. You can also register with the Croatian Employment Service (CES) in your place of residence. Their employees can help you look for a job.

As an asylee or a foreigner under subsidiary protection, you register with the CES in person by presenting your ID. The CES employees will tell you what other documents you must provide. If you have a university degree or a completed school certificate, you will have to have it translated and validated.



Before you find employment, you will be invited to a process of competing for vacancies and testing your specific knowledge together with other candidates who apply for a particular job.

### **What must be done when I find a job?**

You and your employer must agree on all the details regarding your job and you will then enter into a contract of employment. It will regulate in every detail your mutual relationship, i.e. your rights and obligations as an employee, as well as the rights and obligations of your employer. A contract of employment can be made for a definite or indefinite period of time and for a full-time or a part-time job. If you are not sure you have understood everything, or whether your contract of employment includes all the necessary elements, it would be a good idea to consult a lawyer before actually signing it.

### **Am I entitled to a salary?**

You are entitled to a suitable salary for the work you do. If your working conditions are difficult and you also work overtime, night shifts, on Sundays, holidays or any other days that are stipulated as non-working days, you are entitled to increased salary.

### **What are gross and net salaries?**

A net salary is what is paid directly to your bank account. You are entitled to that amount after all contributions have been paid to the State such as retirement and health insurance, taxes and surtax. This altogether is known as your gross salary, i.e. the total cost of your work to be paid by the employer.

Therefore, it is very important, when discussing your salary with your employer, to precisely agree on what your net salary and your gross salary are going to be. If you are not sure you have understood it properly, ask a lawyer to check a draft of your contract of employment before you sign its final version.



## What is a minimum salary?

All people working in the Republic of Croatia are entitled to a minimum salary which is the lowest monthly amount of the so-called gross salary paid to a worker for a full-time job. The lowest monthly gross salary in 2020 amounted to HRK 4,062.51. The minimum net salary in 2020 was HRK 3,250.01.

If you have a full-time job, the lowest salary that you must receive and that must be paid onto your bank account amounts to at least HRK 3,250.01. If you have worked overtime, night shifts, on Sundays, holidays or any other days stipulated by law as non-working days, the increased amount you receive is not included in the amount of the minimum salary but it is an additional amount that you must receive. Your salary must be paid by the fifteenth day of the current month for the previous month, unless it is otherwise stipulated in a collective agreement, or in a contract of employment (for instance, if you and your employer have agreed in the contract of employment that your salary will be paid on the twentieth day of the month).

## What happens if the employer fails to pay my salary?

Although the employer is obliged to pay your salary, he or she may fail to do so. Naturally, in order to receive your salary, you would have had to work the whole previous month in accordance with the stipulation in your contract of employment. Your employer must provide you with the calculation of your salary and if that has not been the case, you should certainly ask him or her to do so. This also applies to the calculation of any unpaid salary.

There are various ways of exercising your right to a salary. Within fifteen days after realising that your salary has not been paid, you may request its payment from the employer. It would be a good idea to have a lawyer draw up this request, or at least advise you how it must be written. If the employer does not pay your salary





within fifteen days from the receipt of the request, you may bring a court action within a period of fifteen days.

There are also other possibilities of taking action against the employer who fails to pay your salary and the best way would be to contact non-governmental organisations where you can obtain legal aid.

### **What does my working time include?**

Your working time includes all the hours that you spend working. If you work full time, you, as a rule, work eight hours a day. You should know that if you work at least six hours a day, you are entitled to a daily break of at least thirty minutes that are included in your working hours. You are also entitled to a rest period every week. Your full-time job may not last longer than forty hours a week. If you work fewer hours, you are on part-time.

While working, you are obliged to do things under your employer's instructions, either at your own workplace or elsewhere in accordance with the employer's decision.

### **Am I entitled to holidays?**

Yes, every calendar year, you are entitled to paid holidays for the duration of at least four weeks. If you are employed for the first time, or, between two different jobs, you have not worked longer than for a period of eight days, you are entitled to a holiday after having worked continuously for six months and for the same employer.\* While on holiday, you are also entitled to your salary.

Should you have any questions regarding your right to work, you can turn to the Croatian Red Cross, the Jesuit Refugee Service, our legal experts at the Croatian Law Centre, or to any other organisations dealing with the protection of the rights of refugees.

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\* Article 77, para. 3 of the Labour Act (Official Gazette NN 93/2014, 127/2017, 98/2019).





## HOW TO EXERCISE RIGHTS WHILE UNEMPLOYED

(Gojko Štulina)

# 4

### What rights am I entitled to while unemployed?

To exercise your rights as an unemployed person, you must first register with the Croatian Employment Service. You are then entitled to health insurance, allowance for unemployment, financial assistance and compensation of the travelling expenses for pursuing education and training, as well as to a one-time allowance and compensation for travelling or moving.

### How do I exercise the right to health insurance during unemployment?

Within 30 days upon the cessation of employment (regardless of the ground), you must notify the Croatian Health Insurance Fund (in your place of residence, although every regional office or service of the CHIF is bound to register your status as an unemployed person).

### How do I exercise my right to unemployment benefit?

You can exercise your right to unemployment benefit if, at the time of the termination of the labour relationship or self-employment and in the past two years, you have worked for at least nine months.

To exercise this right, within 30 days from the termination of the labour relationship, or cessation of self-employment, you must notify the regional office of the Croatian Employment Service (CES) and file a request for unemployment benefit.



You are not entitled to unemployment benefit if your employment has ceased through your own fault or free will, or your self-employment ended without any justified reason. For example, you stopped going to work without saying anything in advance and you were fired as a result. Therefore, you are not entitled to unemployment benefit.

After notifying the CES, you must fill in a certificate of unemployment and an application for unemployment benefit. You must also copy or scan your asylee/foreigner under subsidiary protection ID, or your passport, your notice of dismissal, your employer's certificate or the three most recent payrolls certified by the employer proving your average gross salary and take or send a copy of your bank account card to the CES.

Before signing any notice of dismissal and the termination of your employment contract with your employer, talk to a lawyer or call the Croatian Law Centre and consult its legal experts.

### **What is the amount of unemployment benefit that I will receive from the CES?**

The last three salaries will be added up in their gross amounts and divided by three, and 60% of the calculated amount will be paid to your account for the first 90 days. After these 90 days, 30% of that amount will be calculated and the received amount will be lower. For example, if you had been receiving a salary of HRK 3,500.-, its gross amount was HRK 4,375.-. Therefore, your unemployment benefit during the first 90 days will amount to HRK 2,625.- and later only HRK 2,000.-

In the first 90 days, the unemployment benefit must not be higher than 70% of the average net salary in the Republic of Croatia in the previous year and, after the period of 90 days, it amounts to 35% of the average net salary in the RoC. The lowest amount of unemployment benefit you receive may not be lower than half of the amount of the minimum net salary, except when the amount of the unemployment benefit is determined according to the percentage of the time spent at work.



The period of receiving unemployment benefit depends on the period of time you spent working. For example, if you worked for two years, you are entitled to receive the allowance for 90 days.

### **How to exercise the right to professional training or education?**

If the CES refers you to education and training it has organised and paid for, you are entitled to financial assistance and compensation of travelling costs in the course of the education and training in proportion to the number of days of your presence in these activities.

### **How to exercise the right to a one-time allowance and compensation of travelling and moving costs?**

If the CES cannot find employment for you in the place of your residence, and you find employment by yourself or through the CES, you are entitled to one-time unemployment benefit and compensation for travelling and moving costs for you, your spouse/partner and children from the place of residence to the place of employment.

### **What are my obligations during unemployment?**

After registering with the CES, you must regularly contact an employment adviser and attend individual counselling sessions. You will together develop a professional plan for seeking employment and you must stick to it. You must apply for jobs and respond to ads and apply for jobs. You must not refuse any offered jobs. You must participate in group counselling sessions and workshops to acquire the necessary skills of active job searching, as well as take part in the procedures of professional selections for particular positions or educational activities.





## HOW TO EXERCISE THE RIGHT TO RECOGNITION OF QUALIFICATIONS

(Anamarija Kovač)

# 5

### **Will a diploma showing the completion of education in my country be recognised?**

As an asylee or a foreigner under subsidiary protection, you are entitled to have your qualifications, acquired earlier in your life (certificates, diplomas, licences), recognised under the same conditions as is the case with Croatian nationals. The procedure of recognition implies a formal confirmation of your educational qualifications acquired earlier in your life and issued by a secondary school or a university, as well as the recognition of that period of education. You may seek recognition if you want to continue your education in the Republic of Croatia or if you are looking for employment.

### **What happens if I lack documents proving my qualifications?**

If you are unable to submit the necessary documents to prove your acquired qualifications, the competent body will carry out an assessment of your competences acquired at an earlier stage of your life. If you want your knowledge acquired by doing a particular job (e.g. as a welder or a locksmith) to be recognised, you may turn to your employer or a vocational institution (if you are a hairdresser, you may contact a secondary school for hairdressers or the Agency for Vocational Education and Training and Adult



Education) and they will test your knowledge and issue a certificate to confirm that you are able to work in a particular type of profession.

### **What documentation do I need to seek the recognition of my qualifications?**

The documents you need differ depending on whether you seek the recognition of the completion of primary school, secondary school or university education. The procedure is different if you want to continue your education in the Republic of Croatia, or if you want to work.

For example, if you want to continue your education in the Republic of Croatia, you will have to enclose a certificate on the acquired international protection status, a residence certificate in the Republic of Croatia (where you live), an ID (a residence permit or a passport), and a document proving your previous education (certificates, diplomas). If you do not have any documents proving your previous education, you should make a statement, certified by a notary public, and submit it to the school at which you want to continue your education. If you do not have any such documents, or you are unable to provide a certified statement, the school you want to attend will develop a test to examine your knowledge.

To find out more about all the details of such a procedure, we recommend that you contact the school or the university where you want to continue your education.

### **Who should I contact to have my qualifications recognised?**

The selection of the competent institution depends on the qualifications you want to have recognised.

If you want to continue primary or secondary education in the Republic of Croatia, the best thing would be to contact the school where you want to continue your education. If you are



older than 15 and you want to continue your primary education, the best idea would be to turn to the administrative body of the town in which you live (if in Zagreb, you should visit the City Office for Education).

If you want your primary and/or secondary school (grammar school) education to be recognised to be able to find a job, or the completion of secondary school (grammar school) to be able to continue education in the Republic of Croatia (to be able to enrol in a university programme), you should turn to the Education and Teacher Training Agency in Zagreb.

If you seek the recognition of the completion of a vocational school (e.g. a medical school, a technical school, a school for hairdressers, or the like) to find a job or to continue education in the Republic of Croatia (to enrol in a university programme), you should turn to the Agency for Vocational Education and Training and Adult Education.

If you want to continue your studies at a university in the Republic of Croatia, or enrol in a doctoral study programme, the places to visit would be the universities, colleges or higher education institutions of your choice.

If you seek the recognition of your university diploma to be able to find employment in the Republic of Croatia, the place to visit would be the Agency for Science and Higher Education.

### **What do I need for the recognition of my university diploma?**

For the recognition of your university degree, you should contact the Agency for Science and Higher Education. The procedure of recognition of foreign university qualifications usually lasts about 60 days.

The recognition of foreign university qualifications consists of the following steps. You must first fill in a form to apply for the recognition of foreign university qualifications for employment. The form is available in two languages (Croatian and English) on the web page of the Agency for Science and Higher Education.



### The following documents must be enclosed:

- the original degree certificate (or its certified copy) and its translation in the Croatian language;
- the original list issued by your university with all the taken and passed courses, with grades, containing the official name and duration of the study programme and other documents you need in order to enrol (e.g. additional documents enclosed with your degree, a list of all the exams and the grades received, or similar official documents), all of them translated into the Croatian language;
- certified copies of all previously acquired degrees, if any (e.g. a Bachelors degree);
- a certificate of your asylum or subsidiary protection status;
- your CV in Croatian or English;
- a decision issued by the competent body, or a copy of your marriage certificate (for persons who have changed their names and/or surnames).

All these documents must be translated by a court interpreter for the language of the original (e.g. Arabic, Farsi, Turkish).

You are exempt from paying any fees for the recognition of university qualifications.

With these original documents and their translations, the copies of all other necessary documents and forms must be enclosed but they do not need to be certified.

All these documents must be sent by regular mail to the Agency for Science and Higher Education.







# HOW TO EXERCISE SOCIAL WELFARE RIGHTS

(Jelena Guštin)



## Am I entitled to social welfare?

Yes, as an asylee or a foreigner under subsidiary protection, you are entitled to social welfare under the same conditions as all other Croatian citizens with residence in the Republic of Croatia.

## What welfare rights am I entitled to?

You may avail yourself of pecuniary rights such as a minimum wage, one-time compensation, assistance for covering your lodging expenses, assistance and care allowance and meals in public kitchens.

## What is guaranteed minimum benefit?

Guaranteed minimum benefit is the money you are entitled to if you live alone without any family members or if you, as a family, live together (a household). You are entitled to such benefit to satisfy the necessities of life for which you do not have sufficient funds.

## Who is entitled to minimum benefit?

Minimum benefit is paid to persons who live alone or with their families and who lack sufficient funds for their maintenance, or cannot earn them by working, or in any other way.



## How is minimum benefit calculated?

The basis for the calculation of the amount of minimum benefit is determined by a Government decision of the Republic of Croatia. At present, it amounts to HRK 800.-

## What is minimum benefit if I live alone or if I live with my family?

Minimum benefit for a person who lives alone is HRK 800.- and, if he or she possesses a certificate of being incapable of working, HRK 920.-

In the case of a household, the amount of minimum benefit is calculated in such a way that the portions for all household members are added up. The portions of individual members of the household are the following:

- a self-supporting parent = HRK 800.-
- a grown-up member of the household = HRK 480.-
- a child = HRK 320.-
- a child of a self-supporting parent or a child of a single-parent family = HRK 440.-

For example, if your family consists of a father and a mother with two children, you are entitled to a total of HRK 1,600.-

## What if I work and receive a salary?

If you earn any income regardless of whether you live alone or with your family, the amount of guaranteed minimum benefit will be reduced by the amount of the income received in that particular month.

## Where do I apply for guaranteed minimum benefit and when will it start coming?

An application for the recognition of the right to minimum benefit must be submitted to the Social Welfare Centre according to



your place of residence. You will be granted minimum benefit if you meet all the necessary conditions.

Guaranteed minimum benefit is recognised from the date of your application and it will be paid every month during the period you are entitled to it.

### **What is one-time benefit and who is entitled to it?**

You are entitled to one-time benefit if you live alone or in a household and if you, because of a currently difficult financial situation, are not able to cover your basic needs of life. Such situations may be the birth of a child, a child's schooling, illness or death of a family member, a natural disaster and the like.

It may also be granted for the provision of basic household devices, or necessary clothing or footwear if it is not possible to have it provided by a humanitarian organisation such as the Red Cross.

### **How can I be granted one-time benefit?**

To obtain one-time benefit, you must apply to the Social Welfare Centre in the place of your residence.

It is normally granted in cash and exceptionally in the form of various concrete things (in kind).

If the Social Welfare Centre is of the opinion that you will not use the money for the purpose it is given but for something else, they may not give you the money but the thing that you really need instead.

As a rule, you are not entitled to any one-time benefit while accommodated at the Reception Centre for Asylum Seekers.

### **What is the amount of one-time benefit that I am entitled to?**

The amount of one-time benefit depends on your need and the current circumstances, and the decision to grant it is rendered by



the Social Welfare Centre. The total amount of one-time benefits you may be granted in a calendar year cannot exceed HRK 4,000.- if you are alone, or HRK 5,000.- if you are with your family.

### **What if I am not able to pay rent and overhead costs?**

After a two-year period has expired since you were first granted asylum, or subsidiary protection, and your right to free accommodation ceases to exist, you are entitled to seek the payment of your accommodation costs such as rent, utilities, electricity, gas, heating, water supply, sewage and other expenses you are not able to cover alone.

You are entitled to the right to be granted housing costs if you receive granted minimum benefit up to half of the amount of the guaranteed minimum benefit you have been recognised to receive as a person who lives alone, or with a family in the same household.

You are granted this right by the city in which you live.

### **What are the ways in which housing costs can be granted?**

The benefit for housing costs may be given to you in cash by the city administration where you live, or it is paid directly to the person you are supposed to pay.

### **What other rights am I entitled to apart from those involving cash?**

Beside financial rights, you are also entitled to social services.

They include the provision of information on rights involving the social welfare system and their providers. These services are offered by professionals working at the Social Welfare Centre and their associates who work with asylum seekers and foreigners under subsidiary protection.

In addition, you may obtain advice and assistance regarding various problems you may encounter in different life situations, such as those involving family relations.



To acquaint yourself with the rights you are entitled to, you can turn directly to the Social Welfare Centre in the place of your residence, or to various organisations dealing with the protection of the rights of refugees.





# HOW TO EXERCISE THE RIGHT TO ACCOMMODATION PROVIDED BY THE REPUBLIC OF CROATIA

(Ana Martinić)



## Am I entitled to accommodation provided for by the Republic of Croatia?

When you receive a decision by which you are granted international protection, you will probably still be accommodated in the Reception Centre for Applicants for International Protection. From then on, if you do not have necessary funds or property to provide for your own maintenance, you are entitled to the right of being accommodated in a flat or a house. The longest duration of this right is two years from the day of the receipt of the decision granting international protection.

You will be given accommodation, and the rent, maintenance and overhead costs will be paid. The place may also be furnished and properly adapted.

## How do I exercise my right to accommodation?

You must initiate the procedure for exercising your right to accommodation alone but you may also be assisted by the employees of the Integration Directorate of the Ministry of the Interior or you may turn to a non-governmental organisation offering assistance to refugees and migrants.

An application is first submitted to the Social Welfare Centre in your place of residence. They will submit the decision to a special



office which will then enter into a rental agreement with you for not more than two years from the date when you received the decision granting international protection.

If you are not satisfied with the decision rendered by the Social Welfare Centre, you may appeal within 15 days following the receipt of the decision.

### **In what cases does the right to accommodation cease to exist?**

The right to accommodation ceases to exist upon the expiry of two years from the day you received the decision granting international protection; at your own request; if you, without a justified reason, refuse the offered accommodation; if you, without a justified reason, and for a period longer than 30 consecutive days, do not stay at that particular address; if it is established that you have sufficient funds for your own maintenance; if it is established that you do not take good care of the flat where you live; if it is established that you use the accommodation contrary to its purpose, i.e. you use it as business premises rather than as a residential facility.

### **What accommodation rights do I have after the expiration of two years?**

Upon the expiry of two years after the receipt of the decision granting international protection, you no longer have the right to accommodation. However, if you meet certain conditions, you are entitled to the payment of some housing costs. You will not be given a flat to live in but you will receive some help for the payment of rent, the utilities, electricity, gas, heating, water supply, sewage and other overhead expenses.

You are entitled to compensation for housing expenses if you or your household receive guaranteed minimum benefit because you do not have sufficient funds to cover basic living expenses.



## When must I contribute to the payment of accommodation costs?

If it is established that you have sufficient funds or property to be able to cover at least part of your accommodation costs, you will be given a suitable flat but you will have to contribute to the payment of these costs (e.g. rent, utilities, etc.).

These funds may be generated from work, your pension or your savings, and the property you have may consist of valuable movables, immovables, cash in domestic or foreign currency, or the like.

If you live alone and have a monthly income and property exceeding HRK 2,500.-, you will have to contribute to the payment of accommodation costs. If you live in a household where each member earns some money every month, or owns property in the value of more than HRK 1,500.-, you also have to contribute to the payment of your accommodation costs.







## HOW TO EXERCISE THE RIGHT TO ACQUIRE IMMOVABLES

# 8

(Kristina Petrovečki)

### Am I allowed to acquire real property in the Republic of Croatia?

Yes, as an asylee or a foreigner under subsidiary protection, you are allowed to acquire an immovable in the Republic of Croatia. The most common ways of acquiring real property is to buy it, or to receive it as a gift, or to inherit it from someone. If you buy an immovable, or someone wants to give it to you as a gift, you have to make a contract in writing. If someone has decided to leave an immovable to you upon his or her death, you will not have to make a contract but you will be informed about it in inheritance proceedings where you will have to say whether you accept it or not.

### What conditions must I fulfil if I want to buy real property?

Apart from some general and special conditions to be met by all Croatian citizens, you must also fulfil some additional conditions envisaged for foreign citizens: you must be a citizen of a State with which the Republic of Croatia enjoys reciprocity in terms of the acquisition of the right of ownership of immovables. In addition, you must obtain the consent given by the Ministry of Justice of the Republic of Croatia for the acquisition of a particular immovable. If you are inheriting an immovable, you do not need the consent of the Ministry of Justice.



## What does reciprocity mean?

Reciprocity means that you may acquire the right of ownership in the Republic of Croatia under the condition that Croatian citizens may also acquire the same type of ownership in your country. For instance, if you are a national of Syria, you may acquire an immovable in Croatia only if Croatians are allowed to acquire immovables in Syria.

Since you have the status of an asylee or a foreigner under subsidiary protection, the condition of reciprocity does not need to be met if you have stayed in the Republic of Croatia for three years or longer. This is a right not stipulated in Croatian legislation but you are guaranteed this right on the basis of an international convention.

## How can I obtain the consent of the Ministry of Justice and Administration?

To get the consent of the Ministry of Justice and Administration, you must apply to them in writing. You must enclose a contract or some other legal document on the basis of which you are acquiring ownership, an excerpt from the Land Registry, or some other proof of who is the owner of the immovable, as well as a certificate issued by the administrative body responsible for urbanism and physical planning in the place where the immovable is located, a document on the legal status of the immovable (whether it is located within the boundaries of a construction area specified in a town-planning document) and a certified copy of your passport, or some other proof of your citizenship. Administrative fees should also be paid but because of your status as asylee or foreigner under subsidiary protection, you are exempt from paying administrative fees. Do not forget to specify your status in the application.



## What can I do if my application for the issuance of the consent of the Ministry of Justice is denied?

Giving consent is an administrative procedure. If your application is denied, you may seek the legal protection of the Administrative Court: file an action with the Administrative Court which has jurisdiction for the area where the immovable is located. The Administrative Court's decision may be appealed before the High Administrative Court.

## Do I have to pay tax when purchasing real property?

Yes, if you are buying real property, you must pay real property transfer tax, unless you are exempt from paying tax based on the Tax Act. At present, the tax rate is 3% of the market value of real property at the time of its acquisition.

If you acquire real property by succession, or as a gift, you are exempt from the payment of real property transfer tax if the real property is acquired from your spouse, a common-law partner, a life-long informal partner, your parents or children, or from an adoptive parent, or an adopted child. If you are settling property relations with your former spouse, a common-law partner, or a life-long partner (e.g. after a divorce), you are also exempt from paying real property transfer tax.

## What must I pay attention to when buying real property?

The most important thing when buying real property is to make sure that the person who you are buying from is the owner of that real property. This can be checked by going to the Land Registry of the Municipal Court in whose area the immovable is located (e.g. if the immovable is in Zagreb, you will have to go to the Land Registry of the Municipal Court, Civil Division, in Zagreb). It would also be a good idea to ask the owner to give you all the documents he or she possibly has regarding the building and the land under the building, as well as the Energy Performance Certificate (EPC).



## When do I become the actual owner of the immovable?

You do not acquire the right of ownership by simply entering into a contract (e.g. a purchase contract when buying an immovable, or a contract of gift if you are getting it as a gift) but only at the moment the right of ownership is entered in the Land Register.

If you acquire the right of ownership of an immovable by succession, you become the owner at the time of the owner's death. You will be informed about it by receiving a succession decision. After you have received it, you may seek the registration of your right of ownership in the Land Register.

If you have any questions regarding the acquisition of real property, feel free to contact our lawyers at the Croatian Law Centre.





# HOW TO EXERCISE THE RIGHT TO LEGAL AID

(Ivana Gambiraža)



## What is legal aid?

Legal aid means that you are entitled to free legal advice from a lawyer and that you can be represented before the court free of charge.

You may even be exempted from paying the costs of court proceedings.

## Who provides legal aid?

You may turn to non-governmental organisations and law clinics listed on the Ministry of Justice and Administration website or to an administrative body depending on your place of residence.

## How can I get free legal advice?

If you want to get free legal advice, you should turn to an organisation providing legal aid (by telephone, via e-mail or in person). They will assess whether you meet all the necessary conditions to receive legal aid. If you do, they will advise you accordingly. There is no need to fill in any application form.

## Who can represent me before the court free of charge and how can I apply for it?

Practising lawyers may represent you before the court, free of charge. To obtain such representation, you must turn to an administrative body in the place where you live. For example, if you



live in Sisak, you must turn to the *Upravni odjel za opću upravu i imovinsko-pravne poslove* (Administrative Department for General Administration and Litigation).

To be represented free of charge, you must first fill in an application form and take it or send it by registered mail to the administrative department. They will rule on your application within 15 days and decide whether you meet all the necessary conditions, whether you have sufficient funds to pay an attorney and whether your situation calls for more complex proceedings, etc. Should you not be satisfied with their decision, you may appeal within 15 days from the receipt of the decision.

The application form that you must fill in can be found on the web page of the Ministry of Justice and Administration or you may go to the aforementioned Administrative Department to get the necessary application form. When filling in the application form, you must also sign a consent form to allow access to all the data regarding your income and property, as well as the income and property of your household members.

When applying for representation free of charge by an attorney, you are exempted from the payment of any administrative fees.

If your application is accepted, you will receive a decision specifying the attorney you must contact.

### **In what kind of proceedings am I entitled to be granted free representation before the court?**

Free representation cannot be granted in all proceedings but only in some, such as labour disputes, or some family disputes. For instance, if the proceedings are instituted against an employer for failing to pay your salary or dismissal from employment you consider to be unlawful, you may be granted free representation. However, if you want to enter the ownership of a bought flat in the Land Registry, you will probably not be granted free representation. The competent body renders its decisions by assessing every individual case.



## **How can I be exempted from the payment of court expenses?**

When applying for free representation before the court, you must also specify that you seek to be exempted from the payment of court expenses.

## **Is legal aid always fully granted or can it be that I must contribute financially?**

You may be freed from the payment for legal assistance in full or only in part, which means that in some cases you will have to contribute financially depending on the income generated by you and by the members of your household.

## **Am I entitled to legal aid if a decision by which I am granted international protection is annulled or rescinded?**

Yes, you are entitled to legal aid when bringing an administrative action which involves drafting a complaint, representation before administrative courts, or possibly exemption from the payment of first instance administrative dispute expenses.



