
THE CROATIAN ASYLUM SYSTEM IN 2018

-NATIONAL REPORT*-

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1. Introduction

The Croatian Law Centre (CLC) has been actively engaged in the Croatian asylum system since 2003 as the implementing partner of UNHCR.

The CLC systematically follows legislation and its implementation in practice in the field of asylum, on the basis of which it prepares its national reports on the asylum system. To date, six reports have been prepared (for the period 2010-2012, 2013, 2014, 2015, 2016 and 2017). These reports are available on the CLC website.¹ The report for 2018 was prepared in the summer of 2019.

In 2018, the number of those who sought international protection was on a slight decline when compared to 2017. During 2018, there was a decrease in the number of applicants for international protection who were returned to Croatia on the basis of the Dublin Regulation and the criteria according to which the first Member State of the EU entered by the applicant for international protection was responsible for the assessment of the application. Croatia continued to meet the quota from the programme of relocation of refugees from Turkey and their gradual integration into Croatian society. The year of 2018 was marked by a very strict regime on the border between Croatia and Serbia, and Bosnia and Herzegovina, and the allegations by domestic, foreign and international civil society organisations and the Ombudswoman of preventing refugees from accessing the territory of the Republic of Croatia and its asylum system (for more see above, particularly under 4.1.2.).

2. Public policies and legislation in the field of asylum

2.1. Novelties in legislation and the trends in public policies

Legislative changes in the area of asylum have continued the process of alignment with the *acquis communautaire* of the European Union (EU), starting with the Act on International and Temporary Protection (OG 70/15; hereinafter: AITP).²

This Act was amended in 2018 (Act on Amendments to the AITP (OG 127/2017)³ and the amendments entered into force on 1 January 2018. The provisions of the AITP were amended to ensure their more effective implementation in practice and a more rational use of the available housing units. The amended provisions mostly refer to the loss of the right to accommodation and the reasons for the loss of this right were extended to include the cases of a prolonged and continued absence of the provided accommodation, whereby it was clearly established who and in what way decided on the loss of this right. In addition, the

¹ See: <http://www.hpc.hr/category/publikacije-i-izvjestaji/izvjestaji/>

² See CLC, the Croatian Asylum System in 2015, July 2016.

³ https://narodne-novine.nn.hr/clanci/sluzbeni/2017_12_127_2880.html

provisions on the competent body for providing accommodation of asylees and foreigners under subsidiary protection were amended and the Central State Office for Reconstruction and Housing assumed that role. Namely, the Central Office for Reconstruction and Housing was recognised as a body having experience in accommodating returnees and refugees and possessing the necessary knowledge and capacity to be able to fulfil the tasks connected with the accommodation of persons under international protection.

Another key Act providing for the status of foreigners and regulating the area of migrations and asylum is the Foreigners Act (OG 130/11, 74/13, 69/17, 46/18 and 66/19; hereinafter referred to as FA). The amendments to the FA entered into force in May 2018 (OG 46/2018⁴ to fully align the FA with the EU Directive 2016/801 of the European Parliament and the Council of 11 May 2016 on the conditions of entry and residence of the nationals of third countries for the purpose of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing. The amendments were also aimed at eliminating certain shortcomings in the valid legislative text observed during its implementation of the Act (for example, in some Articles, the term ‘third country national’ was replaced with the term ‘alien’; the circumstances which might indicate the risk of avoiding the obligation of leaving the European Economic Area (EEA). In this regard, it was necessary to make some nomotechnic improvements to eliminate any uncertainties in the application of individual provisions.⁵ A total of 41 Articles were amended. In January 2019, consultations with the interested public were organised on the Draft Act on Nationals of Member States of the European Economic Area and their Family Members. In its correspondence, the Ministry of the Interior (Mol)⁶ stated that the FA became too extensive for the implementation and it was necessary to have a separate part that would only deal with the nationals of the Member States of the EEA and their family members, as well as a part that would deal with the accommodation and the work of third-country nationals.⁷ In the Action Plan for Legislative Activities of the Government of the Republic of Croatia for 2019⁸, it was envisaged that beside the Act dealing with the nationals of the Member States of the EEA and their Family Members, a new FA would be adopted that would presumably regulate the stay and the work of third-country nationals.

⁴ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_05_46_860.html

⁵ <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=6996>

⁶ https://mup.gov.hr/vijesti-8/prijedlog-zakona-o_drzavljanima-drzava-clanica-egp-a-i-clanovima-njihovih-obitelji-upucen-u-hrvatski-sabor/283285

⁷ The Act on the Nationals of Member States of the European Economic Area and Their Family Members (OG 66/19) entered into force on 18 July 2019 at the time this report was written.

⁸ <https://zakonodavstvo.gov.hr/UserDocImages//dokumenti//Plan%20zakonodavnih%20aktivnosti%20za%202019.%20godinu.pdf>

Public policies dealing with migrations lack a clear strategic commitment to the management of migrations. In 2018, a working group was organised with the Ministry for Demography, Family, Youth and Social Policy to develop a National Demographic Strategy. The strategy was meant to include the measures for migrations and international protection.

The new Migration Policy of the Republic of Croatia,⁹ as the most important strategic document to manage migrations, has still not been adopted and therefore, a question arises about the country's orientation when it comes to migrations.

2.2. The new bylaws in 2018 adopted on the basis of the amendments to the Foreigners Act

Based on the amended FA, the following bylaws were adopted in 2018: the Ordinance on the method of establishing technical conditions for suitable accommodation of students and the documentation to be submitted with the application for granting temporary residence of foreigners for the purpose of secondary education through exchange programmes of students (OG 99/2018),¹⁰ the Ordinance on amendments to the Ordinance on the status and work of third-country nationals in the Republic of Croatia (OG 116/2018),¹¹ the Decision on determining the annual quota for employment of foreigners for the calendar year 2019 (OG 116/2018),¹² the Ordinance on the procedure and the conditions of hosting researchers who are third-country nationals (OG 114/2018),¹³ the Ordinance of stay in a reception centre for foreigners (OG 101/2018, for more see under 2.3),¹⁴ the Ordinance on amendments to the Ordinance on the method of establishing the conditions for entry and stay in the Republic of Croatia of the nationals of the Member States of the European Economic Area and their family members (OG 101/2018),¹⁵ the Decision on amendments to the Decision on the annual quota of permits for the employment of foreigners for calendar year 2018 (OG 71/2018),¹⁶ the Ordinance on the treatment of third-country nationals (NN 68/2018),¹⁷ the Ordinance on free legal assistance in the return process (OG 57/2018),^{18, 19}

⁹ The last Migration Policy of the RoC was adopted for the period of 2013-2015.

¹⁰ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_11_99_1925.html

¹¹ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_116_2313.html

¹² https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_116_2310.html

¹³ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_12_114_2219.html

¹⁴ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_11_101_1970.html

¹⁵ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_11_101_1971.html

¹⁶ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_08_71_1455.html

¹⁷ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_68_1403.html

¹⁸ https://narodne-novine.nn.hr/clanci/sluzbeni/2018_06_57_1171.html

¹⁹ We emphasise the importance of the Ordinance on the Amendments to the Ordinance on the Status and Work of Third-Country Nationals in the Republic of Croatia, the Ordinance of Stay in the Reception Centre for Foreigners, the Ordinance on the Treatment of Third-Country Nationals and the Ordinance on Free Legal Assistance in the Procedures in the Area of Illegal Migrations and Asylum that the CLC deals with.

2.3. Ordinance of Stay in a Reception Centre for Foreigners

The Ordinance on the Stay in a Reception Centre for Foreigners (hereinafter: the Ordinance) was adopted in November 2018 and it replaced the previously valid Rules on the Stay in a Reception Centre for Foreigners. The Ordinance provides for the method of reception, accommodation, stay and movement of third-country nationals in a reception centre for foreigners,²⁰ the schedule of daily activities and the rights and obligations during the stay. The Ordinance applies to the Reception Centre for Foreigners in Ježevo and the Transit Reception Centres in Trilj and Tovarnik. A public debate on the Ordinance was closed in August 2018 but a report of the debate was published after the Ordinance had already entered into force. Most commentaries to the proposed Ordinance came from civil society organisations, the Office of the Ombudswoman and other specific ombudsman offices concerning the accommodation of unaccompanied children in reception centres and the restriction of attorneys' visits to foreigners accommodated in reception centres. According to the provisions of the new Ordinance, an attorney, as well as other persons or representatives of different organisations, must announce their arrival in writing at least two days earlier and receive a corresponding approval of their visit (Articles 22 and 26 of the Ordinance). In addition, the proposer of the Ordinance was asked to additionally harmonise the provisions of the Ordinance with the standards of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT). The majority of the proposed commentaries were not accepted. The Ombudswoman points out that it has remained unclear whether the restriction of access for the representatives of humanitarian and other organisations for the protection of human rights includes also the Ombudswoman or the National preventive mechanism (NPM). Therefore, the Ministry of the Interior (MoI) said that the disputed provisions will urgently be amended.²¹

3. Institutional capacities

In 2018, the main body for the implementation of asylum policy continued to be the MoI. The issues related to foreigners, asylum seekers and asylees was under the competence of the Directorate for Administrative and Inspection Affairs, a part of which the Sector for Administrative Affairs, Foreigners and Citizenship was set up, and within that Sector, the Service for Foreigners and Asylum, with the following departments: the Department for Status Issues of Foreigners; the Asylum Department; the Visa Department; and the

²⁰ Third-country nationals whose freedom of movement is restricted under the Foreigners Act can be accommodated in the Reception Centre for Foreigners or in transit reception centres. Applicants for international protection can also be placed in these centres in accordance with the conditions referred to in AITP (for more see above).

²¹ Annual Report of the Public Ombudswoamn for 2018 (<http://ombudsman.hr/hr/component/jdownloads/send/84-2018/1534-izvjesce-pucke-pravobraniteljice-za-2018-godinu>).

Reception Centre for Asylum Seekers. During 2018, additional employees were hired in the Asylum Department and in the Reception Centre for Asylum Seekers – 1 new employee was employed and 2 were transferred to the Asylum Department. In addition, 2 new officials and 2 employees were hired in the Reception Centre for Asylum Seekers in Zagreb.²²

Against the decision of the MoI, it is possible to institute an administrative action before one of four administrative courts (in Zagreb, Split, Rijeka and Osijek), and a sole judge rules on the dispute. At the Administrative Court in Zagreb, the specialization of judges in the field of asylum and migrations has gradually been introduced.

4. Asylum in legislation and practice: access to the asylum system, establishment of the status and the rights of applicants for international protection

4.1. Access to the asylum system

4.1.1. The visa regime

According to the figures from the Ministry of Foreign and European Affairs (hereinafter: MFEA)²³, in 2018, a total of 58,484 Croatian visas were issued for transit or for intended stay in the territory of the RoC, not exceeding 90 days in any 180 period. All the issued visas were for short stays (C). Twenty-seven appeals were lodged against decisions to refuse a visa, and the competent services of the MFEA rendered 24 decisions rejecting appeals, and in one case, the first instance decision by diplomatic missions and consular offices (DM/KU) on rejection was annulled and the application was returned for a renewed decision-making process. In one case, appellate proceedings were suspended (because of the issuance of a visa based on a new application) and in one case, appellate proceedings are still pending.

²² A letter from the Ministry of the Interior, Directorate for Administrative and Inspection Affairs, Office for Aliens and Asylum of 28 January 2019 (CLC documentation).

²³ A letter from the Ministry of Foreign and European Affairs, Directorate for Consular Affairs, Department for Visas and Foreigners, Visa Office of 28 January 2019, Class: 217-01/19-01/7, no. 521-V-02-01/MZ-19-02 (CLC documentation).

4.1.2. Access to the territory and the system of asylum

In February 2018, civil society organisations presented their fourth report on violent and illegal unlawful returns of refugees from the RoC.²⁴ The report was the result of the cooperation between the Centre for Peace Studies, the initiative Welcome!, the association Are You Syrious? and the collective No Name Kitchen. The report contained the collected testimonies of persons who had been returned from Croatia to Serbia once or several times. The mentioned organisations warned of the practice of returning persons from Croatia to Serbia who had been caught while illegally crossing the State border, either from the border or from deep territory, without the implementation of individual procedures in the presence of an interpreter provided for in the Foreigners Act. Activists also warned that foreigners were systematically and continuously prevented from having access to the territory of the RoC and its asylum system. In addition, the report also contained the following statements made by the migrants about the treatment by Croatian police officers: police officers overstepping their powers, various forms of verbal and physical violence, insults, seizing valuables and personal things, destruction of personal of things and expulsion despite explicitly seeking asylum in Croatia. In the report, attention was drawn to violent conduct by the police officers when dealing with unaccompanied children and other vulnerable groups of migrants. The report also contained the photographs of their injuries and destroyed personal things.

In her annual report for 2018, the Ombudswoman warned of the illegal practice of expelling migrants by using various coercive means and neglecting their need for international protection.²⁵

The end of 2017 was marked by a tragic event when a 6-years old girl from Afghanistan lost her life. In March 2018, her family re-entered the RoC, sought international protection and was immediately accommodated in the Transit Reception Centre in Tovarnik where their freedom of movement was restricted. The family was previously represented by an attorney who had their signed power of attorney but she was not allowed to visit them and to communicate with them. The case led to numerous controversies particularly because the family had been exposed to a severe trauma.²⁶ The family's attorney turned to the European Court of Human Rights (ECHR) and asked for a preliminary measure invoking the violation of

²⁴ The report is accessible at http://welcome.cms.hr/index.php/hr/2018/07/30/izvjestaji-o-nasilju-i_nezakonitim-vracanjima-izbjeglica-iz-rh/

²⁵ See note 21.

²⁶ <https://www.jutarnji.hr/globus/Globus-politika/tajni-policijski-rat-protiv-male-mrtve-madine-prvo-su-afganistanku-6-otjerali-prema-srbiji-i-pala-je-pod-vlak-sad-su-njezinu-obitelji-lisili-slobode/7200504/>;
<https://www.jutarnji.hr/vijesti/hrvatska/odvjetnica-obitelji-male-madine-podnosi-tuzbu-ustavnom-sudu-ponizavaju-ih-necovjecno-se-ponasaju-prema-njima-povrijedeno-im-je-pravo-na-slobodu/7208610/>;
<https://vijesti.rtl.hr/potraga/2989503/obitelji-tragicno-preminule-madine-i-dalje-iza-resetaka-nije-kao-zatvor-ovo-je-zatvor/>

Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms alleging that the accommodation in the Transit Reception Centre in Tovarnik was inadequate. She also asked the Court to render a decision to make it possible for her to communicate with the family. The ECHR rendered a preliminary measure three times and ordered the transfer of the family to a suitable accommodation facility requesting at the same time an explanation from the Government of the RoC.²⁷

The family had been detained for 75 days. Finally, on 11 May 2018, the ECHR deliberated on the case of M.H. and others against Croatia (application no. 15670/18)²⁸ to decide whether the family's accommodation in the Transit Reception Centre in Tovarnik constituted inhuman and degrading treatment under Article 3 of the Convention, whether the deprivation of freedom was lawful and in conformity with Article 5(1)(f) of the Convention, whether the accommodation and the stay of the family in the Transit Reception Centre constituted the violation of their right to privacy and respect of their private and family life (Article 8 of the Convention), whether they were subjected to collective expulsion without an individual assessment of their circumstances (violation of Article 4 of Protocol 4), whether Article 14 of the Convention was violated (prohibition of discrimination) and whether disrespect of the Court's preliminary measures and making it impossible for the family to contact their attorney constituted the violation of Article 34 of the Convention (the right to submit an individual application).

At the beginning of 2018, the Ombudswoman serviced on the Chief State Prosecutor, for his competent acting, all the information she had obtained on the tragic event. Beside the information on the event, the Ombudswoman, in her letter, provided all the details and conclusions she had made in the previous cases. They raised doubts that Mol had failed to carry out efficient investigation of the allegations concerning the treatment of irregular migrants and it was necessary to establish whether they contained elements of a criminal offence.²⁹ In June 2018, the Office for the Prevention of Corruption and Organised Crime (USKOK) suspended the criminal report, submitted by the family's attorney against the policemen of the RoC, for several criminal offences committed on 21 November 2017 in the vicinity of the border crossing with the Republic of Serbia where the girl from Afghanistan lost her life.³⁰

²⁷<https://www.cms.hr/hr/azil-i-integracijske-politike/europski-sud-za-ljudska-prava-odmah-promijenite-postupanje-prema-obitelji-malene-madine>; <https://www.cms.hr/hr/azil-i-integracijske-politike/europski-sud-za-ljudska-prava-po-treci-puta-poziva-mup-da-ukine-detenciju-obitelji-poginule-djevojci-ce-madine>

²⁸ <http://hudoc.echr.coe.int/eng?i=001-183485>

²⁹ <http://ombudsman.hr/hr/npm-novosti/cln/1263-pravobraniteljica-dostavila-dorh-u-sve-informacije-o-okolnostima-pogibije-madine-husseini-modulnrm>

³⁰ http://www.dorh.hr/01_06_2018

The Ombudswoman again warned of unlawful expulsions of migrants and more difficult access to seeking international protection. She pointed out that for the first time, and on several occasions during 2018, MoI had deprived her of direct access to data, although she was entitled to obtain them based on the Data Secrecy Act, the Ombudsman Act and the Act on National Preventive Mechanism. She also stated that the refusal to give her access to data in the police stations of Glina, Gvozd, Cetingrad, Karlovac and Donji Lapac resulted in a serious violation of the regulations providing for such access and she was thus prevented from doing her work. It must be mentioned here that she continued to have free access to data involving other groups of persons but not migrants. She sent a letter to the Committee for Human Rights and the Rights of National Minorities of the Croatian Parliament on the occasion of its session. (for more see above).³¹

In October 2018, the Committee for Human Rights and Rights of National Minorities Rights of the Croatian Parliament had a session entitled "A Discussion on the Status of Migrants and the International Protection of Migrants in the Republic of Croatia". The Ombudswoman, the Ombudswoman for Children, the representatives of the competent ministries and other state institutions, the representatives of UNHCR and UNICEF, the CLC, the Centre for Peace Studies and the Association Are you Syrious? were all present at the session. A conclusion of the Committee's session was that Croatia did not belong to the countries applying extreme means to prevent the movement of migrants and was not characterised by any anti-migrants climate. However, it was necessary to look into the respect of international conventions on the protection of human rights of migrants, particularly in the part dealing with the use of force and fire-arms. It was emphasised at the Committee's session that Croatia should not allow the repetition of insufficiently investigated cases because such acting was not in conformity with international conventions and could ruin Croatia's reputation and interests. At the session, the necessity to enhance the communication among all institutions competent for particular aspects of the protection of the migrants' rights and the importance of free access of the necessary information to the Office of the Ombudswoman was emphasised.³²

³¹ http://ombudsman.hr/hr/npm-novosti/cln/1456-migracije-prituzbe-na-policijsko-nasilje-i-dalje-nisu-istrazene?fbclid=IwAR1Os3HGikENrlaLKilV0AuBcnWa05DSKmrQ_P14SRncV2bLk2_RkZcyNYA; see note 21.

³² <https://www.sabor.hr/hr/press/priopcenja/u-saboru-odrzana-tematska-sjednica-o-stanju-migracija-i-medunarodnoj-zastiti>

4.1.3 Intentions and applications to seek international protection

Foreigners may express their intention to file an application for international protection orally or in writing when going through border controls at a border crossing, in a police administration, police station, or in the Reception Centre for Foreigners or in transit reception centres when they are already in the territory of the RoC. Exceptionally and in extraordinary circumstances, intention may be expressed in the Reception Centre for International Protection (Article 33, paragraphs 1-3 AITP). By expressing an intention, a person gets the status of an asylum seeker and thus also all the rights guaranteed by the AITP.

According to MoI figures³³, in 2018, a total of 1,068 persons expressed an intention to file an application for international protection (763 men and 305 women). The largest number of persons expressing intention were in the age range from 18-34 (372 men and 109 women), mostly originating from Afghanistan (84), Iran (79), Algeria (67) and Syria (65). Intention was also expressed by 256 children of 13 years of age (151 boys and 105 girls), mostly originating from Afghanistan (88), Syria (72), Iran (34) and Iraq (28). In the age group ranging from 14-17, a total of 103 persons expressed an intention to seek international protection (75 men and 28 women), mostly originating from Afghanistan (30) and Syria (31). Intention was also expressed by a total of 224 persons aged 35 to 64 (163 men and 61 women), mostly originating from Syria (54), Afghanistan (33), and Iran (26). Four intentions by persons older than 65 were also recorded.

Most intentions were expressed in police administrations/police stations (868), at border crossings (123), at the Reception Centre for Applicants for International Protection in Kutina (36), at the Reception Centre for Applicants for International Protection in Zagreb (26) and at the Reception Centre for Foreigners (15).

A total of 916 persons filed an application for international protection, of whom 641 were men and 275 women. In terms of citizenship, most applicants were from Syria (200), Afghanistan (191) and Iran (135), mostly in the age group from 18 to 34 years (323 men and 99 women). In the age group of up to 13 years, there were 224 children of asylum seekers, 129 of them boys and 95 girls, mostly from Afghanistan (72) and Syria (69). In 2018, 64 unaccompanied children were registered.

In 2018, intention to apply for international protection was expressed by fewer persons than in 2017 when 1,887 persons expressed such intention. However, compared to 2017, there were no major deviations in the number of submitted applications: a total of 955.³⁴

³³ See note 22.

³⁴ See The Croatian Asylum System in 2017 – National Report, accessible at <http://www.hpc.hr/wp-content/uploads/2018/10/Nacionalni-izvjestaj-o-sustavu-azila-2017.pdf>

4.1.4. The Dublin Regulation

According to figures from Mol,³⁵ during 2018, under the Dublin Regulation, Croatia received 1263 applications for reception, and 126 persons were returned to Croatia (three leading countries were: Austria (50), Germany (24) and Slovenia (19)). In relation to 2017, it was an increase in the number of applications for reception and a decrease in the number of persons returned to Croatia.³⁶ The most frequent criteria for determining Croatia as the responsible Member State for the examination of applications were the following: a repeated reception under Article 18, paragraph 1, point b) of the Dublin Regulation when an applicant had already made an application for international protection in the RoC and Article 18, paragraph 1, point c) when the applicant left the RoC during the procedure for international protection; the reception based on Article 13 because of the applicant's illegal entry into the RoC as the first Member State and the reception based on Article 12 when the applicant entered the territory of the EU on the basis of a visa. Based on the discretionary clause – humanitarian clause (Article 17, para. 1 of the Dublin Regulation), two reception application for entry were recorded.

To the knowledge of the CLC and its practice of offering legal assistance to asylum seekers, some applicants had stayed for months in other countries and gradually became well integrated in the new communities but were almost overnight returned to Croatia where the procedure of determining their refugee status started all over again. It was not rare that there were situations where families and relatives were separated, which led to even greater vulnerability of persons and to a deterioration of their mental health.

In 2018, Croatia filed 253 applications under the Dublin Regulation (take back, take charge, info request and the applications for re-examination) and a total of 10 persons were transferred (4 to Sweden, 3 to Germany, 1 to Bulgaria, 1 to Switzerland and 1 to Italy) which was an increase in the number of applications and the transferred persons in relation to 2017.³⁷ The applied criteria were: Article 18, para. 1, point b) of the Dublin Regulation (obligation to accept an applicant whose application was submitted in another Member State); acceptance based on Article 12, when the applicant entered the EU on the basis of a visa; acceptance based on Article 13 for illegal entry to another Member State of the EU as the first country of entry to the EU; acceptance on the basis of Articles 8 and 9 to reunify the family. On average, the duration of the procedure from filing the application to the actual transfer to another Member State was three months, and the average time from the moment

³⁵ See note 22.

³⁶ See note 34.

³⁷ *Ibid.*

when another Member State accepted the responsibility until the actual transfer, was two months.³⁸

Pursuant to AITP, the movements of a foreigner in transfer may be restricted only to ensure the enforcement of handover to another Member State of the European Economic Area if it is assessed that a risk of flight exists. In 2018, that possibility was used in two cases because there was a serious risk of flight. Indeed, the transfer was postponed for three persons because of the risk of flight before the transfer.³⁹

According to the obtained data for 2018, MoI has eight stationed EURODAC (Live Scan) devices (three in the Reception Centre in Zagreb, one in the Reception Centre in Kutina, one in each of the two Transit Reception Centres in Tovarnik and Trilj and two in the Reception Centre for Foreigners, as well as 24 mobile EURODAC devices in police administrations/stations across Croatia. From October 2017, all fingerprints were taken via EURODAC Live Scan device. If a person could not be taken to the police administration, or the device could not be taken to the police station where the person was located, fingerprints were taken on paper and then scanned.⁴⁰

4.1.5. The process of relocation and resettlement of refugees

In 2018, there were no relocations from Greece or Italy, although transfers had been organised but the persons failed to show up at the time agreed for the transfer. The overall obligation for relocation from Greece and Italy included 1,433 persons and until the end of 2017, 81 persons were successfully relocated (60 from Greece and 21 from Italy).⁴¹ In 2018, a total of 112 persons were resettled from Turkey to Croatia and they were all the nationals of Syria. Four disabled persons were also resettled. On average, the procedure of resettlement lasted for six months.⁴²

4.2. Restriction on freedom of movement

According to MoI,⁴³ in 2018, freedom of movement following placement in the Reception Centre for Foreigners was restricted in relation to 15 applicants who were all men. It was a significant decrease of the applicants accommodated in the Reception Centre for Foreigners in relation to 2017.⁴⁴ The legal basis for the accommodation of applicants was Article 54 of the AITP: prevention of the abuse of the procedure, if, on the basis of objective criteria, including the possibility of access to the procedure of granting international protection, there

³⁸ See note 22.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ See note 34.

was a well-founded suspicion that an intention was expressed during the procedure of forced expulsion to prevent the procedure from continuing (10 persons); the protection of security and public order of the Republic of Croatia (3 persons); safeguarding the implementation of transfer to another Member State of the EEA if a risk of flight existed (2 persons). According to the country of origin, freedom of movement was mostly restricted for the nationals of Turkey (8), Algeria (2), Afghanistan (1), Albania (1), Iran (1), Lybia (1), and Palestine (1). On average, measures restricting freedom of movement were imposed for the duration of three months.

During 2018, a total of 84 decisions on the restriction of the freedom of movement on the basis of AITP were rendered (19 were made by the Reception Centre for Applicants for International Protection, 2 by the Department for Asylum and 63 by police administrations/stations).

In the Reception Centre for Foreigners in Ježevo, no children unaccompanied by an applicant for international protection and no accompanied children were accommodated.

According to the data of the Border Police Directorate⁴⁵, in 2018, a total of 535 persons (448 men and 55 women) were accommodated in the Reception Centre for Foreigners in Ježevo. Of that number, there were 32 children (20 boys and 12 girls). According to citizenship, the largest number of persons were the nationals of Turkey (245), Albania (48) and Iran (41). On average, accommodation lasted for 24 days, for children 17 days.

In 2018, in the Reception Centre for Foreigners in Tovarnik, a total of 108 persons were accommodated (65 men and 43 women). Of that number, there were 41 children (see above the case of M.H. against the RoC). According to citizenship, there were 66 persons from Afghanistan, 29 persons from Iran, 5 persons from Iraq, 5 persons from Syria and 3 persons from Pakistan. On average, accommodation lasted for 25 days.

In the Reception Centre in Trilj, a total of 284 persons (246 men and 38 women) were accommodated, and of that number, there were 37 children which was a significant increase in the number of accommodated persons compared to 2017.⁴⁶ The largest number of persons were from Iran (86), Turkey (69), Syria (33), Pakistan (32) and Iraq (19). On average, accommodation lasted for 12 days.

In 2018, for six applicants for international protection, a decision on the restriction of freedom of movement as an alternative to detention was adopted – by their personal arrival at the Reception Centre at a particular time. In our opinion, alternative measures on the restriction

⁴⁵ A letter from the Ministry of the Interior, Border Police Directorate, of 6 February 2019, Class: NK-212-01/19-04/15, reg.no. 511-01-63-19-2 (CLC documentation).

⁴⁶ See note 34.

of freedom of movement by accommodation in the Reception Centre for Foreigners or transit reception centres was a good practice.

4.3. Status determination procedure

In 2018, Mol resolved 572 applications (see Table 1).

Table 1: Statistical data on the resolution of applications for international protection (data from January 2019)

Applications resolved in the first instance	Asylum	225
	Subsidiary	21
	Suspended	140
	Dismissed	186
	Total	572

Source: correspondence by Mol of 28/01/2019 (CLC documentation)

In 2018, in administrative proceedings, Mol granted a total of 240 asylums and 25 subsidiary protections. According to the countries of origin, asylum was granted to citizens of Afghanistan (6), Bangladesh (3), no citizenship (2), Egypt (4), Eritrea (2), Iraq (34), Iran (10), Yemen (3), unknown citizenship (2), Nigeria (2), Pakistan (1), Palestine (3), Syria (169), Somalia (1) and Turkey (31). Subsidiary protection was granted to citizens of Afghanistan (1), Syria (23) and Sudan (1). Most applicants were men (see Table 2).

Table 2: Statistical data on protection granted by Mol by gender and age

Type of protection	Gender	Age	2018
Asylum	M	0-13	42
		14-17	14
		18-34	65
		35-64	31
		M total	152
	F	0-13	35
		14-17	14
		18-34	17
		35-64	21

		65 +	1
	F total		88
Total asylum			240
Subsidiary protection	M	0-13	6
		14-17	3
		18-34	0
		35-64	4
	M total		13
	F	0-13	8
		14-17	0
18-34		2	
35-64		2	
F total		12	
Total subsidiary protection			25
Grand total			265

Source: correspondence by Mol of 28/01/2019 (CLC documentation)

In expedite proceedings on the basis of Article 31, para. 8 of Directive 2013/32/EZ, Mol decided in 83 cases. In 2018, under the concept of safe third country, 8 decisions were rendered, including a total of 29 persons.

Regarding the decisions of administrative courts in administrative actions instituted against the decisions of Mol, most were instituted before the Administrative Court in Zagreb, which received a total of 229 cases (183 cases in the procedure for granting international protection, 36 cases on the actions against the restriction of freedom of movement and 10 cases on the issuance of permits on the acquisition of the right to work. Of the total number of cases in the procedure of granting international protection, in 151 cases the claims were rejected and in 29 cases they were accepted. In one case the claim was dismissed, in one case it was ceded and in one case the proceedings were stayed. Regarding the claims against the restriction of freedom of movement, the claims were rejected in 24 and accepted in 11 cases. The claim was dismissed in one case. As for the claims in the proceedings for the issuance of permits on the acquisition of the right to work, in eight cases the claims were rejected and in two cases the proceedings were stayed.

The Administrative Court in Rijeka ruled in two cases of international protection – in one case the claim was rejected and in another case the proceedings were stayed. The Administrative Court in Split did not receive any cases for international protection. However, they still have one case of 2017 that is pending. In 2018, the Administrative Court in Osijek ruled in 10 cases in the procedure of granting international protection and in all 10 cases, the claims were rejected. In addition, the Court in Osijek ruled in 10 cases on the restriction of freedom

of movement of the applicants for international protection: in 9 cases the claims were rejected and in one case the claim was accepted.⁴⁷

In 2018, the High Administrative Court received 55 cases and resolved 49 cases dealing with international protection (40 claims received, 32 rejected, 2 accepted, 1 case stayed and 5 unresolved). Regarding the restriction of freedom of movement, the Court received 15 cases and 14 of them were rejected and 1 was unresolved.⁴⁸

To the knowledge of the CLC, regarding the taking of evidence in the proceedings for the determination of status, evidence was not taken by way of medical expertise, although the statements of some applicants indicated that they were allegedly victims of torture or inhuman treatment.⁴⁹ Since 2010, the CLC has continuously worked on the project called "Protection of Victims of Torture Among Vulnerable Groups of Migrants"⁵⁰ within which the recognised victims of torture have received individual psychological help and support, and expert opinion of a psychologist is used in the procedure of granting international protection.

4.4. The rights and obligations of the applicants for international protection pursuant to the Act on International and Temporary Protection (AITP)

Applicants for international protection have certain rights and obligations during the procedure for determining their status granted by Articles 52-62 AITP which include: the right to stay, freedom of movement, the provision of appropriate material reception conditions, healthcare, elementary and secondary education, information, legal counselling and free legal assistance, freedom of religion, work and the possession of documents.

In 2018, various domestic and international civil society organisations were active in the Reception Centres in Zagreb and Kutina, offering various services and assistance to asylum seekers: Croatian Red Cross (CRC), The Jesuit Refugee Service (JRS), Centre for Peace Studies (CPS), the Initiative Are You Syrious?, the Hands of Hope (*Croatian Baptist Aid*), Society for Psychological Assistance (SPA), the Rehabilitation Centre for Stress and Trauma (RCT), Doctors of the World, UNHCR and the International Organisation for Migration (IOM).

It is obvious that civil society organisations have become more engaged in the provision of services to applicants based on the established relations with Mol. This is a very positive development but there are still visible challenges regarding the provision of the applicants'

⁴⁷ Correspondence by the Administrative Court in Zagreb (11/03/2019), Rijeka (10/01/2019), Split (28/01/2019) and Osijek (28/02/2019) (CLC documentation).

⁴⁸ A letter from the High Administrative Court in Zagreb of 14/01/2018.

⁴⁹ CLC documentation.

⁵⁰ <http://www.hpc.hr/2016/01/04/zastita-zrtava-mucenja-medu-ranjivim-skupinama-migranata-protection-of-victims-of-torture-among-vulnerable-groups-of-migrants/>

rights guaranteed by law particularly when the exercise of these rights largely depends on the activities of institutions.

In 2018, in the Reception Centre in Zagreb, the rooms in the part where families were accommodated, were renovated. A large part of the Reception Centre is still in the process of renovation. A major problem is the fact that, because of the ongoing work, applicants are often moved from one part of the facility to the other.⁵¹ Because of the reconstruction of the part of the Reception Centre used for accommodation in the period from the summer of 2018 to the summer of 2019 (when the reconstruction was planned to be completed), the capacity of the Reception Centre in Zagreb was reduced to 360 places.⁵²

In the course of 2018, there was information on the possible relocation/construction of a new Reception Centre for the Applicants of International Protection in Petrinja, the settlement called Mala Gorica. The necessary funds for the new facility were allocated in the budget of the Asylum, Migration and Integration Fund (AMIF).⁵³ The announcement of the construction of a reception centre in Mala Gorica was followed by the resistance of the local population and the City Council of the City of Petrinja.⁵⁴

The accommodation capacity in the Reception Centre in Kutina is 100 persons. The rooms are shared by families and there are separate rooms for single women. In the Reception Centre in Zagreb, the applicants are able, among other activities, to participate in a creative workshop, a fitness club or a language course. They can also use a library, take part in sport activities at the Reception Centre and elsewhere and participate in a music class.⁵⁵ From the practice of providing legal assistance to applicants, we may conclude that they are less interested in various activities because of their long stays at reception centres waiting for their applications to be resolved.

The healthcare of applicants is provided by health centres chosen by the Ministry of Health on the basis of contracts made with them (in Zagreb – Health Centre Zagreb-Centre and the surgery in Dugave and in Kutina – Health Centre Kutina). In these health centres, competent surgeries were chosen (family practice) to provide urgent medical interventions and also primary health care in the cases of chronic and life-threatening diseases. The Ministry of Health selected special surgeries for vulnerable groups, with specialists in paediatrics,

⁵¹ A letter from the CRC of 18/03/2019 (CLC documentation).

⁵² See note 22.

⁵³<http://eufondovi.mup.hr/UserDocsImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Uspostava%20infrastrukture%20i%20ja%C4%8Danje%20kapaciteta%20Prihvatili%C5%A1ta%20za%20tra%C5%BEitelje%20azila%20u%20Maloj%20Gorici.pdf>

⁵⁴<https://www.jutarnji.hr/vijesti/hrvatska/petrinjsko-gradsko-vijece-jednoglasno-zakljucilo-ne-zelimo-izgradnju-velikog-prihvatnog-centra-za-migrante-u-nasem-gradu/8334023/>

⁵⁵ See note 51.

gynaecology, school medicine for both Reception Centres, a neuropsychiatric surgery at the hospital “Ivan Barbot” in Popovača for the Reception Centre in Kutina, a psychiatric hospital “Sveti Ivan” in Zagreb, a surgery for substance abuse at the Institute “Andrija Štampar” in Zagreb and dental care surgeries at the level of urgent and primary healthcare. Hospital care and treatment are offered at local hospitals – “Dr Ivo Pedišić” in Sisak and KBC Rebro in Zagreb. It has been emphasised by the Society for Psychological Assistance that a huge problem is still access to psychiatric treatment and that, as a rule, applicants are hospitalised for one to two days regardless of the severity of their mental health.⁵⁶

Doctors of the World run a surgery in the Reception Centre for Applicants of International Protection in Zagreb where their medical team provides services on all working days. On 1 November 2018, they started the implementation of a project called “Prevention of Diseases, Psychological Support, Access and Assistance in Healthcare for the Seekers of International Protection – 4P”, financed by AMIF, through which those who sought international protection had access to continuous and individualised healthcare and assistance whereby their cultures and languages were taken into account. The surgery run by Doctors of the World at the Reception Centre in Zagreb was open from 10:00 to 18:00 o’clock on working days and at the Reception Centre in Kutina, two to four times a month for a day.⁵⁷

The staff of the Reception Centre in Zagreb, and in particular the officer in charge of hygienic and health issues were responsible for the coordination between the applicants, Doctors of the World and other associations and surgeries and they organised their appointments and check-ups or provided transport and escort services.⁵⁸ A medical team of the Doctors of the World consisted of two general practitioners, a nurse and two interpreters. They provided medical consultations at the level of primary healthcare in the Reception Centres in Zagreb and Kutina. They also provided the first official health examinations of the newly arrived applicants for international protection - on every working day in Zagreb and two to four times a month for a day in Kutina.

In addition, the medical team included two psychologists who offered individual psychological counselling/therapies (every day at the Reception Centre in Zagreb and in Kutina when needed)). In order to provide an overall support and care, a community associate and an interpreter offered practical support/help by interpreting, giving information, advice and assistance to applicants and persons granted international protection in the realisation of their rights (including making appointments and taking patients to health institutions if necessary). Doctors of the World engaged external associates – specialists such as

⁵⁶ A letter from the Society for Psychological Assistance of 21/12/2018 (CLC documentation).

⁵⁷ A letter from the Doctors of the World of 23/12/2018 (CLC documentation).

⁵⁸ See note 22.

gynaecologists, paediatricians and psychiatrists who visited the Reception Centre in Zagreb once to four times a month (depending on the needs). Vaccination of the applicants' children was also organised on a regular basis in cooperation with MoI, the Health Centre Zagreb-Centar, the Teaching Institute for Public Health "Dr Andrija Štampar" and Doctors of the World.⁵⁹

The Croatian Red Cross (CRC), in cooperation with Doctors of the World and MoI, offered transport services to applicants when they had to be taken for examinations, as well as interpretation services into Arabic and Farsi languages during examination and assistance in buying medicaments and medical equipment if necessary.⁶⁰ The CRC also provided psychosocial assistance and support to applicants in the Reception Centres in Zagreb and Kutina where its representatives were present on a daily basis. Beside the CRC, psychological assistance/support in the Reception Centre in Zagreb was offered by the Society for Psychological Assistance and by a psychologist who was an associate of the CLC in the project called "Protection of Victims of Torture Among Vulnerable Groups of Migrants".

In addition, the CRC printed leaflets in different languages (Croatian, English, Arabic, Farsi) on hygiene and hygienic habits and they were sent to applicants at reception centres. In the course of 2019, the CRC organised a series of workshops at the reception centres in Zagreb on raising awareness of the issues such as violence against women, sexual and gender-motivated violence and human trafficking.⁶¹

In its office in Zagreb, the RCT offered psychological assistance and support to applicants and persons granted international protection.⁶²

During 2018, Are Your Syrious?, in cooperation with the "Croaticum- Centre. organised courses for Croatian as the second and foreign language", a basic Latin course in cooperation with the Faculty of Philosophy of the University of Zagreb – a part of the course entitled "Socially Useful Learning" organised at the Department for Croatian Studies, English language courses – elementary, medium and advanced courses at the Integration Centre of the association AYS, as well as additional individual classes of the Croatian language for children who needed additional support in language learning at the Reception Centre in Zagreb.⁶³

⁵⁹ See note 57.

⁶⁰ See note 51.

⁶¹ A letter from the Rehabilitation Centre for Stress and Trauma of 18/01/2019 (CLC documentation).

⁶² See note 51.

⁶³ A letter from Are You Syrious? Of 10/01/2019 (CLC documentation).

Legal information in connection with the procedure before the Mol continued to be offered by civil society organisations (CLC, JRC, CPS) as part of their regular activities. In August 2018, Mol, in line with its obligation referred to in Article 59 of the AITP, invited tenders for financing a project of providing legal counselling in the procedure of granting international protection but no results were published before the end of the year.

4.5. The Protection of Unaccompanied Children – from the practice of the CLC

In 2018, the CLC carried out a project called “Together in the Protection of the Rights of Unaccompanied Children”⁶⁴ in cooperation with the social welfare institutions in Ivanec, Zagreb and Karlovac. The project was financed by the Ministry for Demographics, Family, Youth and Social Policy. It was aimed at education and dialogue with the professional staff at social welfare institutions who worked with unaccompanied children and the provision of legal information/advice to unaccompanied children accommodated at social welfare institutions in the above mentioned towns.

During the work with unaccompanied children and the professional staff taking care of them, certain problems were detected and the following conclusions were made:

- There is a need for more detailed initial medical examinations of unaccompanied children;
- It is necessary to ensure that special guardians are engaged and paid for their extra duty hours;
- It is necessary to engage an interpreter for interviews with unaccompanied children (there is a need for interpreters for Pashto, Kurdish and some other languages for which there is a shortage of interpreters – there is usually only one interpreter for some of these languages, so that it is not possible to work properly with children who come from the countries where they are spoken); these interpreters must be adequately paid (there is a possibility to engage the interpreters who are on the list of Mol by developing a cooperation with Mol and the Ministry of Demographics, Family, Youth and Social Policy);
- It is necessary to ensure, as soon as possible and in the presence of an interpreter, the obligatory first interviews with unaccompanied children to acquaint them with the institution where they are accommodated, with their rights and obligations, as well as with the house rules of the institution;
- It is necessary to organise children’s interviews with a special guardian, in the presence of an interpreter, to prepare them for making their applications for international protection and for the procedure of granting international protection;

⁶⁴ <http://www.hpc.hr/2018/10/30/projekt-zajedno-u-zastiti-djece-bez-pratnje-2/>

- It is necessary to adjust the house rules of social welfare institutions to unaccompanied children who are foreign nationals (where it is possible and feasible because these are not children with behavioural disorders);
- It is necessary to make the services of child psychologists and psychiatrists possible (depending on the needs of a particular unaccompanied child) who are specially trained to work with unaccompanied children, applicants for international protection, refugees, potential victims of torture and other vulnerable groups;
- It is necessary to ensure timely and full exercise of statutory rights of unaccompanied children who are foreign nationals, in particular the right to education and healthcare which are the most difficult rights to be exercised (access to a right and its being exercised largely depends on the place where an unaccompanied child is located);
- It is necessary to simplify the right to a family reunification of parents or relatives of unaccompanied children with an unaccompanied child in the Republic of Croatia if they are still in the countries of their origin (countries engulfed by war or countries with repressive regimes where it is sometimes impossible to obtain a passport and/or to legally exit the country). This is of particular importance because of extreme vulnerability of unaccompanied children and because it is often very difficult to achieve it due to very complicated procedures, stringent administration or lack of financial means);
- It is necessary to establish efficient communication between welfare centres to avoid short or long periods of time during which an unaccompanied child is without a designated special guardian;
- It is necessary to develop lists of special guardians who are trained to work with unaccompanied children;
- It is very urgent to consider alternative forms of accommodating unaccompanied children who are foreign nationals because we have seen in practice that the accommodation of vulnerable groups in educational institutions is often inadequate (unaccompanied children being placed in the same institution with Croatian children who have behavioural disorders and whose impact on unaccompanied children is often very negative);
- It is necessary to ensure continuous training for special guardians in the area of international protection system because of their obligation to prepare unaccompanied children seeking international protection to make applications and to be heard in the procedure of being granted such protection;
- The practice of designating a guardian from the group with which a child has arrived is slowly being abandoned but there are still cases where it happens. Such practice

exposes an unaccompanied child to the danger of human trafficking because most migrants who get to Croatia do not have valid passports and it is difficult to establish whether a child is related to any of the persons from the group.

4.6. The position of civil society organisations active in the area of migrations and asylum in the RoC

In 2018, civil society organisations reported on difficult access to the reception centres for the seekers of international protection and the Reception Centre for Foreigners. After several decades of cooperation, Mol did not renew the Agreement on Cooperation with the CPS. Therefore, their volunteers were not able to get into the rooms of the reception centres to carry out their activities. Mol explained that there was no real need to sign such an Agreement with the CPS, one of the reasons being the fact that other organisations, active in the reception centres, offered the same or similar activities.⁶⁵

The RCT also reported that in the middle of 2018, their agreement with Mol on access and work in the reception centres had expired and that, despite an orderly submitted request for signing a new agreement, it was not renewed before the end of 2018.⁶⁶

A volunteer from the association Are You Syrious? (AYS) was the first activist in the RoC who received the first instance conviction because, in the night of 21 March 2018, he allegedly helped a group of 14 refugees to cross the border between Serbia and Croatia. According to the ruling of the Misdemeanour Court in Vukovar of 25 September 2018, he was punished with a fine of HRK 60,000 for helping the refugees by giving them light signals from his car (*"...he was giving them instructions where and when they could illegally cross the state border and enter the area of the Republic of Croatia..."*)⁶⁷

In relation to the access to the Reception Centre for Foreigners, problems in connection with the attorneys' access to their clients accommodated in the Reception Centre (for example, an attorney's visit was not allowed and a signed power of attorney was requested for an attorney to be able to enter the Reception Centre for Foreigners while it was obvious that an attorney had to enter to be able to have the power of attorney signed). The same problem was highlighted by the Ombudswoman in her annual report for 2018 where she stated that by not making it possible for an attorney to approach foreigners who were detained, international standards were violated (free access for an attorney from the very moment of a

⁶⁵ <https://vijesti.rtl.hr/novosti/hrvatska/3286771/cms-mup-nam-pokusava-opstruirati-rad-mup-te-tvrđenje-nisu-tocne/>; <https://euractiv.jutarnji.hr/PiD/migracije/pomogli-su-stotinama-tisuca-izbjeglica-ali-sada-strahuju-za-svoju-sigurnost/8073059/>; <https://www.cms.hr/hr/azil-i-integracijske-politike/mup-izbacuje-cms-iz-prihvatilista-za-trazitelje-azila>; <https://mup.gov.hr/vijesti-8/reagiranje-mup-a-na-optuzbe-centra-za-mirovne-studije/282313> ;

⁶⁶ See note 61.

⁶⁷ <https://www.portalnovosti.com/dragan-umicevic-kazna-meni-je-poruka-drugima>; <https://medium.com/are-you-syrious/ays-special-when-governments-turn-against-volunteers-the-case-of-ays-81fcfe0e80e7> ;

person's deprivation of liberty without any restriction or censorship). This can also constitute the violation of Article 6 of the ECHR.⁶⁸

5. Asylum in legislation and practice: asylees and foreigners under subsidiary protection

5.1. Integration into Croatian society

Pursuant to the AITP, the rights of asylees and foreigners under subsidiary protection cover the following: stay, family reunification, accommodation, work, healthcare, education, freedom of religion, free legal aid, social welfare, assistance in integration into society, ownership of real property in conformity with the Convention Relating to the Status of Refugees of 1951, and the acquisition of Croatian citizenship pursuant to the regulations on acquisition of citizenship. In May 2017, an Action Plan was adopted for the integration of persons granted international protection for the period from 2017 to 2019.⁶⁹ The aim of the Action Plan was to provide assistance and protection of persons granted international protection to help them overcome their difficult situation of the refugee/humanitarian crisis. The Action Plan dealt with the following areas of integration: social welfare and healthcare; accommodation and housing; learning the Croatian language and education; employment; international cooperation and raising awareness of the problems of persons granted international protection.

Regarding the integration of asylees and foreigners under subsidiary protection into Croatian society, in 2018, like in the previous years, the greatest problems were related to learning the Croatian language, employment and accommodation. For many years already, a course of the Croatian language, history and culture was not permanently and continuously organised. Two times, a course of the Croatian language was organised in the duration of 70 hours but that was not sufficient. Thirty six persons who were granted international protection completed a course of 70 hours organised under the assistance of the JRS.⁷⁰ The problem lies in the fact that the Ministry of Science and Education was responsible for launching an invitation for tenders as a part of public procurement for every semester and therefore, the course did not take place on a regular basis. Those who had been granted international protection had to wait for a longer period of time to start a course.

⁶⁸ See note.21.

⁶⁹<https://pravamanjina.gov.hr/UserDocsimages/dokumenti/AKCIJSKI%20PLAN%20ZA%20INTEGRACIJU%2017-2019.pdf>

⁷⁰ A conversation with the leader of the JRS programme of 10/12/2018 (CLC documentation).

The HRC also emphasised the lack of systematic learning of the Croatian language as the biggest problem of integration.⁷¹

In its practice of offering legal assistance to persons granted international protection, the CLS observed a number of problems connected with their rights to family reunification. They often came across various difficulties when fulfilling all the necessary conditions to achieve that particular goal (e.g. approaching the ministries of the RoC often located outside the countries of origin of the persons who had to reunify or collect the necessary documentation).

In addition, access to healthcare services was still very difficult because the employees of health institutions were not familiar with the ways of managing health protection (e.g. how to register a patient, who to charge for the services, what kind of referrals to issue, how to write a prescription and in which pharmacies these patients would be recognised as healthcare beneficiaries). Most pharmacies did not want to give medicaments because the competent Ministry did not pay them in time and they generally had problems getting the payment.⁷²

Due to the lack of knowledge of the Croatian language, asylees and foreigners under subsidiary protection had difficulty communicating with various institutions when they wanted to exercise their right to social welfare and healthcare.

To implement the measures in the area of employment of foreigners, with particular emphasis on asylees and foreigners under subsidiary protection is the responsibility of the Croatian Employment Institute (CEI). According to the CEI data⁷³, a total of 119 unemployed asylees were registered, of whom 78 were men and 41 women, as well as 20 persons under subsidiary protection (10 men and 10 women). Most of them were registered with the Regional Office in Zagreb (127 persons), and the Regional Offices in Sisak (6), Zadar (6), Kutina (2), Rijeka (1), Varaždin (1) and Pula (1). In 2018, as many as 248 asylees and 27 persons under subsidiary protection were included in the activities of individual counselling. Eighteen asylees and two persons under subsidiary protection were included in the active employment policy measures. These measures were the following: public works, training at work place to obtain a capability document and support in employment.

In 2018, the CRC worked on a project of networking employers and persons granted international protection and as a result, a certain number of persons were employed.⁷⁴ In 2018, the RCT also carried out the activities of employing the persons under international protection and international protection seekers. The RCT emphasised that in practice, there

⁷¹ A letter from the Croatian Red Cross of 29/11/2018 (CLC documentation).

⁷² *Ibid.*

⁷³ A letter from the Croatian Employment Institute of 28/01/2019 (CLC documentation).

⁷⁴ See note 71.

were cases of exploitation that both the seekers of international protection and those already granted international protection were faced with when they were employed (e.g. their working time was longer than agreed, extra hours were not paid, the need for a statutory vacation was not observed).⁷⁵

In 2018, a lot was done on the local integration of persons granted international protection in the areas of local and regional self-government units where such persons were accommodated. The City of Zagreb, in its Social Plan for the period of 2014-2020, defined for the first time the strategic area of the integration of asylees and determined what measures had to be taken. The priorities were the exploration of the conditions and the needs of asylees within the area of the City of Zagreb, the provision of the conditions for their temporary housing and the development of the conditions for their integration.⁷⁶

As regards the accommodation of persons granted international protection, the Central State Office for Reconstruction and Housing stated that during 2018, 41 lease contracts for 113 persons under international protection were cancelled because two years had expired during which they were entitled to free accommodation. The question arises whether they are still in the RoC, where they are accommodated and what difficulties they encounter.⁷⁷ The JRS highlighted the problem of accommodation of those who were granted international protection after two years of free accommodation had expired because some of them sought accommodation at the Reception for Homeless People in Kosnica.⁷⁸

5.1.2. Integration of refugees relocated from Turkey

During 2018, a total of 112 persons, all the nationals of Syria were relocated from Turkey to Croatia. To implement the Government Decisions of 2015⁷⁹ and 2017⁸⁰ and to integrate the relocated refugees, MoI cooperated with the Croatian Office of the International Organisation for Migrations (IOM) on the project entitled "Support to the Government of the Republic of Croatia in the Relocation of Refugees". The project included the activities of the initial integration in the Croatian society (learning the Croatian language, further acquaintance with the Croatian culture, customs, laws, rights and obligations), cooperation with the local and regional self-government and institutions and organisations active in the field of asylum. After having been granted international protection and the initial integration measures, the relocated refugees were accommodated outside the Reception Centre for the Applicants of

⁷⁵ See note 61.

⁷⁶ Social Plan of the City of Zagreb 2014-2020 (<https://www.zagreb.hr/socijalni-plan-grada-zagreba-2014-2020/70651>).

⁷⁷ See note 21.

⁷⁸ See note 70.

⁷⁹ https://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_78_1507.html

⁸⁰ https://narodne-novine.nn.hr/clanci/sluzbeni/2017_10_99_2276.html

International Protection, in the accommodation units provided by the Central State Office for Reconstruction and Housing.⁸¹ In December 2018, Mol made an Agreement on Cooperation in the Area of Integration of Relocated Persons from Turkey with the JRS who conducted all the activities connected with the reception and integration of refugees relocated from Turkey.⁸²

The process of integration of refugees relocated from Turkey is different from the one involving the nationals of third countries granted international protection in the RoC who have not been relocated into the RoC. For relocated refugees, integration begins even before their entry to Croatia (cultural orientation in Turkey) and it becomes more intensive when they arrive at the Reception Centre for the Seekers of International Protection. In addition, the relocated refugees receive individual support during the process of integration. Since integration is mostly defined as a two-way process, support is also given to local self-government units where the refugees are accommodated. However, the process of integration of persons granted international protection who have not been relocated, mostly begins only after they have been granted international protection. They also lack individual support during the process of integration and they often depend on good will of volunteers from various civil society organisations.

6. Conclusion

The year 2018 was marked by a significant impact of a stronger border control of the external EU borders on the possibility of refugees to exercise their rights of having access to the territory and the asylum system of Croatia which resulted in systemic violations of their human rights. This argument was pointed out by all non-governmental organisations active in the system of asylum. In the case of persons seeking international protection, the possibility of having access to the system of asylum is directly connected with the possibility of entering a particular country. Access to the system of asylum is the first step in enabling them to exercise their right to seek international protection as provided for in international and European documents for the protection of human rights and fundamental freedoms. The restriction of access to the system of asylum prevents the implementation of the procedure of determination of the refugee status which means that the persons who need protection will not be recognised. By strengthening the control of external borders of the EU, and thus also the external borders of the RoC in relation to third countries, the issue of unconditional application of the principle of *non refoulement* is challenged.

⁸¹ <https://mup.gov.hr/vijesti/u-republiku-hrvatsku-preseljena-druga-skupina-izbjeglica-iz-turske/271645>;
<https://mup.gov.hr/vijesti/u-hrvatsku-preseljena-cetvrta-skupina-izbjeglica-iz-turske/281401>;
<https://mup.gov.hr/vijesti/u-hrvatsku-preseljena-peta-skupina-sirijskih-izbjeglica-iz-turske/282401>

⁸² <https://mup.gov.hr/vijesti-8/sporazum-o-suradnji-na-podrucju-integracije-preseljenih-osoba/283101>

The EU, as well as some of its Member States, strive for the full functionality of the system of resettlement and relocation of refugees, the closing and externalisation of the system of international protection which leaves the refugees, who are in third countries and on the external borders of the EU, stuck in limbo. Public policies in the area of asylum are influenced by the policy of irregular migrations and constitute a switch to lawful arrivals of refugees. It is necessary to enhance the civil control of the work of public institutions and monitor the realisation of the migrants' access to the territory and the asylum system of the Republic of Croatia as the necessary condition to be able to exercise their right to asylum.

In 2018, there were no significant changes at the level of legislation providing for the system of asylum in the RoC. In practice, there was a decrease in the number of applicants for international protection but the time for rendering a decision on their applications was often much longer and beyond the statutory time limits. In addition, some problems in recognising vulnerable groups among the applicants for international protection were detected which resulted in various problems in the application of special guarantees connected with the procedure and reception.

When speaking of the integration of asylees and foreigners under subsidiary protection into Croatian society, it is necessary to enhance the cooperation at all levels of government and systematically train the staff involved in migrations and at the same time sensitize the broader public.