

# THE CROATIAN ASYLUM SYSTEM IN 2019 - 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 its national reports on the asylum system have been prepared since 2010. All previous reports are available on the CLC website.<sup>2</sup>

In 2019, there were still big challenges regarding access to the system of international protection, particularly along the border between Croatia and Bosnia and Herzegovina, reported by many national and foreign civil society organisations, international organisations, as well as by the Croatian Ombudswoman. At the end of 2019, the European Commission (hereinafter: EC) informed the European Parliament and the Council of the EU that the Republic of Croatia (hereinafter: RoC) had fully implemented the Schengen acquis. However, in the EC Communication, it was stated that the denial of access to the procedure of granting international protection and the use of force along the Croatian border were a specific challenge and Croatia was invited to examine the allegations regarding the treatment of migrants and refugees at its external borders and to continue fulfilling its obligations by protecting human rights and informing the EC about the achieved results and progress.<sup>3</sup>

There was also an increase in the number of applicants for international protection (hereinafter: applicants) but at the same time, in comparison with 2018, there was a decrease in the number of those granted international protection status. In addition, in comparison with the previous year, the number of applicants who were returned to the RoC on the basis of the Dublin Regulation decreased.<sup>4</sup> The Republic of Croatia continued with the resettlement of Syrian refugees from Turkey on the basis of two decisions of the Government of the RoC of 2015 and 2017 and a total number of 250 refugees were resettled.<sup>5</sup>

In 2019, there were no significant changes in the asylum and migration legislation. However, amendments to the Foreigners Act (hereinafter: FA) and some bylaws were prepared and made available for public consultation.

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<sup>2</sup> Croatian Law Centre, <http://www.hpc.hr/category/publikacije-i-izvjestaji/izvjestaji/>

<sup>3</sup> Communication from the Commission to the European Parliament and the Council on the verification of the full application of the Schengen acquis by Croatia, available at [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/\\_what-we-do/policies/european-agenda-migration/20191022\\_com-2019-497-communication\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/_what-we-do/policies/european-agenda-migration/20191022_com-2019-497-communication_en.pdf)

<sup>4</sup> Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member State by a third-country national or a stateless person (recast), OJ L 180, 29/06/2013, pp. 31-59.

<sup>5</sup> [https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/docs/pages/00\\_eu\\_emn\\_28th\\_bulletin\\_final\\_en.pdf](https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/docs/pages/00_eu_emn_28th_bulletin_final_en.pdf)

## **2. PUBLIC POLICIES AND LEGISLATION IN THE FIELD OF ASYLUM**

### **2.1. Novelties in legislation and trends in public policies**

The most important novelties in legislation in 2019 were the amendments to the FA<sup>6</sup> and the moving of its provisions laying down the conditions of entry, movement, residence and work of nationals of Member States of the European Economic Area (hereinafter: EEA) and their family members to a separate Act.

At its session of 28 June 2019, the Croatian Parliament adopted the Act on Nationals of Member States of the European Economic Area and their Family Members<sup>7</sup> by which, among other things, specific provisions of Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States were transposed into Croatian legislation.<sup>8</sup>

The new Draft FA primarily dealt with changes regarding the conditions of entry, residence and work of foreigners. The most important amendment was the new model of employment of foreigners and the elimination of the system of quotas. The annual quota for the employment of foreigners is no longer set and it became easier for employers to engage foreigners based on an opinion given by the Croatian Employment Service (hereinafter: CES). In addition, various categories of jobs were prescribed for which the Ministry of the Interior (hereinafter: MoI), through its competent police administration (stations), issues residence and work permits without obtaining an opinion from the CES. Some provisions dealing with long-term residence and prescribing the renewed acquisition of long-term residence permits, under favourable conditions, were also modified, involving those whose long-term residence, for some specific reasons, had expired. The provisions providing for temporary residence for humanitarian purposes were more precisely drafted.<sup>9</sup>

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<sup>6</sup> The Foreigners Act, Official Gazette No 130/11, 74/13, 69/17, 46/18, 53/20.

<sup>7</sup> The Act on Nationals of Member States of the European Economic Area and their Family Members, Official Gazette No 66/19, 53/20.

<sup>8</sup> Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004 on the rights of citizens of the Union and their family members to move and reside freely in the area of a Member State amending the Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC OJ L 158, 30/04/2004, p. 77.

<sup>9</sup>[https://esavjetovanje.gov.hr/EConMainScreen?entity\\_id=12482](https://esavjetovanje.gov.hr/EConMainScreen?entity_id=12482);  
<https://mup.gov.hr/vijesti/savjetovanje-za-nacrt-prijedloga-zakona-o-strancima/285837>.

In November 2019, public e-consultations were held on the Draft FA. Various participants, including national and international non-governmental organisations and the Croatian Ombudswoman, took part in the e-consultations. At the end of 2019, Mol published a notification on the accepted commentaries from the public consultation,<sup>10</sup> but the new FA had not been adopted in the Croatian Parliament by the end of 2019.

In 2019, amendments to the Free Legal Aid Act were made<sup>11</sup> but they did not have any impact on the provisions regarding free legal assistance for applicants or persons granted international protection.

In November 2019, the Government of the RoC adopted a Decision on the Permanent Commission for the Implementation of the Integration of Foreigners into Croatian Society (hereinafter: the Permanent Commission,<sup>12</sup> a body responsible for the work of all ministries, non-governmental organisations and other bodies taking part in the process of inclusion of asylees and foreigners under subsidiary protection into society.<sup>13</sup> Before the end of 2019, the new Working Group of the Permanent Commission had still not been established. The Working Group was to be responsible for the development of the proposal of the national strategies and plans in the area of the integration of persons granted international protection and the operational implementation of the planned commitments, as well as for the preparation of a new Action Plan since the previous one covered only the period from 2017-2019.<sup>14</sup>

In 2019, a national strategic document for administering migration and a new migration policy were not adopted.<sup>15</sup> The National Demographic Strategy for the Revitalisation of the Republic of Croatia to be developed by the Ministry for Demography, Family, Youth and Social Policy (hereinafter: MDFYSP), which was meant to contain all the measures connected with migration policy, had not been adopted by the end of 2019.

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<sup>10</sup> <https://esavjetovanja.gov.hr/ECon/EconReport?entityId=12482>.

<sup>11</sup> Official Gazette No 143/2013, 98/2019.

<sup>12</sup> Official Gazette No 110/2019.

<sup>13</sup> Prior to this, at its session on 4 April 2013, the Government of the Republic of Croatia passed a Resolution on the appointment of the president and some members of the First Permanent Commission for the Implementation of the Integration of Foreigners into Croatian Society that was expanded in 2014 and 2017. On 14 June 2017, the Government again adopted a Resolution on the appointment of the president and members of the Permanent Commission for the Implementation of Foreigners into Croatian Society.

<sup>14</sup> The Action Plan on the Integration of Persons granted international protection for the period from 2017 to 2019, available at:

<https://pravamanjina.gov.hr/UserDocsImages/dokumenti/AKCIJSKI%20PLAN%20ZA%20INTEGRACIJU%202017-2019.pdf>

<sup>15</sup> The last migration policy of the RoC was developed for the period from 2013-2015.

The Strategic Action Plan of the Government of the RoC<sup>16</sup> deals with the question of the integration of foreigners into Croatian society due to the fact that the Government Office for Human Rights and the Rights of National Minorities is responsible for the coordination of the work of all ministries, non-governmental organisations and other bodies taking part in the inclusion of asylees or foreigners under subsidiary protection.

The Strategic Plan of the MDFYSP for the period from 2019-2021<sup>17</sup> emphasises that special attention must be given to the provision of services adjusted to children, as well as the rights of any vulnerable groups.

## **2.2. Amendments to implementing regulations**

During 2019, two ordinances were amended and enacted regarding the provision of the material conditions of reception and accommodation in the Reception Centre for Foreigners. A Draft Ordinance was passed to regulate the standard of health protection of applicants and foreigners under temporary protection, but, by the end of 2019, it still had not entered into force.

*The Ordinance on Amendments to the Ordinance on the Realisation of Material Reception Conditions*<sup>18</sup> adopted on the basis of Article 93, para. 1, point 1 of the Act on International and Temporary Protection (hereinafter: AITP)<sup>19</sup> lays down the modalities and conditions of the realisation of material reception conditions for applicants defined in Article 55 of the AITP covering accommodation in the Reception Centre for Applicants of International Protection (hereinafter: Reception Centre), food and clothing provided in kind, remuneration of the cost of public transport for the purpose of the procedure for the approval of international protection and financial assistance. The amendments lay down the right of asylees or foreigners under subsidiary protection to accommodation in the Reception Centre until they are provided with accommodation in another suitable place. In addition, different aspects of absence from the Reception Centre were regulated.

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<sup>16</sup> The Strategic Plan of Sections of the Government of the Republic of Croatia for the period 2018-2020, available at: <https://vlada.gov.hr/UserDocsImages/ZPPI/Strategije/Strate%C5%A1ki%20plan%20razdjela%202018.2020.pdf>.

<sup>17</sup> <https://mdomsp.gov.hr/UserDocsImages/Planovi%20Izvjestaji%20Strategije/Strate%C5%A1ki%20plan%20za%20razdoblje%202019-2021.pdf>.

<sup>18</sup> Official Gazette, No 135/2015, 61/2019.

<sup>19</sup> Official Gazette, No 70/15, 127/17.

The Ordinance on Amendments to the Ordinance on Accommodation in the Reception Centre for Foreigners<sup>20</sup> entered into force in June 2019. The amendments deal with Article 26, para. 3 laying down the possibility of communication of third-country nationals with attorneys and competent national and international institutions and organisations operating in the area of the protection of human rights and fundamental freedoms with whom MoI has concluded a cooperation agreement. To enable such communication, attorneys and the representatives of humanitarian and other organisations for the protection of human rights have access to the Reception Centre for Foreigners.

Based on Article 20, para. 6 of the Act on Mandatory Health Insurance and Health Care of Aliens in the Republic of Croatia,<sup>21</sup> the then Minister of Health adopted a *Draft Ordinance on the Standards of Health Protection of Applicants of International Protection and Foreigners under Temporary Protection*. The Draft Ordinance laid down the standards of health protection of applicants and foreigners under temporary protection, as well as of applicants and foreigners under temporary protection who need special reception and/or procedural guarantees, in particular victims of torture, rape or other grave forms of psychological, physical or sexual violence. Public consultations were held where the Ombudswoman for Gender Equality of the RoC, the Office of the People's Ombudswoman and the CLC gave their commentaries on Article 3 dealing with mandatory medical check-ups and Article 9 laying down the scope of health protection of vulnerable groups.<sup>22</sup>

### 3. INSTITUTIONAL CAPACITIES

The internal organisation of MoI, as the main body of government administration for the implementation of the asylum policy in the RoC, was changed in 2019 on the basis of the Regulation on Amendments to the Regulation on the Internal Organisation of the Ministry of the Interior<sup>23</sup> of 23 August 2019. The new organisational structure includes the Directorate for Immigration, Citizenship and Administrative and Inspection Affairs dealing with issues related to foreigners, asylum seekers and persons granted international protection. Within the Directorate, a Sector for Foreigners and International Protection was established, and within this Sector, the Service for International Protection with the following departments: the Department for the Procedure of International Protection, the Department for the Dublin

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<sup>20</sup> Official Gazette No 101/2018, 57/2019.

<sup>21</sup> Official Gazette No 80/13 and 15/18.

<sup>22</sup> <https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=11236>.

<sup>23</sup> Official Gazette No 70/2012, 140/2013, 50/2014, 32/2015, 11/2017, 129/2017, 5/2018, 66/2018, 109/2018, 24/2019, 66/2019 and 79/2019.

Procedure, and the Department for Integration. Within the Service for the Reception and Accommodation of Applicants for International Protection, there is a Reception Centre in Zagreb and a Reception Centre in Kutina. Within the Sector for Foreigners and International Protection, there is a special Service for Foreigners which consists of two departments (Department for Legal Stays of Foreigners and the Visa Department).

Regarding reception capacities for applicants, the idea of building a new reception centre in Mala Gorica was abandoned because of strong resistance from the local community. It was decided to invest the planned resources in the renovation and refurbishment of the existing reception centres in Zagreb and Kutina.<sup>24</sup>

In 2019, there were no changes with regard to the jurisdiction of administrative courts in actions brought against decisions rendered by Mol.

## **4. ASYLUM IN LEGISLATION AND PRACTICE: ACCESS TO THE ASYLUM SYSTEM, ESTABLISHMENT OF THE STATUS AND RIGHTS OF APPLICANTS FOR INTERNATIONAL PROTECTION**

### **4.1. Access to the asylum system**

#### **4.1.1. The visa regime**

According to figures from the Ministry of Foreign and European Affairs (hereinafter: MFEA),<sup>25</sup> in relation to 2018, there was an increase in the number of visas issued in 2019. A total of 69,011 visas were issued for transit or intended stay in the territory of the RoC not exceeding 90 days in any period of 180 days. All the issued visas were for short stays (C). Thirty-two appeals were lodged against decisions to refuse a visa, and the competent services of the MFEA rendered 26 decisions rejecting appeals, and, in three cases, the first instance decisions (diplomatic missions/consular offices) on the rejection of applications were annulled and the applications were returned for renewed proceedings. In one case, appellate proceedings were suspended (because of the issuance of a visa based on a new application), and in two cases, at the time of receipt of the information, appellate proceedings were still pending.

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<sup>24</sup><https://eufondovi.mup.hr/UserDocImages/dokumenti/Odluke%20o%20dodjeli%20sredstava%20za%20financiranje%20projekata/Odluka%20o%20poni%C5%A1tenju%20Odluke%20i%20raskidu%20Sporazu%20ma.pdf>.

<sup>25</sup> A letter from the Ministry of Foreign and European Affairs, Directorate for Consular Affairs, Department for Visas and Foreigners, Visa Office, of 27 February 2020, Class: 217-01/20-01/281, reg.no.: 521-VII-02-01/MZ-20-02 (CLC documentation).

#### 4.1.2. Access to the territory and the asylum system

According to many reports by non-governmental organisations published in the course of 2019, the practice of preventing access to the territory and the asylum system of the RoC and forced returns to neighbouring countries (so-called 'pushbacks') continued and were even intensified in 2019. In April 2019, European non-governmental organisations sent a letter to the European Parliament informing members about the situation along the borders of the RoC with Serbia and Bosnia and Herzegovina.<sup>26</sup>

These organisations were the following: *Border Violence Monitoring Network*,<sup>27</sup> *Are You Syrious (AYS)*,<sup>28</sup> *Amnesty International*,<sup>29</sup> *Médecins Sans Frontières (MSF)*<sup>30</sup> and *Human Rights Watch*.<sup>31</sup> Their reports contained testimonies of numerous refugees and migrants concerning the use of physical force by the Croatian police and pushbacks across the border without any possibility to seek international protection. The pushbacks were described in detail in the publication entitled "*What is happening at Croatia's external borders?*"<sup>32</sup> indicating that the pushbacks of migrants and refugees from the RoC were taking place in several semi-rural, secluded locations at the borders with Bosnia and Herzegovina and Serbia, at a length of 1,300 km and not at official crossings. In the report made by the *Border Violence Monitoring Network* on torture and inhuman treatment at Croatian borders in 2019, it is said that systematic violence committed by the Croatian authorities can be characterised as torture or cruel, inhuman and degrading treatment. The report describes the treatment used by the Croatian police ranging from physical force (such as violence, abuse, disproportionate force and misuse of electric shock equipment) to psychological violence, humiliation and threats (such as forced stripping of clothes for longer periods or excessive use of fire-arms) and brutality during detention or transport (e.g. detention under inappropriate conditions).<sup>33</sup>

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<sup>26</sup><https://www.guengl.eu/content/uploads/2019/04/Croatia-and-Bosnia-push-backs-LetterEC.pdf?fbclid=IwAR0BZJm3dq2owsg5pZPtdMixIruEFSxytMSmxlqrbyVt3qUEiAt900h-hMs>.

<sup>27</sup><https://www.borderviolence.eu/violence-reports/>; <https://www.borderviolence.eu/category/monthly-report/>

<sup>28</sup><https://medium.com/are-you-syrious/report-on-illegal-practice-of-collective-expulsion-on-slovenecroatian-border-e1210bf7dd8f>.

<sup>29</sup><https://www.amnesty.org/en/latest/news/2019/03/croatia-eu-complicit-in-violence-and-abuse-by-police-against-refugees-and-migrants/>.

<sup>30</sup><https://www.msf.org/beaten-cold-sick-and-stranded-migrants-bosnia>.

<sup>31</sup><https://www.hrw.org/news/2019/11/08/eu-address-croatia-border-pushbacks>.

<sup>32</sup> *Centre for peace studies (CPS)*, *Border Violence Monitoring Network*, *Are You Syrious*, *Asylum Protection Centre* and *No name Kitchen 2020*, available at: [https://www.cms.hr/system/article/document/doc/625/What is happening at Croatia s external borders.pdf](https://www.cms.hr/system/article/document/doc/625/What%20is%20happening%20at%20Croatia%20s%20external%20borders.pdf).

<sup>33</sup><https://www.borderviolence.eu/new-report-on-cases-of-torture-of-asylum-seekers-by-croatian-authorities-at-eu-external-borders/#more-14133>.

In its report under the title *Desperate Journeys: Refugee and Migrant Children Arriving in Europe and How to Strengthen Their Protection* for the period from January to September 2019, UNHCR documented about 384 incidents involving 2,674 persons who had allegedly been returned from Croatia to Serbia and about 289 incidents involving 2,194 persons pushed back to Bosnia and Herzegovina.<sup>34</sup>

Felipe González Morales, a special UN Rapporteur on the human rights of migrants, visited Bosnia and Herzegovina at the end of September 2019 and on that occasion wrote how abusive action taken by the Croatian border police clearly violated the human rights of those individuals. He also claimed that their pushback approach did not deter the migrants' intention to advance towards Europe but only strengthened the network of smugglers and organised criminal activities which required immediate attention and action by all countries in the region.<sup>35</sup>

The People's Ombudswoman received complaints regarding the police's treatment of migrants who had been caught while irregularly crossing the State border or immediately after having crossed it. Their request for international protection was ignored, various coercive measures were used, their money and other valuables were taken from them, and they were pushed back to the neighbouring countries without any proper procedure.<sup>36</sup>

According to the report made by *Amnesty International*, the Ombudswoman was denied access to information regarding the migrants. Some Croatian non-governmental organisations providing assistance to refugees and migrants were targeted by the authorities and accused of "assisting them during their illegal entries". However, the Minister of the Interior said that the Ombudswoman did have insight into the available data and could always obtain these data upon her written request.<sup>37</sup>

The Serbian Commissariat for Refugees and Migration issued a statement claiming that bodies of the RoC were responsible for the physical and psychological torture of a minor from Afghanistan, a boy who was isolated from a group of migrants, beaten up by four Croatian police officers while being closed up in a room. They allegedly took his telephone and money,

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<sup>34</sup><https://data2.unhcr.org/en/documents/download/71703>.

<sup>35</sup><https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25088&LangID=E>.

<sup>36</sup><https://www.ombudsman.hr/hr/institucije-bez-reakcije-na-anonimnu-prituzbu-policijskog-sluzbenika-o-nezakonitim-postupanjima/>.

<sup>37</sup> Pushed to the edge – a summary – violence and abuse against refugees and migrants along the Balkan route, Amnesty International, 2019, available at: [www.amnesty.org/download/Documents/EUR0599642019CROATIAN.PDF](http://www.amnesty.org/download/Documents/EUR0599642019CROATIAN.PDF).

made him take off his clothes, threw him into a pool of water while electrifying it.<sup>38</sup> Mol said that the allegations of torture of migrants do not have any support in reality.<sup>39</sup>

At the end of March, a border policeman sent a complaint to the Ombudswoman about unlawful treatment of migrants by the police officers who received such orders from their superiors. The complaint was forwarded to the State Attorney's Office of the RoC<sup>40</sup> and then also to the competent regional state attorney to investigate the allegations.<sup>41</sup> In July 2019, in the weekly newspaper called "Telegram", an interview with a policeman was published. He said: "I and my colleagues, all of them police officers, had to carry out the pushbacks of the migrants from Zagreb to the Croatian borders with Bosnia and Herzegovina and Serbia. We would take them to the green border and told them to go back to Bosnia or Serbia. We did not register them. We received such orders from our superiors at the police station and it was not our own idea".<sup>42</sup>

During 2019, Mol persistently rejected such allegations, stating that such unlawful pushback practice and police violence did not exist in the RoC and that the border police were acting in accordance with Croatian laws and EU legislation. It also claimed that all such allegations were investigated in detail and the unlawful use of force was not established. According to Mol, the accusations were false.<sup>43</sup>

In 2019, the CLC continued its work on the project entitled "Monitoring the Conduct of Police Officers of the Ministry of the Interior in the Field of Illegal Migrations and Asylum", based on the Protocol on the implementation of the project signed by Mol, CLC and UNHCR, financed by UNHCR. As in 2018, the monitoring activities were carried out only in regard to the treatment at police stations (and border police stations) and not with regard to the implementation of the concept of deterrence at the so-called green border. The content of the Project included insights into the files dealing with the treatment of irregular migrants, potential applicants for international protection at the organisational units of Mol authorised to control Croatia's state border, the treatment of foreigners in the presence of the official conducting the procedure, and interviewing the applicants for international protection after their accommodation in the

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<sup>38</sup><https://welcome.cms.hr/index.php/2019/09/06/hrvatska-policija-mucila-maloljetnika-upozorile-institucije-rs-a/>.

<sup>39</sup><https://mup.gov.hr/vijesti-8/reagiranje-na-optuzbe-komesarijata-za-izbjeglice-i-migracije-republike-srbije/284701>.

<sup>40</sup>[www.ombudsman.hr/hr/institucije-bez-reakcije-na-anonimnu-prituzbu-policijskog-sluzbenika-o-nezakonitim-postupanjima/](http://www.ombudsman.hr/hr/institucije-bez-reakcije-na-anonimnu-prituzbu-policijskog-sluzbenika-o-nezakonitim-postupanjima/).

<sup>41</sup>[www.dorh.hr/dorhpp18072019](http://www.dorh.hr/dorhpp18072019).

<sup>42</sup>[www.telegram.hr/price/prvi-intervju-u-kojem-hrvatski-policajac-tvr-di-sefovi-nam-nareduju-da-ilegalno-protjerujemo-migrante/](http://www.telegram.hr/price/prvi-intervju-u-kojem-hrvatski-policajac-tvr-di-sefovi-nam-nareduju-da-ilegalno-protjerujemo-migrante/).

<sup>43</sup>[www.mup.hr](http://www.mup.hr).

Reception Centre. In 2019, a short report on the implementation of the project in 2018 was published.<sup>44</sup> The report for 2019 is expected in the second half of 2020.

In addition, in 2019, the CLC provided initial legal information about the asylum system in the RoC, either in its office, via telephone or via social media, for the applicants for international protection, including those who were irregularly crossing the State border.

#### **4.1.3. Intentions and applications to seek international protection**

Foreigners may express their intention to file an application for international protection either orally or in writing. The AITP lays down that the intention may be expressed at a border crossing, in a police administration or station, in the Reception Centre for Foreigners or in transit reception centres. Exceptionally and in extraordinary circumstances, intention may be expressed in the Reception Centre for Applicants of International Protection.<sup>45</sup> From the moment of expressing his or her intention, a foreigner becomes an applicant and is entitled to all the rights guaranteed by the AITP.

According to Mol figures,<sup>46</sup> in 2019, a total of 1,986 persons expressed their intention to file an application for international protection (1,287 men and 699 women). The largest number of persons expressing this intention were from Iraq (577), Afghanistan (295), Syria (288), Iran (218), Turkey (132) and Algeria (117). The intention to seek international protection was also expressed by four unaccompanied children under the age of 13 (3 boys and 1 girl), a total of 14 children of 14-15 years of age (12 boys and 2 girls) and 52 children of 16-17 years of age. In 2019, the total number of unaccompanied children expressing their intention to seek international protection was 70.

In 2019, the number of persons who expressed their intention to seek international protection was higher (1,068) than in 2018.<sup>47</sup>

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<sup>44</sup><https://www.hpc.hr/2019/11/28/skraceni-izvjestaj-o-provedbi-projekta-pracenje-postupanja-policijskih-sluzbenika-ministarstva-unutarnjih-poslova-rh-u-podrucju-nezakonitih-migracija-i-azila-border-monitor/>.

<sup>45</sup> Article 33, paras 1-3 of the AITP.

<sup>46</sup><https://mup.gov.hr/UserDocsImages/statistika/2020/Me%C4%91unarodna%20za%C5%A1tita/Web%20statistika%202019.docx>.

<sup>47</sup> See CLC; The Croatian Asylum System in 2018 – National Report.

#### **4.1.4. The Dublin Regulation**

According to the figures received from MoI,<sup>48</sup> during 2019, under the Dublin Regulation, 99 persons entered the territory and most of them were nationals of the following countries: Algeria (25), Afghanistan (18), Iran (13), Turkey (11) and Syria (10) and the countries of transfer of those who entered Croatia were mostly Germany (28), Austria (21), Switzerland (13), France (11) and the Netherlands (8).

In July 2019, the Swiss Federal Administrative Court suspended the transfer to the RoC of an applicant for international protection under the Dublin Regulation and remanded his case to the first instance body for reconsideration because in the first instance decision, according to which Switzerland was not responsible to decide on the application for international protection, it was not sufficiently taken into account whether the applicant was subjected to torture, inhuman or degrading treatment and whether Article 3 of the European Convention on Human Rights was violated. The applicant stated that he had been maltreated by police officers, that they had urinated on him, had taken his belongings and forced him back to the Croatian-Bosnian border in a very bad physical and mental condition.<sup>49</sup>

There were 8 exit transfers from Croatia, and those persons were nationals of the following countries: Kosovo (2), Afghanistan (1), DR Congo (1), Kyrgyzstan (1), Morocco (1), Tunisia (1) and Ukraine (1). They were returned to France (3), Italy (2), Denmark (1), Germany (1) and Switzerland (1). Compared to 2018, there was a decrease in the number of persons returned to the RoC, but also in the number of those who were returned by the RoC to other countries.<sup>50</sup>

## **4.2 Restriction on freedom of movement**

The applicants for international protection enjoy freedom of movement in the RoC. Freedom of movement may be restricted only under the conditions laid down in Article 54 of the AITP. The measure of last resort is restricting freedom of movement by accommodation in the Reception Centre for Foreigners only if, as a result of an individual assessment, it is established that the purpose of restricting freedom of movement cannot be achieved by any other measure such as by restricting movement outside a particular area, personal arrival at the Reception Centre at a particular hour, or depositing the applicant's passport and tickets at the Reception Centre. There are even more stringent rules concerning the restriction of

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<sup>48</sup> <https://mup.gov.hr/UserDocsImages/statistika/2020/Me%C4%91unardna%20za%C5%A1tita/Web%20statistika%202019.docx>.

<sup>49</sup> FRA, Migration: Key Fundamental Rights Concerns – 1/07.-30/09/2019, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-migration-bulletin-4\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-migration-bulletin-4_en.pdf)

<sup>50</sup> See CLC, The Croatian Asylum System in 2018 – National Report.

movement of vulnerable groups. In their case, it is necessary to make an individual assessment to establish what kind of accommodation is suitable in the circumstances and needs of a vulnerable person, particularly taking into account his or her health condition. When an unaccompanied child is involved, restriction of movement is possible only if it is absolutely necessary. In this case, the child must be accommodated separately from adults and the restriction must last for the shortest possible time.

On average, the restrictions of movement in 2018 lasted for 3 months. Unfortunately, no data are available for 2019.

Under the amendments to the Ordinance on Accommodation in the Reception Centre for Foreigners (see *supra* under 2.2), individuals accommodated in the Centre are allowed to communicate with their attorneys and representatives of competent national and international institutions dealing with the protection of human rights and fundamental freedoms only if Mol has concluded a cooperation agreement with them.

Administrative courts supervise the lawfulness of decisions on the restriction of movement. At the Administrative Court in Zagreb, the average duration of such proceedings was 43 days (21 days for nationals of Syria, Afghanistan and Iraq). Most appeals brought before the Administrative Court in Zagreb in 2019 were rejected (51) and only 6 of them were accepted. One case was returned to Mol for a renewed procedure, and two cases were dismissed as inadmissible. Other administrative courts in the RoC did not have any such actions in 2019.<sup>51</sup>

The High Administrative Court decides in appellate proceedings against the judgments of administrative courts. In 2019, 12 appeals were lodged in the cases of restriction of movement: 11 were dismissed and only one was accepted.<sup>52</sup>

In some cases, the hearings were not conducted in time and the courts did not act promptly in most cases involving restriction of movement (usually when the measure had already expired).<sup>53</sup>

In some cases, legal representatives did not have free access to their clients accommodated in reception centres and were not able to have private conversations with them because of the presence of a police officer in the same room.<sup>54</sup> There were also cases where the parties were

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<sup>51</sup> These data were received from the Administrative Court in Zagreb on 21 January 2020, from the Administrative Court in Rijeka on 8 January 2020, the Administrative Court in Osijek on 7 January 2020 and the Administrative Court in Split on 27 January 2020 (CLC documentation).

<sup>52</sup> According to the data received from the High Administrative Court on 15 January 2020 (CLC documentation).

<sup>53</sup> According to the information received from the attorney on 16 December 2019 (CLC documentation).

<sup>54</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-migration-bulletin-3\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-migration-bulletin-3_en.pdf).

not informed about the reasons of restriction of movement.<sup>55</sup> Indeed, Mol sometimes failed to inform the legal representatives that applicants had been released from the Reception Centre for Foreigners, that they had left it, or had registered at another address, which was a serious problem for the work of legal representatives.<sup>56</sup>

### **4.3. Status determination procedure**

Asylum and subsidiary protection are granted by Mol's decision after conducting administrative proceedings and investigating all the facts and circumstances established during the proceedings.

In 2019, Mol granted asylum in 157 cases and granted subsidiary protection in one case<sup>57</sup> which was a smaller number of positive decisions when compared with the previous year when asylum was granted 225 times and subsidiary protection 21 times.<sup>58</sup> The largest number of positive decisions were granted to men (91) and 67 to women. Most cases of asylum were granted to persons of the male gender aged 0-13 (30 persons) (See Table 1).

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<sup>55</sup> According to the information received from the attorney on 3 December 2019 (CLC documentation).

<sup>56</sup> According to the information received from the attorney on 3 December 2019 (CLC documentation).

<sup>57</sup> <https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-trazitelji-medjunarodnezasite/283234>.

<sup>58</sup> See CLC, The Croatian Asylum System in 2018 – National Report.

**Table 1:** Statistical data on protection granted by Mol by gender and age

Type of protection	Gender	Age	2018	2019
Asylum	M	0-13	42	30
		14-17	14	9
		18-34	65	25
		35-64	31	26
	M total		152	90
	F	0-13	35	25
		14-17	14	5
18-34		17	17	
35-64		21	19	
65 +		1	1	
F total		88	67	
Total asylum			240	157
Subsidiary protection	M	0-13	6	1
		14-17	3	
		18-34	0	
		35-64	4	
	M total		13	1
	F	0-13	8	
		14-17	0	
18-34		2		
35-64		2		
F total		12	0	
Total subsidiary protection			25	1
<b>Grand total</b>			<b>265</b>	<b>158</b>

Source: Compared statistical data containing the number of persons granted international protection in the Republic of Croatia in 2018 and 2019.

(<https://mup.gov.hr/UserDocsImages/statistika/2020/Me%C4%91unarodna%20za%C5%A1tita/Web%20statistika%202019.docx>)

The AITP lays down that Mol must render a decision no later than six months from the submission of the application and if the application is more complex, the time limit may be extended for an additional nine months. In some exceptional cases, the time limit may be extended for an additional three months but a decision must be rendered no later than 21 months from the day of the submission of the application but only in the cases provided for in Article 40, para. 6 of the AITP. Mol is obliged to inform the applicant in writing about the reasons

of not rendering any decision within the prescribed time limit.<sup>59</sup> However, in some cases, the applicants waited for their decisions for almost two years.<sup>60</sup>

Regarding the decisions of administrative courts in administrative appeals instituted against the decisions of Mol in proceedings for granting international protection, a total of 168 decisions were rendered in all four courts. Most decisions were rendered by the Administrative Court in Zagreb (160), four decisions by the Administrative Court in Rijeka and two decisions by the Administrative Courts in Osijek and two by the Administrative Court in Split. The largest number of appeals were rejected by the Administrative Court in Zagreb (134), in three cases the appeal was accepted, and in two cases it was partly accepted and the cases were returned to Mol for renewed proceedings; and in 21 cases the appeals were accepted and the cases were returned to Mol for reconsideration. The administrative court in Rijeka rejected three claims. The Administrative Court in Osijek and the Administrative Court in Split each had one appeal in 2019 in which the appeal was rejected. In two situations, the Administrative Court in Zagreb ceded the cases to the Administrative Court in Osijek or to the Administrative Court in Split and in three cases the proceedings were discontinued.<sup>61</sup>

The average time for the resolution of a case in proceedings for granting international protection before the Administrative Court in Zagreb in 2019 was 132 days (in the cases of nationals of Syria, Iraq and Afghanistan – 46 days), 32 days before the Administrative Court in Osijek, and three months before the Administrative Court in Rijeka. No data are available for the Administrative Court in Split.<sup>62</sup>

When compared with previous years, a change occurred with regard to the cases that were rejected because of the opinion received from the Security and Intelligence Agency (SOA). In one case, the judgment of the Administrative Court was rescinded and Mol's decision was annulled by the decision of the High Administrative Court, and Mol was ordered to render a new decision. In this case, the High Administrative Court accepted the arguments stating that in order to decide upon an application for international protection, it was not only important what information was kept in the SOA's files, but also the fact that the party was acquainted with its content. According to the High Administrative Court, this had to be mentioned in the statement of reasons of the decision because, if not, the party's rights would be violated. This

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<sup>59</sup> Art. 40 AITP.

<sup>60</sup> According to AYS data of 27 January 2020 (CLC documentation).

<sup>61</sup> Data received from the Administrative Court in Zagreb on 21 January 2020, from the Administrative Court in Rijeka on 8 January 2020, the Administrative Court in Osijek on 7 January 2020 and from the Administrative Court in Split on 27 January 2020 (CLC documentation).

<sup>62</sup> Data received from the Administrative Court in Zagreb on 21 January 2020, the Administrative Court in Rijeka on 8 January 2020, the Administrative Court in Osijek on 7 January 2020 and from the Administrative Court in Split on 27 January 2020 (CLC documentation).

decision was highly interesting because the proceedings before the High Administrative Court had lasted a year and a half and the party had in the meantime filed subsequent application which was, before the decision, assessed by the High Administrative Court as admissible and well founded and the person was granted asylum. Such action is a clear example of uncoordinated provisions on the lodging of an appeal without suspensive effect, and the submission and rendering of decisions on the admissibility and well foundedness of a subsequent application while the appellate proceedings are still pending.<sup>63</sup>

In 2019, the Croatian administrative courts also ruled on the appeals brought during the procedure of issuing permits for the acquisition of the right to work. When deciding on these appeals, in all eight cases the claim was rejected by the Administrative Court in Zagreb. In 2019, this Court did not rule on the appeals against Mol's decisions establishing the liability of another Member State of the EEA (the so-called Dublin cases) and it did not render any decisions restricting or denying any of the substantive rights regarding the reception conditions. In 2019, no decisions were rendered on the applicants' not being entitled to free legal aid.<sup>64</sup>

In 2019, the High Administrative Court rendered 28 decisions in proceedings for granting international protection. As many as 25 appeals were rejected, two were accepted and one was dismissed. In the course of 2019, the High Administrative Court did not rule in so-called Dublin cases. There were 12 appeals against the decisions on the restriction of movement, 11 of them were rejected and only one was accepted.<sup>65</sup>

As regards the taking of evidence in proceedings of granting international protection, the CLC noted that, in practice, evidence continued not to be taken by hearing expert witnesses, although it was clear from the allegations of some applicants that potential victims of torture or inhuman or degrading treatment and their testimonies could be corroborated by expert witnesses. In 2019, the CLC carried out its project called "The Protection of Victims of Torture among Vulnerable Groups of Migrants".<sup>66</sup> Within the Project, identified victims of torture were offered individual psychological assistance and support, and in some cases expert opinions of psychologists were used as evidence in the process of granting international protection.

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<sup>63</sup> According to the information received from the attorney on 16 January 2020 (CLC documentation).

<sup>64</sup> Data received from the Administrative Court in Zagreb on 21 January 2020 (CLC documentation).

<sup>65</sup> According to the data received from the High Administrative Court on 15 January 2020 (CLC documentation).

<sup>66</sup> [www.hpc.hr/2016/01/04/zastita-zrtava-mucenja-medu-ranjivim-skupinama-migranata-protection-of-victims-of-torture-among-vulnerable-groups-of-migrants/](http://www.hpc.hr/2016/01/04/zastita-zrtava-mucenja-medu-ranjivim-skupinama-migranata-protection-of-victims-of-torture-among-vulnerable-groups-of-migrants/).

#### **4.4. Rights and obligations of the applicants for international protection in accordance with the AITP**

During the procedure for the establishment of their status, applicants have certain rights and obligations, including the right of residence, freedom of movement in the RoC, the provision of the corresponding material conditions of reception, healthcare, elementary and secondary education, information, legal counselling and free legal assistance, freedom of religion, work and documents.<sup>67</sup>

In the course of the procedure of granting international protection, applicants are accommodated in the reception centres in Zagreb or Kutina. Since 2014, the Reception Centre in Kutina has primarily been designated for the accommodation of vulnerable groups. In 2019, persons who were arriving in Croatia within the programme of resettlement were temporarily accommodated in Kutina.

A denial of the right to accommodation for applicants who subsequently submitted a new application after a decision on the previous application had already been made, and where the procedure was ongoing, was a problem because such individuals were running the risk of becoming homeless which did happen in practice. Just as in previous years, the problem of accommodation of persons with serious mental difficulties, and those who needed supervision in terms of health care, still arose.<sup>68</sup>

In 2019, the Reception Centre in Zagreb was renovated and the material conditions of reception were improved which significantly increased the applicants' satisfaction with their stay in the Reception Centre. The opening of a mini-kitchen made it possible for users to prepare additional meals and this was particularly convenient for families with small children and for those on a special food regime.

At the Reception Centre, various services and activities were organised for applicants. The most popular was the IT class that was available on a daily basis, every day of the week. It was mostly attended by children. There was also a creative workshop, football and fitness clubs and, less popular, courses in the Croatian language, as well as various educational health protection programmes. A problem in 2019 was how to include applicants in the existing activities and how to achieve continuity and their regular attendance due to their often very short stay in the reception centres, although it became obvious that those who participated in

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<sup>67</sup> Arts 52-62 AITP.

<sup>68</sup> According to the information received from CRC received on 20 December 2019 (CLC documentation).

various workshops showed more self-confidence and developed a better picture of themselves.<sup>69</sup>

Members of the Croatian Red Cross (hereinafter: CRC) responsible for the reception and accommodation of applicants<sup>70</sup> provided permanent psychosocial and psychological assistance, particularly to members of vulnerable groups. Various forms of counselling were organised in the premises of the Modus Centre in Zagreb.<sup>71</sup>

As for access to the healthcare system, applicants were not able to exercise their right to specialist examinations because they were only entitled to urgent medical assistance and essential emergency interventions,<sup>72</sup> even though such specialist examinations were necessary for some of them.<sup>73</sup>

In 2019, beside the CRC, various national and international civil society organisations were active in the reception centres in Zagreb and Kutina and provided various services and assistance for asylum seekers to be able to exercise their rights. The organisation “Médecins du Monde – Belgique” offered daily health consultations at the level of primary healthcare in the reception centres in Zagreb and Kutina if necessary, financed from the Fund for Asylum, Migration and Integration (AMIF). They also organised initial medical tests for newly arrived applicants in accordance with the AITP.<sup>74</sup> In 2019, the CLC also organised legal consultations in its office, via telephone or email, as well as in the homes where unaccompanied children were accommodated. On 1 April 2019, the CLC started the project called “Legal Counselling in the Procedure of Granting International Protection” financed by the Asylum, Migration and Integration Fund (AMIF). Within the Project, legal counselling was organised for applicants in accordance with the provisions of the AITP. The CLC’s legal experts were available on a daily basis at the Reception Centre in Zagreb and, if necessary, in Kutina and at the Reception Centre for Foreigners. The project lasted until 31 March 2020.

Other organisations also provided various forms of support to applicants for international protection outside the reception centres. Volunteers and Centre for Peace Studies (hereinafter: CPS) employees conducted courses in the Croatian language and helped applicants look for

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<sup>69</sup> According to the information received from the CRC on 20 December 2019 (CLC documentation).

<sup>70</sup> The CRC carries out a support programme for applicants of international protection within a project called “Psychosocial Support and Social Services for the Applicants for International Protection” on the basis of an agreement with Mol and financed from the Fund for Asylum, Migration and Integration (AMIF).

<sup>71</sup> According to the information received from the Society for Psychological Assistance (SPA) on 20 December 2019 (CLC documentation).

<sup>72</sup> Art. 57 AITP.

<sup>73</sup> According to the information received from AYS on 27 January 2020 (CLC documentation).

<sup>74</sup> According to the information received from “Médecins du Monde – Belgique” received on 20 January 2020 (CLC documentation).

jobs.<sup>75</sup> AYS organised retraining activities for shortage occupations for both applicants and those who had already been granted international protection. The applicants' children were given support in learning Croatian, doing their homework or studying for their exams. Various educational workshops and visits to cultural events for children who were seeking or were under international protection were organised. Applicants and persons under international protection had access to a free shop at the AYS's Integration Centre just like any other vulnerable citizens.<sup>76</sup>

#### **4.5. The protection of children in the asylum system**

In February 2019, the MDFYSP submitted a Draft Decision to the Government of the RoC to establish an Inter-ministerial Commission for the Protection of Unaccompanied Children (hereinafter: the Commission).<sup>77</sup> The Government accepted the proposal and nominated its members. The Commission was established to enhance inter-ministerial cooperation of state administration bodies and other stakeholders involved in the protection of unaccompanied children and it was composed of representatives of the MDFYSP, the Ministry of Health, MoI, the Ministry of Science and Education, the Office for Human Rights and the Rights of Minorities, UNHCR, UNICEF and CRC. The Commission meets at least twice a year and more often, if necessary, on the proposal of the President of the Commission. The MDFYSP moderates the meeting. In 2019, the Commission convened only twice.<sup>78</sup>

On 1 January 2019, the new Foster Care Act entered into force<sup>79</sup> providing for the possibility of accommodating unaccompanied children in foster families. In 2019, UNICEF started discussions with the MDFYSP on its possible support of contact points for the accommodation of unaccompanied children primarily by way of developing models of alternative care for such children.<sup>80</sup>

During 2019, a total of 70 unaccompanied children sought international protection in the RoC.<sup>81</sup> On average, one guardian was appointed for 2.15 unaccompanied children and almost all

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<sup>75</sup> According to the information received from CPS received on 24 December 2019 (CLC documentation).

<sup>76</sup> According to the information received from AYS on 27 January 2020 (CLC documentation).

<sup>77</sup> <https://vlada.gov.hr/sjednice/145-sjednica-vlade-republike-hrvatske-25398/25398>.

<sup>78</sup> According to the information received from UNICEF on 8 January 2020 (CLC documentation).

<sup>79</sup> Official Gazette No 115/18.

<sup>80</sup> According to the information received from UNICEF received on 8 January 2020 (CLC documentation).

<sup>81</sup> <https://mup.gov.hr/UserDocsImages/statistika/2020/Me%C4%91un narodna%20za%C5%A1tita/Web%20statistika%202019.docx>.

appointed guardians were employed in Social Welfare Centres, thus changing the earlier practice of designating them from among those who had travelled with such children.<sup>82</sup>

Regarding the right to schooling, it was observed that in some cases the statutory time limit for the initiation of the procedure of registration for school was not respected, particularly when secondary education was concerned. The procedure of organising preparatory classes was long and children sometimes waited for months to be given permission to start attending preparatory classes. Some schools did not register children who did not speak the language of the regular school programme but treated them as “guest students”. There were also problems connected with the registration of children granted international protection but who had not completed primary school and were older than 16.<sup>83</sup>

Due to the fact that in 2019 the challenges related to the application of the Protocol on the treatment of unaccompanied children of 2018 (hereinafter: the Protocol) continued, at the end of 2019 four training programmes on the Protocol were organised by UNHCR, CRC, the Centre for Missing and Exploited Children, Mol, the MDFYSP and the CLC for social workers and police officers who work with unaccompanied children. The topic was the identification of unaccompanied children and the actions to be taken prior to their accommodation.<sup>84</sup>

Several civil society organisations carried out various activities for children who were seeking or who had already been granted protection and for unaccompanied children in general. For example, the CRC helped children and their parents to establish contacts with the schools their children attended in order to establish a better way of transmitting information to parents due to the language barrier.<sup>85</sup> AYS provided support by organising language courses, help with homework and studying for exams for the applicants’ children or for the children who had already been granted international protection, either in the reception centres or in their foster families.<sup>86</sup> CPS volunteers also provided assistance and support for children learning Croatian and English, or doing various school tasks or exercises. They helped to establish cooperation with the existing professional services at schools and kindergartens or took children to various out-of-school activities.<sup>87</sup> CLC lawyers provided free legal assistance to unaccompanied children accommodated in social welfare institutions, mostly in Zagreb, Ivanec and Rijeka but

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<sup>82</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-migration-bulletin-3\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-migration-bulletin-3_en.pdf).

<sup>83</sup> According to the information received from AYS on 27 January 2020 (CLC documentation).

<sup>84</sup> The topics of the workshops were agreed within the Working Group for education on the Protocol on procedures for UASC composed of (in addition to above-listed organisations and bodies): the Office of the Children’s Ombudsperson, the Ministry of Health, the Ministry of Science and Education, and UNICEF.

<sup>85</sup> According to the information received from the CRC on 20 December 2019 (CLC documentation).

<sup>86</sup> According to the information received from AYS on 27 January 2020 (CLC documentation).

<sup>87</sup> According to the information received from CPS on 24 December 2019 (CLC documentation).

also legal assistance for special guardians concerning the problems they faced regarding the rights of unaccompanied children and their treatment. In addition, the CLC carried out the project entitled “Let’s Realize the Rights of Unaccompanied Children!” in cooperation with social welfare institutions in Ivanec, Zagreb and Rijeka, financed by the MDFYSP. The aim of the Project was to enhance the legal protection of unaccompanied children by providing professional legal assistance and support and by working with other professionals.<sup>88</sup>

## **5. ASYLUM IN LEGISLATION AND PRACTICE: ASYLEES AND FOREIGNERS UNDER SUBSIDIARY PROTECTION**

### **5.1. Integration into Croatian Society**

The AITP defines the rights of persons granted protection, that is, asylees and foreigners under subsidiary protection, which include the following: legal 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 the acquisition of citizenship.

In 2019, the *Action Plan for the integration of persons granted international protection for the period from 2017 to 2019* was still valid and 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.<sup>89</sup> As one of the measures of the Action Plan, a distribution plan of persons granted international protection was foreseen for adoption in 2019 through decentralised accommodation in local communities of the RoC. In March 2019, a draft plan was sent to various state administration bodies for their comments.<sup>90</sup> However, no information has been received about the final adoption of the plan.

In 2019, according to civil society organisations, there were problems connected with housing and the search for suitable flats. This was the result of the general increase in the rental prices of flats in Zagreb where most persons granted international protection lived. In fact, refugees

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<sup>88</sup><https://www.hpc.hr/2019/10/29/zakljucci-na-temelju-aktivnosti-provedenih-po-projektu-ostvarimo-prava-djece-bez-pratnje/>.

<sup>89</sup><https://pravamanjina.gov.hr/UserDocsimages/dokumenti/AKCIJSKI%20PLAN%20ZA%20INTEGRACIJU%202017-2019.pdf>.

<sup>90</sup>[https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/docs/pages/00\\_emn\\_26th\\_bulletin\\_final\\_en.pdf](https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/docs/pages/00_emn_26th_bulletin_final_en.pdf).

have continuously had problems with prejudice from landlords when they are looking for flats. The provision of accommodation for a two-year period by the State is in some cases insufficient taking into account that some measures necessary to ensure full integration into society are more difficult to fulfil, or more time is needed for their accomplishment. This is primarily the case with the availability of Croatian language courses, sufficient information about Croatian society, recognition of existing qualifications, the possibility for requalification or additional qualifications and employment.<sup>91</sup>

To implement 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 Service (CES). According to the data received from the CES, in 2019 a total of 146 unemployed asylees were registered, of whom 82 were men and 64 women. There were 12 individuals under subsidiary protection (7 men and 5 women) and 13 family members of those already granted international protection (3 men and 10 women). Most of them were registered with the Regional Office in Zagreb (98), the Regional Office in Sisak (36), and the Regional Offices in Karlovac (17), Kutina (8), Slavonski Brod (4), Požega (3), Zadar (2), Virovitica (2) and Rijeka (1). In 2019, 100 asylees and 12 persons under subsidiary protection and 13 family members of persons granted international protection were included in the activities of individual counselling. Most of them were nationals of Syria (117), Iraq (24), Iran (9), Turkey (7), Afghanistan (3) and Egypt (3) aged from 30-34 (32 persons) and 20-24 (30 persons) and the smallest number were persons from the 60-64 age group (3). Eleven asylees and six persons under subsidiary protection, as well as one family member of a person already granted international protection, were included in active employment policy measures. Six persons were included in the measure of employment support, 11 persons in the measure of on-the-job training with the aim of obtaining a public document certifying competence. One person was employed through the measure of support in self-employment. According to the CES, the main problem with employment was the lack of knowledge of the Croatian and/or English language and with the very low motivation of some beneficiaries where learning the Croatian language was concerned. In addition, very low motivation was also observed in terms of inclusion in other programmes that could increase the level of employment which was a major obstacle to better integration in society. Additional challenges with regard to employment was the attitude towards work in general and the existence of cultural differences, particularly in the case of women.<sup>92</sup>

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<sup>91</sup> According to the information from CPS received on 24 December 2019 (CLC documentation).

<sup>92</sup> A letter from the Croatian Employment Service of 10 January 2020 (CLC documentation).

The challenges regarding the right to healthcare and the provision of medical services in health institutions and organisations also continued in 2019. Employees of health institutions were often not familiar with the way healthcare was organised for persons granted international protection, such as how to register a patient, where to send the bills for medical services, what kind of referrals to give, or how to write a prescription. Sometimes, some pharmacies did not recognise those individuals as beneficiaries of healthcare and refused to give them medicaments because of the existing problems with reimbursement from the Ministry of Health. CRC employees often tried to find a family physician for persons who had been granted international protection in the area of their accommodation but they realised that at local health centres there was still insufficient knowledge about such categories of people and the result of such an attitude was to send them to other physicians with the excuse that their list of patients was already full.<sup>93</sup>

As in previous years, there was a failure to continuously maintain courses in the Croatian language adjusted to the needs of the beneficiaries. Knowledge of the Croatian language is a prerequisite for successful integration, and asylees and foreigners under subsidiary protection had difficulties when trying to communicate with the institutions in order to exercise their right to social welfare and healthcare.<sup>94</sup> In 2019, courses in the Croatian language were also conducted by volunteers and/or employees of non-governmental organisations.<sup>95</sup>

At the legal counselling sessions organised by the CLC for those granted international protection, the problem of the reunification of families arose. Individuals who wanted to reunite with their family members (already granted international protection in the RoC) were still faced with various difficulties in the process of fulfilling the necessary conditions, including access to diplomatic missions and consular offices of the RoC often located outside their countries of origin. It was very difficult for them to obtain all the necessary documents to initiate the process of reunification. All the details to exercise this right were published in a special brochure issued by the CLC.<sup>96</sup> In addition, a leaflet was printed (in Croatian, Arabic, Farsi and English) containing all the information on the procedure of family reunification of persons who had been granted international protection.<sup>97</sup>

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<sup>93</sup> According to the information received from CRC on 20 December 2019 and from AYS on 27 January 2020 (CLC documentation).

<sup>94</sup> According to the information received from CRC on 20 December 2019 and from AYS on 27 January 2020 (CLC documentation).

<sup>95</sup> According to the information received on 24 December 2019 (CLC documentation).

<sup>96</sup> <https://www.hpc.hr/2020/01/20/izradena-analiza-institut-spajanja-obitelji-u-rh/>.

<sup>97</sup> The leaflet was developed by the CLC, in cooperation with UNHCR Croatia, MoI and the Ministry of Foreign and European Affairs within the project called “Legal Assistance for Asylum Seekers” carried out by the CLC in 2019 as the implementing partner of UNHCR. Available at:

In 2019, different civil society organisations were very active in the area of the integration of persons granted international protection. The CRC organised various activities with beneficiaries according to their needs and following an assessment made by the team for integration. They also published “A Guide to the Rights and Obligations of Persons under International Protection” containing all the basic information and contact points and telephone numbers of competent institutions. It was available in English, Arabic, Farsi and French.<sup>98</sup> AYS provided information for persons granted international protection covering various areas of integration and assisted them in exercising their rights in connection with entering the labour market, the continuation of their education and the translation of various documents.<sup>99</sup> The CLC continuously provided legal assistance in a number of areas of integration. An analysis was made under the title “The Provision of Social Services for Refugees at the Local Level in Croatia” where the social services systems in four Croatian towns (Karlovac, Zadar, Zagreb and Sisak) were compared.<sup>100</sup>

Regarding local integration, recent research activities in eight towns in the RoC showed that the greatest challenges at the local level, from the perspective of local capacities, were the following: non-existence of any databases on the measures of integration and the inability to predict the number of immigrants; the absence of a strategic approach to integration at the local level; reliance on the central State and a bureaucratic approach to immigrants because the available public services were not adapted to their needs, thus making integration less effective.<sup>101</sup>

## **5.2. Integration of refugees resettled from Turkey**

According to the AITP, a decision and programme of resettlement of third-country nationals or stateless persons fulfilling the conditions for international protection are made by the Government of the RoC upon a joint proposal by Mol and MFEA. A third-country national or stateless person who is resettled will be granted asylum or subsidiary protection.<sup>102</sup>

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<https://www.hpc.hr/2019/12/19/informacije-o-postupku-spajanja-obitelji-za-osobe-s-odobrenom-medunarodnom-zastitom/>

<sup>98</sup> According to the information from the CRC received on 20 December 2019 (CLC documentation).

<sup>99</sup> According to the information from AYS received on 27 January 2020 (CLC documentation).

<sup>100</sup> [www.hpc.hr/2019/12/20/izradena-analiza-pruzanje-socijalnih-usluga-za-izbjeglice-na-lokalnoj-razini-u-hrvatskoj/](http://www.hpc.hr/2019/12/20/izradena-analiza-pruzanje-socijalnih-usluga-za-izbjeglice-na-lokalnoj-razini-u-hrvatskoj/).

<sup>101</sup> Giljević, T., G. Lalić Novak (2020) Integration of migrants through a prism of specific sustainable development goals: A perspective of public administration, Sustainable Development 2020/3.

<sup>102</sup> Art. 48 AITP.

On the basis of two decisions of the Government of the Republic of Croatia of 2015<sup>103</sup> and 2017,<sup>104</sup> the Government committed itself to accepting a total of 250 persons through the programme of resettlement (fulfilled by the end of August 2019). In February 2019, a new Decision on the resettlement of third-country nationals or persons satisfying the conditions for international protection for 2019 entered into force according to which the RoC committed itself to accepting, through resettlement, an additional 150 persons, or to participate in other forms of solidarity with other countries.<sup>105</sup>

According to Jesuit Refugee Service (hereinafter: JRS),<sup>106</sup> refugees were resettled in Croatia in two rounds: 152 persons in the first round and 98 in the second round. To implement the Government decisions of 2015 and 2017 and integrate the resettled refugees, in December 2018 MoI made an Agreement on Cooperation with the JRS regarding the integration of resettled persons from Turkey for a period of 13 months, in connection with the reception of 98 refugees who, at that time, had not yet been resettled in the RoC.<sup>107</sup>

As for 2019, the International Catholic Commission for Migrations (hereinafter: ICCM) took part in the process of resettlement of refugees from Turkey, based on an agreement made with MoI, envisaging the implementation of an interactive programme of integration. The ICCM, supported by MoI and JRS, organised a three-day programme of cultural orientation where the refugees were acquainted with their rights, obligations and the cultural values of the RoC.<sup>108</sup> In this way, all the incoming families had thus previously gone through a process of selection and medical examination, as well as a cultural orientation in Turkey, in preparation for their resettlement in Croatia.<sup>109</sup>

The accommodation of refugees in Croatia on the basis of the resettlement programme was ensured at the Reception Centre in Kutina where they stayed for the first several weeks upon arrival. Then, the process of their initial integration started<sup>110</sup> and included learning the Croatian language, becoming familiar with Croatian culture, its customs and laws and their rights and obligations.<sup>111</sup> At the Reception Centre, their applications for international protection were taken and decisions were rendered granting their refugee status in the RoC.

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<sup>103</sup> Official Gazette No 78/2015.

<sup>104</sup> Official Gazette No 99/2017.

<sup>105</sup> Official Gazette No 16/2019.

<sup>106</sup> Information received from JRS by telephone on 8 April 2020.

<sup>107</sup> <https://mup.gov.hr/vijesti-8/sporazum-o-suradnji-na-podrucju-integracije-preseljenih-osoba/283101>.

<sup>108</sup> [https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/docs/pages/00\\_emn\\_26th\\_bulletin\\_final\\_en.pdf](https://ec.europa.eu/homeaffairs/sites/homeaffairs/files/docs/pages/00_emn_26th_bulletin_final_en.pdf).

<sup>109</sup> Information received from JRS by telephone on 8 April 2020.

<sup>110</sup> Information received from JRS by telephone on 8 April 2020.

<sup>111</sup> <https://mup.gov.hr/vijesti-8/u-hrvatsku-preseljena-sesta-skupina-sirijskih-izbjeglica-iz-turske/283484>.

Upon the completion of the initial phase of integration, the families were accommodated in the local communities in housing provided by the Central State Office for Reconstruction and Housing depending on existing vacancies.<sup>112</sup> In Sisak and Karlovac, where the families were accommodated, JRS carried out all the necessary preparations by primarily organising various local events to raise their awareness and include the local stakeholders in the process of integration. After the refugees had arrived, JRS organised numerous community events at the local level to enable people to socialise and to get to know each other.<sup>113</sup>

The process of integration of refugees resettled from Turkey differs from that of third-country nationals granted international protection in the RoC who had not arrived in Croatia within a resettlement programme. In the opinion of the Welcome Initiative, in the case of such a group of refugees, it is always necessary to make additional efforts to ensure their social inclusion.<sup>114</sup>

## 6. CONCLUSION

In 2019, the asylum system was characterised by more difficult access to the territory and to the possibility of seeking international protection for applicants and refugees within so-called mixed migration movements, mostly irregular ones. This was also the consequence of very strict conditions for obtaining a visa as a necessary document for legal entry into the country, for which most persons coming from countries that emit the largest number of refugees do not qualify, and who, very often, cannot obtain personal documents in their country of origin. Therefore, they were often compelled to move across the State border in an irregular manner. The situation was often even more difficult because, for some, Croatia was not their desired destination and they only wanted to transit through it to reach a West-European country. In addition, the increased securitisation of asylum and migration and very stringent measures for the protection of state borders of different countries, and particularly the external borders of the EU, made access to the territory and to the provision of international protection even more difficult.

Although Croatia is not the only country on the external EU border, in 2019 the focus of many national and international organisations, as well as international bodies and EU institutions, was directed at the Croatian border, in particular the border with Bosnia and Herzegovina. During 2019, many organisations reported on the collective, unlawful and violent pushbacks of migrants, but also on potential applicants for international protection and refugees, from the

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<sup>112</sup><https://mup.gov.hr/vijesti/dolazak-sedme-skupine-sirijskih-izbjeglica-iz-turske/284674>.

<sup>113</sup>[https://resettlement.eu/sites/icmc/files/SHARE%20conference%202019\\_finalreport.pdf](https://resettlement.eu/sites/icmc/files/SHARE%20conference%202019_finalreport.pdf).

<sup>114</sup> According to the information received from the Welcome Initiative on 1 February 2019.

Croatian border and its territory and warned of serious violations of fundamental human rights. Although every State has the sovereign right to decide on the conditions for entry and stay in its territory, this right is restricted by international, European and domestic legislation on the protection of human rights and the rights of refugees, in particular the right to protection against *refoulement*. In increasingly broader activities aimed at controlling the state borders of individual countries, deterring migrants from accessing the territory and preventing irregular migration, asylum seekers and refugees often end up as collateral victims of strict border regimes. They remain unrecognised and potentially exposed to chain *refoulement* or to pushbacks to countries where they were formerly victims of torture, inhuman treatment or punishment. In such circumstances, the right of access to protection and asylum, although a civilizational achievement to protect those in danger of persecution and deprivation of fundamental human rights, is seriously jeopardised.

Therefore, it is necessary to further strengthen all forms of supervision of the work of the authorities responsible for controlling state borders to ensure the basic protection of the rights of refugees, primarily to ensure the principle of *non-refoulement*. The Ministry of the Interior of the Republic of Croatia should more transparently inform the public about all the actions taken to establish whether the allegations of the violation of human rights are true.

Despite the challenges regarding access to the Croatian territory and to the asylum system, in 2019, compared with 2018 the number of expressed intentions to apply for international protection increased by 86%. These data show that a certain number of persons, who are a part of mixed migration movements, still had the possibility to seek protection. At the same time, the number of positive decisions was smaller than the year before. However, it must be emphasised that the rate of positive decisions cannot be looked upon only quantitatively because their number also depends on how long an applicant stays in the country. The number is declining because of the trend (for several years now) of most of them leaving the RoC while the procedure is still pending. The rate of positive decisions also depends on whether the applicant qualifies for the status, as well as on the quality of the conducted procedure. One of the indicators of the quality of the procedure is its duration. Although it is important for the person or body in charge of the procedure to establish all the circumstances of a particular case and devote sufficient time to resolve it, in 2019 there were cases where the procedures for granting international protection lasted for (too) long or even exceeded the statutory time limit for a decision to be made.

Regarding the rights of applicants, it must be pointed out that the reconstruction and renovation of the Reception Centre in Zagreb improved the material conditions for the reception of applicants and thus also their accommodation. They continued to face barriers and difficulties

in exercising some of their rights. In 2019, some organisations and attorneys still had difficulty when trying to approach applicants whose movement was restricted by their accommodation in the Reception Centre for Foreigners.

Various non-governmental and international organisations carried out their activities in reception centres by providing many services and organising a variety of activities to assist the applicants in exercising their rights. A serious challenge was to include the applicants in these activities and to keep them attending.

By the end of 2019, the RoC resettled 250 Syrian refugees from Turkey, in conformity with the Government decisions of 2015 and 2017 on the resettlement of third-country nationals or stateless persons who meet the conditions for international protection. In such a way, the RoC manifested its intention to offer shelter to recognised refugees and to enable their lawful access to the territory, which was not the case with many EU Member States, particularly those in Central and Eastern Europe. Significant efforts were made, primarily by non-governmental organisations, to sensitise the local community to the arrival of refugees, mostly families with several family members and to integrate them successfully into Croatian society.

The most frequent challenges connected with the integration of asylees and foreigners under subsidiary protection was to provide health protection and services in health institutions, to organise Croatian language courses, to resolve housing issues and to reunify their families.

In conclusion, although every year there have been improvements in the legislation and practice regarding the asylum system and integration, there is still plenty of room for further development and for the betterment of the system. This primarily relates to the need to strengthen access to the asylum system and to make it easier for applicants and persons granted international protection to exercise their rights. It is also important to continue the training of civil servants, in particular policemen and social workers, increasing at the same time public awareness by organising various activities to support and promote the protection of human rights and vulnerable groups of people. There is a strong need to strengthen the cooperation of different sectors and to maintain a collegial dialogue among different state bodies and the non-governmental sector. This is of particular importance because there have been many cases where there was insufficient understanding of the role of civil society organisations supporting the protection of the rights of vulnerable groups and their activities in the field of migration.