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Asylum Information Database

Country Report

Croatia

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The AIDA project

The Asylum Information Database (AIDA) project is jointly coordinated by the European Council on Refugees and Exiles (ECRE), Forum Réfugiés-Cosi, Irish Refugee Council and the Hungarian Helsinki Committee. It aims to provide up-to date information on asylum practice in 16 EU Member States (AT, BE, BG, CY, CR, DE, FR, GR, HU, IE, IT, MT, NL, PL, SE, UK) and 2 non-EU countries (Switzerland, Turkey) which is easily accessible to the media, researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. Furthermore the project seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



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Statistics

Table 1: Applications and granting of protection status at first and second instance: 2014

	Total applicants in 2014	Refugee status	Subsidiary protection	Humanitarian Protection	Rejections (in-merit and admissibility)	Otherwise closed / discontinued	Refugee rate	Subs.Pr. rate	Rejection rate
	A	B	C	D	E	F	$B/(B+C+D+E)\%$	$C/(B+C+D+E)\%$	$E/(B+C+D+E)\%$
Total numbers	450	15	10	N/A	320	0	4.3%	2.9%	92.8%
<i>Breakdown by country of origin</i>									
Algeria	75	0	0	0	80	0	0%	0%	100%
Syria	65	0	0	0	10	0	0%	0%	100%
Pakistan	25	0	0	0	5	0	0%	0%	100%
Tunisia	20	0	0	0	30	0	0%	0%	100%
Morocco	20	0	0	0	30	0	0%	0%	100%
Nigeria	20	0	0	0	20	0	0%	0%	100%
Afghanistan	15	0	0	0	10	0	0%	0%	100%
Russia	10	0	0	0	10	0	0%	0%	100%
Somalia	10	0	5	0	10	0	0%	33%	66%
Sudan	5	0	0	0	0	0	N/A	N/A	N/A
Eritrea	5	0	0	0	0	0	N/A	N/A	N/A
Serbia	5	0	0	0	0	0	N/A	N/A	N/A
Kosovo	5	0	0	0	5	0	0%	0%	100%

Source: Eurostat Asylum Statistics 2014 (migr_asyappctza); (migr_asydcfsta); (migr_asydcfina).

Note that the figures provided by Eurostat differ from the statistics provided by the Ministry of Interior of the Republic of Croatia on 28 January 2015. According to the latter: 453 applications were submitted in 2014 and decisions were as follows: 16 refugee status; 10 subsidiary protection; 301 rejection decisions (207 in-merit and 94 dismissals on Dublin grounds); 251 discontinued (suspended).

Table 2: Gender/age breakdown of the total numbers of applicants: 2014

	Number	Percentage
Total number of applicants	450	
Men	425	94.4%
Women	25	5.6%
Unaccompanied children	10	2.2%

Source: Eurostat Asylum Statistics 2014 (migr_asyappctza)

Table 3: Comparison between first instance and appeal decision rates: 2014

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions (A)	235		110	
Positive decisions				
Total (B)	26	10.6%	0	0%
<i>Refugee Status (Ba)</i>	16	6.4%	0	0%
<i>Subsidiary protection (Bb)</i>	10	4.2%	0	0%
<i>Hum/comp protection (Bc)</i>	N/A		N/A	N/A
Negative decision (C)	210	89.4%	110	100%

Source: Eurostat Asylum Statistics 2014 (migr_asydcfst); (migr_asydcfina)

Overview of the legal framework and practice

Main legislative acts relevant to asylum procedures, reception conditions and detention

Title (EN)	Original Title (HR)	Abbreviation	Web Link ¹
Law on Asylum Official Gazette 79/07 <i>Amended:</i> Official Gazette 88/10 <i>Amended:</i> Official Gazette 143/13	Zakon o azilu NN 79/07, 88/10, 143/13	Law on Asylum	http://narodne-novine.nn.hr/clanci/sluzbeni/2007_07_79_2474.html (HR) http://www.mup.hr/UserDocsImages/engleska%20verzija/2014/Asylum_Act_13.pdf (EN unofficial translation) http://narodne-novine.nn.hr/clanci/sluzbeni/2010_07_88_2462.html (HR) http://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3067.html (HR)
Law on General Administrative Procedure Official Gazette 143/13	Zakon o općem upravnom postupku 143/13	Law on General Administrative Procedure	http://narodne-novine.nn.hr/clanci/sluzbeni/2009_04_47_1065.html (HR)
Law on Administrative Disputes Official Gazette 20/10 <i>Amended:</i> Official Gazette 143/12 <i>Amended:</i> Official Gazette 152/14	Zakon o upravnim sporovima 20/10, 143/12, 152/14	Law on Administrative Disputes	http://narodne-novine.nn.hr/clanci/sluzbeni/2010_02_20_483.html (HR) http://narodne-novine.nn.hr/clanci/sluzbeni/2012_12_143_3036.html (HR) http://narodne-novine.nn.hr/clanci/sluzbeni/2014_12_152_2858.html (HR)
Law on Foreigners Official Gazette 130/11	Zakon o strancima 130/11, 74/13	Law on Foreigners	http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_130_2600.html (HR)

¹ Note that multiple links related to one legislative instrument refer to subsequent amendments. There is no consolidated version of legislative instruments modified by subsequent amendments available.

<i>Amended:</i> Official Gazzette 74/13			< http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_74_1475.html > (HR)
Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia Official Gazette 80/13	Zakon o obveznom zdravstvenom osiguranju i zdravstvenoj zaštiti stranaca u Republici Hrvatskoj 80/13	Law on Mandatory Health Insurance and Health Care	< http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_80_1667.html > (HR)
Law on Free Legal Aid Official Gazette 143/13	Zakon o besplatnoj pravnoj pomoći 143/13	Law on Free Legal Aid	< http://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3064.html > (HR)

Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions and detention.

Title (EN)	Original Title (HR)	Abbreviation	Web Link ²
Ordinance on Forms and Data Collections in the Asylum Procedure Official Gazette 36/08 <i>Amended:</i> Official Gazzette 46/08 <i>Amended:</i> Official Gazette 10/09 <i>Amended:</i> Official Gazette 88/11 <i>Amended:</i> Official Gazette 81/13	Pravilnik o obrascima i zbirkama podataka u postupku azila 36/08, 46/08, 10/09, 88/11, 81/13	Ordinance on Forms	< http://narodne-novine.nn.hr/clanci/sluzbeni/2008_03_36_1223.html > (HR) < http://narodne-novine.nn.hr/clanci/sluzbeni/2008_04_46_1586.html > (HR) < http://narodne-novine.nn.hr/clanci/sluzbeni/2009_01_10_235.html > (HR) < http://narodne-novine.nn.hr/clanci/sluzbeni/2011_07_88_1885.html > (HR) < http://narodne-novine.nn.hr/clanci/sluzbeni/2013_06_81_1712.html > (HR)
Ordinance on the amount of financial assistance provided to asylum seekers, asylees and foreigners under subsidiary protection Official Gazette 39/08	Pravilnik o visini novčane pomoći tražiteljima azila, azilantima, strancima pod privremenom zaštitom i strancima pod supsidijarnom zaštitom 39/08	Ordinance on financial assistance	< http://narodne-novine.nn.hr/clanci/sluzbeni/2008_04_39_1347.html > (HR)

² Note that multiple links related to one legislative instrument refer to subsequent amendments. There is no consolidated version of legislative instruments modified by subsequent amendments available.

Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection Official Gazette 36/08 Amendments to the ordinance Official Gazette 116/11	Pravilnik o smještaju tražitelja azila, azilanata i stranaca pod supsidijarnom zaštitom i strancima pod privremenom zaštitom 36/08, 116/11	Ordinance on accommodation	< http://narodne-novine.nn.hr/clanci/sluzbeni/2008_03_36_1225.html > (HR) < http://narodne-novine.nn.hr/clanci/sluzbeni/2011_10_116_2258.html > (HR)
Ordinance on free legal aid in the asylum procedure Official Gazette 32/12	Pravilnik o besplatnoj pravnoj pomoći u postupku azila 32/12	Ordinance on free legal aid	< http://narodne-novine.nn.hr/clanci/sluzbeni/2012_03_32_794.html > (HR)
Ordinance on the content of the medical examination of asylum seekers, asylees and foreigners under subsidiary protection Official Gazette 39/08	Pravilnik o sadržaju zdravstvenog pregleda tražitelja azila, azilanata, stranaca pod privremenom zaštitom i stranaca pod supsidijarnom zaštitom 39/08	Ordinance on medical examination	< http://narodne-novine.nn.hr/clanci/sluzbeni/2008_04_39_1346.html > (HR)
Ordinance on the manner of implementing the programme and tests of knowledge of asylum seekers, asylees, foreigners under temporary protection and foreigners under subsidiary protection, for the purpose of joining the education system of the Republic of Croatia Official Gazette 89/08	Pravilnik o načinu provođenja programa i provjeri znanja tražitelja azila, azilanata, stranaca pod privremenom zaštitom i stranaca pod supsidijarnom zaštitom, radi pristupa obrazovnom sustavu Republike Hrvatske 89/08	Ordinance on the manner of implementing the programme and tests of knowledge	< http://narodne-novine.nn.hr/clanci/sluzbeni/2008_07_89_2847.html > (HR)
Decision on the Programme of Croatian language, history and culture for asylum seekers and asylees Official Gazette 129/09	Odluka o programu hrvatskog jezika, povijesti i kulture za tražitelje azila i azilante 129/09	Decision on the Programme of Croatian language	< http://narodne-novine.nn.hr/clanci/sluzbeni/2009_10_129_3178.html > (HR)
Decision on the Programme of Croatian language, history and culture asylees and foreigners under subsidiary protection for inclusion into Croatian Society Official Gazette 154/14	Odluka o programu učenja hrvatskoga jezika, povijesti i kulture za azilante i strance pod supsidijarnom zaštitom radi uključivanja u hrvatsko društvo 154/14	Decision on the Programme of Croatian language, history and culture asylees and foreigners under subsidiary protection for	< http://narodne-novine.nn.hr/clanci/sluzbeni/2014_12_154_2920.html > (HR)

		inclusion into Croatian Society	
Decision on establishing the price of passport issued in accordance with the 1951 Convention relating to the Status of Refugees Official Gazette 12/11	Rješenje o utvrđivanju cijene putovnice izdane sukladno Konvenciji o statusu izbjeglica od 28. srpnja 1951. godine 12/11	Decision on the price of passport	< http://narodne-novine.nn.hr/clanci/sluzbeni/2011_12_141_2835.html > (HR)
Decision on establishing the price of identity card for asylees, identity cards for foreigners under subsidiary protection and travel documents for asylees Official Gazette 131/08	Rješenje o utvrđivanju cijene osobne iskaznice za azilanta, iskaznice stranca pod supsidijarnom zaštitom te putne isprave za azilanta 131/08	Decision on the price of identity card	< http://narodne-novine.nn.hr/clanci/sluzbeni/2008_11_131_3750.html > (HR)
Decision on the costs of accommodation in the Reception Centre for Asylum Seekers Official Gazette 49/08	Odluka o troškovima smještaja u Prihvatištu za tražitelje azila 49/08	Decision on the costs of accommodation	< http://narodne-novine.nn.hr/clanci/sluzbeni/2008_04_49_1639.html > (HR)

Overview of the main changes since the first report

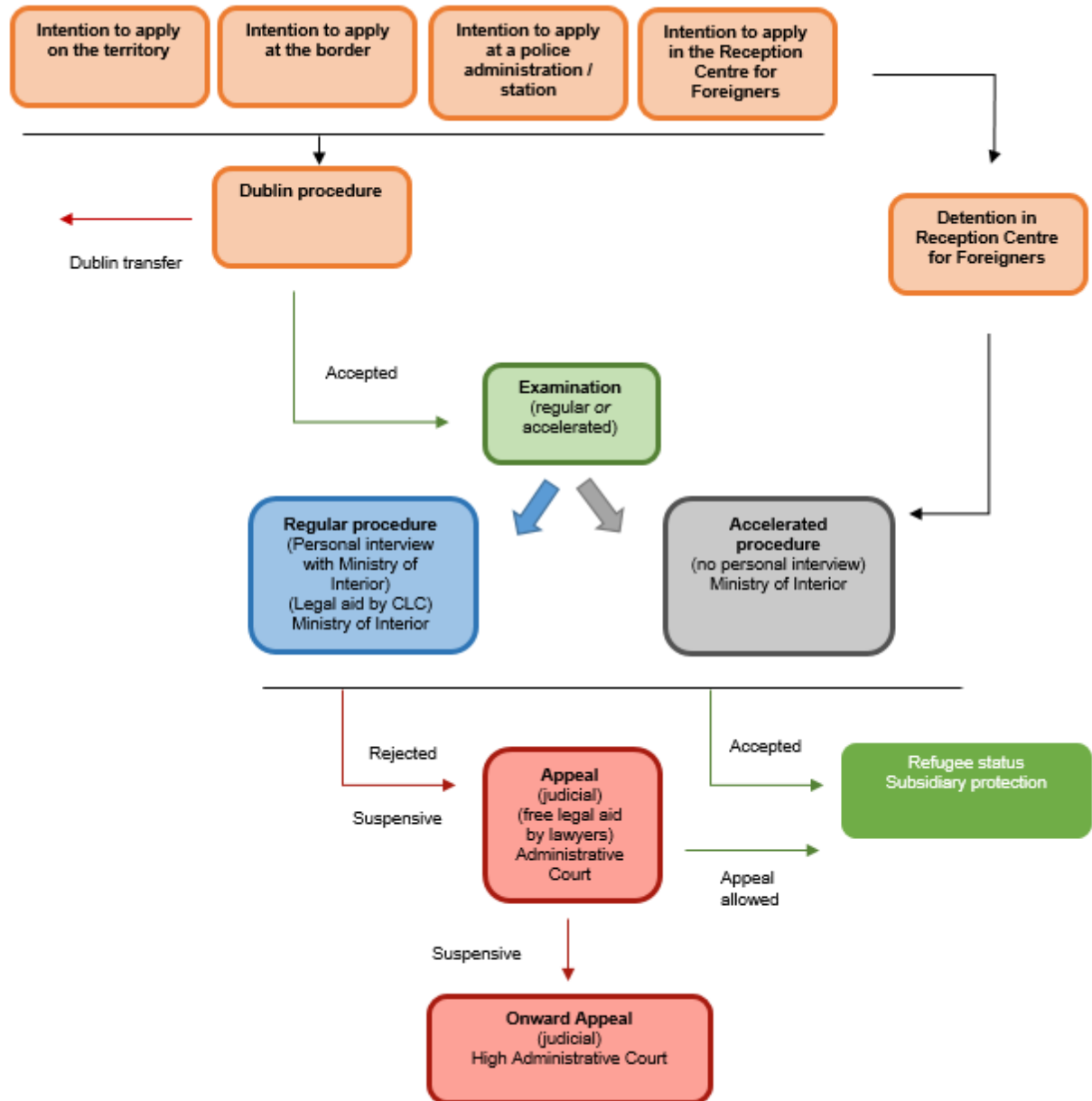
The report was previously published in **October 2014**.

- A Decision on the Programme of Croatian language, history and culture asylees and foreigners under subsidiary protection for inclusion into Croatian Society was adopted in December 2014. Prior to this decision, a Croatian language course had not been provided since the end of 2011. According to information received from the Ministry of Interior, the Ministry of Health initially waited for the curriculum of the Croatian language to be adopted, until it entered into force in September 2012. However, the Ministry of Health decided to adopt a new curriculum which would be narrower and tailored to asylees and beneficiaries of subsidiary protection which was published in Official Gazette in December 2014.
- Amendments to the Law on Administrative Disputes were adopted in December 2014. Following that amendment, asylum seekers may now lodge a further appeal against the Administrative Court's decision before the High Administrative Court, which should have suspensive effect. However, there is no publicly available data on how this functions in practice (or even on whether such cases have been reported to date) and how such cases are handled in terms of accommodation and other benefits provided by the Law on Asylum to asylum seekers.
- Attorneys reported to have problems with regard to remuneration for providing free legal aid before the Administrative Court.

Asylum Procedure

A. General

1. Flow Chart



2. Types of procedures

Indicators:

Which types of procedures exist in your country? Tick the box:

- | | | |
|---|---|---|
| - regular procedure: | ☒ yes | ☐ no |
| - border procedure: | ☒ yes | ☐ no |
| - admissibility procedure: | ☐ yes | ☒ no ³ |
| - accelerated procedure (labelled as such in national law): | ☒ yes | ☐ no |
| - Accelerated examination ("fast-tracking" certain case caseloads as part of regular procedure): | ☐ yes | ☒ no |
| - Prioritised examination (application likely to be well-founded or vulnerable applicant as part of regular procedure): | ☐ yes | ☒ no |
| - Dublin Procedure | ☒ yes | ☐ no |

Are any of the procedures that are foreseen in national legislation, not being applied in practice? If so, which one(s)?

The border procedure foreseen by the Law on Asylum is not being applied in practice.

3. List the authorities that intervene in each stage of the procedure (including Dublin)

Stage of the procedure	Competent authority in EN	Competent authority in original language
Intention to lodge an application for asylum at the border crossing point	Border police of the Ministry of Interior	Granična policija
Intention to lodge an application for asylum on the territory	police administration or a police station	Policijska uprava Policijska stanica
Application for asylum	Ministry of Interior / Reception Centre for Asylum Seekers' administration	Ministarstvo unutarnjih poslova / Prihvatilište za tražitelje azila
Dublin (responsibility assessment)	Ministry of Interior / Asylum Department	Ministarstvo unutarnjih poslova / Odjel za azil
Refugee status determination	Ministry of Interior / Asylum Department	Ministarstvo unutarnjih poslova / Odjel za azil
Appeal procedure Onward appeal	Administrative Court High Administrative Court	Upravni sud Visoki upravni sud
Subsequent application	Ministry of Interior / Asylum Department	Ministarstvo unutarnjih poslova / Odjel za azil

³ Not labelled as such in national law.

4. Number of staff and nature of the first instance authority (responsible for taking the decision on the asylum application at the first instance)

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the first instance authority?
Asylum Department	N/A	Ministry of Interior	No. According to the Law on General Administrative Procedure, ⁴ an official of the administrative body in charge of a procedure establishes facts and circumstances independently, and on the basis of established facts and circumstances adjudicates the administrative matter. An official decides, according to his or her own discretion, which facts to take as proven after a due and careful evaluation of each piece of evidence separately and all evidence as a whole, as well as on the basis of the results of the overall procedure.

5. Short overview of the asylum procedure

The asylum procedure in Croatia is an administrative procedure regulated by the Law on Asylum,⁵ which contains a number of special procedural rules. Additionally, the Law on General Administrative Procedure⁶ is applied in the asylum procedure, unless otherwise provided by the Law on Asylum. The main body responsible for the implementation of asylum policy in Croatia is the Ministry of Interior, which is also the competent authority in first instance procedures.⁷ All asylum matters are under the responsibility of the Administrative and Inspection Affairs Directorate, within which is the Service for Aliens and Asylum. The Service for Aliens and Asylum, among other departments, includes the Asylum Department and the Reception Centre for Asylum Seekers.⁸

The procedure officially begins after the lodging of the asylum application. Before this stage, a foreigner must express the intention to seek asylum. Such intention could be expressed during border controls at a border crossing point or at a police administration⁹ or police station, if a foreigner has already entered Croatian territory. In such a case, the competent body (i.e. police administration or station) will refer the foreigner to the Reception Centre for Asylum Seekers and will determine the time period within which they must report to the Reception Centre.¹⁰ However, a person may also express their intention to seek asylum after having been apprehended irregularly crossing the border or irregularly staying on the territory at a later stage.

Persons seeking asylum at a border crossing point or at a police administration / police station will be issued with a certificate; authorities also take official note of the intention.¹¹ The certificate of expressed

⁴ Article 9 Law on General Administrative Procedure.

⁵ Official Gazette 79/07; 88/10 and 143/13.

⁶ Official Gazette 47/09.

⁷ Article 12(1) Law on Asylum.

⁸ The Reception Centre for Asylum Seekers is the name of one of the organisational units of the Ministry of Interior. It is also the name of the accommodation centre, the place where asylum applications are recorded and where interviews are conducted. There is no separate registration office.

⁹ Police administrations are higher County organisational units of the police which include police stations.

¹⁰ Article 20(2)-(4) Law on Asylum.

¹¹ Article 4(1) Ordinance on Forms and Data Collections in the Asylum Procedure.

intention to apply for asylum contains – among other information – the timeframe within which the foreigner is obliged to report to the Reception Centre for Asylum Seekers in order to lodge the application for asylum, along with its location and address.¹²

The official note is drawn up by a police officer from the police administration / police station,¹³ and includes the name, sex, place and country of birth, nationality, last residence address, information on belongings and identification documents possessed by the foreigner, place, date and time of entry in Croatia and, when known, mode of state border crossing.¹⁴ The official note is sent without delay to the Reception Centre.¹⁵

The foreigner is then referred to the Reception Centre for Asylum Seekers. Where the person lacks financial means, transport to the Reception Centre will be provided or its cost will be covered.¹⁶ If the person fails to report to the Reception Centre within the time period specified in the certificate, they is considered an irregular migrant.¹⁷

The foreigner can also seek asylum at the Reception Centre for Foreigners (i.e. detention centre for the purpose of removal), in which case the intention to lodge an asylum application is forwarded in writing to the Asylum Department of the Ministry of Interior for further processing.

The asylum procedure is initiated once an application for asylum is received by officials from the Reception Centre for Asylum Seekers' administration.¹⁸ That means that the application for asylum is submitted orally and that minutes of this oral submission are taken.¹⁹

After the application for asylum has been lodged, the Ministry of Interior (i.e. the Asylum Department) shall, as soon as possible, arrange the personal interview with the asylum seeker,²⁰ and shall issue a decision within 6 months. If the Ministry is not able to decide upon the application for asylum within this timeframe, it shall, after the expiry of the 6-month period, inform the asylum seeker of the time frame within which a decision may be expected.²¹

The Asylum Department is also responsible for examining the Dublin criteria and carrying out Dublin transfers to another Member State.

The asylum procedure in Croatia is a single procedure, given that the Asylum Department determines *ex officio* the existence of conditions for granting subsidiary protection status where the conditions for granting refugee status are not met.²² An asylum application may also be processed under an accelerated or border procedure. According to the Law on Asylum, the accelerated procedure can be applied in cases where a positive decision may be taken on the basis of available evidence and in the cases of manifestly unfounded applications.²³ The main difference between the regular and the accelerated procedure relates to time-limits: the deadline for filing an appeal in the accelerated procedure is 8 days, in contrast to the 30-day deadline in the regular procedure, and the Administrative Court must decide on the appeal within 15 days from the day of delivery of the case file. Procedures at the border or in transit zones are regulated by the Law on Asylum. However, they are not applied in practice due to lack of appropriate centres and capacity at the borders.

¹² Article 4(2) Ordinance on Forms and Data Collections in the Asylum Procedure.

¹³ Article 5(1) Ordinance on Forms and Data Collections in the Asylum Procedure.

¹⁴ Article 5(2) Ordinance on Forms and Data Collections in the Asylum Procedure.

¹⁵ Article 5(3) Ordinance on Forms and Data Collections in the Asylum Procedure.

¹⁶ Article 5(5)-(6) Ordinance on Forms and Data Collections in the Asylum Procedure.

¹⁷ Article 20(3) Law on Asylum.

¹⁸ Article 53(1) Law on Asylum.

¹⁹ Article 53(2) Law on Asylum and Article 2(1) Ordinance on Forms and Data Collections in the Asylum Procedure.

²⁰ Article 54(1) Law on Asylum.

²¹ Article 57(2) Law on Asylum.

²² Article 58(2) Law on Asylum.

²³ Article 56(1) Law on Asylum.

The Ministry's decision (in the regular, accelerated or border procedure) may be challenged before the Administrative Court.²⁴ There are four Administrative Courts: in Zagreb, Rijeka, Osijek and Split. The majority of asylum cases are handled by the Zagreb Administrative Court. Appeals against first instance decisions have suspensive effect.

Following the last amendments to the Law on Administrative Disputes adopted in December 2014, asylum seekers may now lodge a further appeal against the Administrative Court decision before the High Administrative Court, which should have suspensive effect. However, there is no publicly available data on how this functions in practice (or even on whether such cases have been reported to date) and how such cases are handled in terms of accommodation and other benefits provided by the Law on Asylum to asylum seekers.²⁵

Although the administrative dispute is the final instance decision on asylum applications, there is also a possibility to lodge a complaint before the Constitutional Court in case the applicant claims a violation of a right guaranteed by the Croatian Constitution. In that case, a foreigner would have to regularise their stay in Croatia in accordance with the Law on Foreigners, as stay under the Law on Asylum is not foreseen once the administrative dispute is over. However, it is not feasible in practice for rejected asylum seekers to easily regularise their stay under the Law on Foreigners, as the majority of them would not meet the conditions prescribed by the Law on Foreigners to obtain a residence permit. This renders it therefore very difficult in practice to appeal against a negative decision from the Administrative Court on constitutional grounds.

B. Procedures

1. Registration of the Asylum Application

Indicators :

- Are specific time limits laid down in law for asylum seekers to lodge their application?
☐ Yes ☒ No
- If so, and if available specify
 - o the time limit at the border: N/A
 - o the time limit on the territory: N/A
 - o the time limit in detention: N/A
- Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? ☐ Yes ☒ No

Although no time-limit is specified in the Law on Asylum, foreigner is in practice expected to seek asylum (i.e. express the intention to lodge an asylum application) at a police administration / station or at border crossing points within a reasonable time after entering the country.

At the moment when a foreigner expresses the intention to seek asylum during a border control at a border crossing point,²⁶ competent officials will refer him or her to the Reception Centre for Asylum Seekers²⁷ and determine the time period within which he or she must report to the Reception Centre to lodge the application.²⁸

²⁴ Article 12(2) Law on Asylum.

²⁵ Article 19 Amendments to the Law on Administrative Disputes (Article 66 of the Law on Administrative Disputes).

²⁶ Article 20(2) Law on Asylum.

²⁷ The Reception Centre is also the place where asylum seekers have to report themselves after expressing their intention to lodge an asylum claim and where interviews are conducted.

²⁸ Article 20(4) Law on Asylum.

A person may express such intention even after having been found irregularly crossing the state border or at a later stage, during further proceedings related to irregular border crossing. After the foreigner has been apprehended and transferred to a police administration or station, the police officer makes a report and hands the person over to officers in charge of irregular migration for further proceedings. These police officers will conduct an interview with the foreigner in the police station to determine the person's identity, perform a security check and conduct an informative interview. If the foreigner expresses the intention to seek asylum at any stage of this procedure, the procedure will be suspended and the person will have the right to stay in Croatia until a final decision is taken on the asylum application.

If after having expressed the intention to seek asylum the foreigner does not report to the Reception Centre for Asylum Seekers without a justified reason within the deadline determined by the officials of the police administration/station or border crossing, the provisions of the Law on Foreigners apply.²⁹ In particular, that means that if a person did not report to the Reception Centre for Asylum Seeker where they can officially lodge the asylum application, they would be considered as irregular migrant and would be put in detention for the purpose of removal.³⁰ The same applies in case the foreigner leaves the Reception Centre for Asylum Seekers for more than three days without obtaining consent from the Centre.

However, after having expressed the intention to seek asylum and reporting to the Reception Centre for Asylum Seekers, there are no specific time limits for the foreigner concerned to lodge the application for asylum. The Law on Asylum only prescribes that a foreigner who expresses the intention to lodge an asylum application shall be enabled to formally lodge an application as soon as possible.³¹ In practice, that means that the waiting time before the application is formally lodged depends only on the Ministry of Interior, i.e. on the Reception Centre for Asylum Seekers' administration whose officials are in charge of organising and conducting the interview for lodging the asylum application.

The Ministry of Interior, i.e. the Reception Centre for Asylum Seekers (which is both an organisational unit of the Ministry of Interior within the Service for Aliens and Asylum as well as an accommodation centre for asylum seekers) is the competent authority for conducting interviews for the purpose of receiving asylum applications. The application for asylum is usually lodged at the Reception Centre for Asylum Seekers, except where an asylum seeker is detained in the Reception Centre for Foreigners (detention centre) or in prison. In the past, migrants in the Reception Centre for Foreigners have sometimes faced difficulties in having their letters declaring the intention to seek asylum delivered to the asylum authority. However, such problems have not been reported recently.

According to the Law on Asylum, in procedures at borders or transit zones, the asylum application lodged by the foreigner shall be received as soon as possible, and the interview shall be carried out immediately.³² However, at the moment this provision is not applicable in practice due to the lack of appropriate centres to accommodate foreigners and capacity to carry out the procedure.

The asylum procedure is initiated by lodging the application. In practice this means that the application for asylum is submitted orally by the person seeking protection in front of the asylum authority (Reception Centre for Asylum Seekers' administration), which drafts minutes of the interview. The civil servants of the Reception Centre for Asylum Seekers' administration conduct a short interview to collect the following information: personal data of the asylum seeker, information on military service, family and other relations, information on the journey from country of origin (type of transportation and route) and the reasons (in short) why they fled their country of origin. All documents, including the minutes of the first interview, are then sent to the Asylum Department within the Ministry of Interior, which is responsible for conducting a further substantive interview and examining the asylum application.

²⁹ Article 20(4) Law on Asylum.

³⁰ According to Article 2(1)(3) Law on Asylum, 'asylum seeker' means a foreigner who submitted asylum application, regarding whom an enforceable decision has not yet been made.

³¹ Article 22(1) Law on Asylum.

³² Article 67(3) Law on Asylum.

Beside that, civil servants in the Reception Centre for Asylum Seekers take fingerprints and photos of the asylum seekers, provide them with information on the procedures, their rights and obligations, and issue the asylum seekers' identity card. The identity card of an asylum seeker shall be issued within three days from the lodging of the application for asylum and serves as a residence permit in the Republic of Croatia until the completion of the procedure.³³

During 2012 and 2013, a lack of accommodation places and some organisational problems caused delays, up to two months, in the organisation of interviews for the purpose of lodging asylum applications. This is no longer the case.

There are no reports of *refoulement* or "push-backs" at the border.

2. Regular procedure

General (scope, time limits)

Indicators:

- Time limit set in law for the determining authority to make a decision on the asylum application at first instance (in months): 6 months
- Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☒ Yes ☐ No
- As of 31 December 2014, the number of cases for which no final decision (including at first appeal) was taken one year after the asylum application was registered: Not available³⁴

The Asylum Department of the Ministry of Interior is an administrative authority specialised in asylum decision making. Croatia has a single asylum procedure: the Asylum Department examines whether the applicant fulfils the eligibility criteria for refugee status and, in case not, subsequently examines whether the applicant is eligible for subsidiary protection. The civil servants working in the Asylum Department conduct interviews of asylum seekers and, on the basis of all the relevant facts and circumstances arising from the asylum seeker's application, the asylum seeker's position and personal circumstances (including sex and age) based on the testimony presented during the interview, the evidence submitted and available country of origin information, as well as the activities of the asylum seeker after leaving the country of origin to assess whether these activities might expose the asylum seeker to persecution or serious harm if they are returned to that country, issue a decision on the asylum application. Whether there is an internal protection alternative in the country of origin, and whether the asylum seeker may obtain the protection of their alleged country of nationality, are also considered when taking a decision.³⁵

When deciding on the testimony of the asylum seeker, the person conducting the procedure should abide by the principle of the benefit of the doubt.³⁶ The first instance decision can be a decision by which the Ministry of Interior grants asylum, rejects an asylum application, or rejects asylum and grants subsidiary protection, dismisses an asylum application (see the section "Admissibility procedure" of the report) or suspends³⁷ the procedure. The Ministry of Interior (i.e. the Asylum Department) has the obligation to take a decision on the application for asylum within six months from its lodging, and if that is not possible, it must inform the asylum seeker of the time frame in which a decision may be expected.³⁸ In practice, it

³³ Article 78(1) Law on Asylum.

³⁴ According to Ministry of Interior Statistics, 453 cases were pending at the end of 2014.

³⁵ Article 55 Law on Asylum.

³⁶ Article 71 Law on Asylum.

³⁷ According to Article 62(1) Law on Asylum, the asylum procedure shall be suspended if: (1) the asylum seeker withdraws the asylum application; (2) the asylum seeker does not appear at the interview and does not justify the absence within 24 hours from the scheduled interview; (3) the asylum seeker avoids the delivery of the summon; (4) the asylum seeker leaves the Republic of Croatia during the procedure; or (5) the asylum seeker leaves the Reception Centre or the place of residence for a period longer than three days, without having informed the Ministry about it or having acquired the permission from the Ministry of Interior.

³⁸ Article 57(2) Law on Asylum.

happens that the case is not decided within six months and there are no any consequences for not respecting these time limits. Although there are no official data on the average length of the asylum procedure, to the knowledge of the Croatian Law Centre, the procedure can last from a few months up to a year and a half. There is no information available on certain caseloads being prioritised as a matter of law or practice by the first instance authority, neither there is official information on the backlog of cases at first instance.

Appeal

Indicators:

- Does the law provide for an appeal against the first instance decision in the regular procedure:
 - ☒ Yes ☐ No
 - o if yes, is the appeal ☒ judicial ☐ administrative
 - o If yes, is it suspensive ☒ Yes ☐ No
- Average processing time for the appeal body to make a decision: not available

Decisions of the Ministry of Interior may be challenged before the Administrative Court. Each asylum case is examined by a single judge. Judges are not specialised on asylum neither specifically trained in asylum law, although from time to time some trainings are organised for judges (usually by UNHCR).

Following the last amendments to the Law on Administrative Disputes adopted in December 2014, asylum seekers may lodge a further appeal against the Administrative Court decision before a High Administrative Court, which should have suspensive effect. However, there is no publicly available data on how this function in practice (and on whether there have been such cases to date) and how such cases are handled.³⁹

In the Croatian Law Centre's experience, there is no information specifying, that in practice, asylum seekers face obstacles to appeal a decision.

An appeal lodged before the Administrative Court suspends the enforcement of the decision of the Ministry of Interior, i.e. has a suspensive effect.⁴⁰

The court holds a hearing in the presence of the asylum seeker in most cases (exceptions may occur in some Dublin cases or when the asylum seeker's whereabouts are unknown). Interpreters are provided and paid by the state. So far, to the knowledge of the Croatian Law Centre, interpreters were always available during the administrative dispute. The hearings are not public.

According to the law, the time limit for an asylum seeker to lodge an appeal to the Administrative Court in the regular procedure⁴¹ is 30 days after the delivery of the decision of the Ministry of Interior.⁴² When the asylum application is dismissed as inadmissible, the time limit for lodging an appeal is 30 days after the delivery of that decision, except where the responsibility of another Member State has been established pursuant to the Dublin Regulation, in which case an appeal may be lodged within 8 days from the delivery of the decision.⁴³

In general, there is no time limit set in law for the Administrative Court to make a decision in the regular procedure.

³⁹ Article 19 Amendments to the Law on Administrative Disputes.

⁴⁰ Article 70(2) Law on Asylum.

⁴¹ According to Article 70(1) Law on Asylum, lodging of complaints and the procedure before the Administrative Court shall be governed by the provisions of the Law on Administrative Disputes, unless otherwise provided by Law on Asylum.

⁴² Article 24(1) Law on Administrative Disputes.

⁴³ Article 60(6) Law on Asylum.

The Court can freely assess the evidence and establish the facts (requesting also further evidence if needed) – without being bound by the facts established in the procedure of the Ministry of Interior – while determining refugee status, although it takes them into account when deciding. Evidence, in terms of Law on Administrative Disputes, includes in this case documents, interviews of the parties, experts' opinions and findings and other means of collecting evidence, and the court presents it according to the rules for presenting evidence in the civil procedure.⁴⁴ The outcomes of the administrative dispute can be that the appeal is dismissed (and therefore not decided on the merits), rejected (i.e. decided negatively on the merits), or adopted. If the appeal is adopted, the Court can either refer the case back to the Ministry of Interior for the review procedure or it can change the decision by itself, meaning that the result is granting refugee or subsidiary protection status. The court decisions are not publicly available. According to the Law on Administrative Disputes, there is a possibility to file a further appeal against a judgment of the administrative court, which, according to amendments to the Law on Administrative Disputes of December 2014, have suspensive effect. There is no information available on the average processing time for the Administrative Court to make a decision.

Personal Interview

Indicators:

- Is a personal interview of the asylum seeker conducted in most cases in practice in the regular procedure? ☒ Yes ☐ No
 - o If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
- In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
- Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

After a short initial interview conducted by the officials from the Reception Centre for Asylum seekers for the purpose of lodging an asylum application, a substantive interview is conducted by the Asylum Department of the Ministry of Interior. According to the Law on Asylum, when the application for asylum has been lodged, the Ministry of Interior shall, as soon as possible, interview the asylum seeker. During the interview, the asylum seeker is obliged to present all circumstances relevant to the asylum application, truthfully answer all questions, and submit all available evidence to support the application, i.e. give credible and convincing explanations of all the reasons behind the application for asylum.⁴⁵

The interview may be omitted:

- when a positive decision on an asylum claim may be taken on the basis of the available evidence;
- in cases where the interview is not feasible due to objective reasons; in particular, when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond his/her control;
- when, on the basis of a complete examination of all information provided by an asylum seeker, one or more of the following circumstances exist: *the asylum seeker has stated only information which is irrelevant or of minimal importance for the result of the procedure; the asylum seeker has stated inconsistent, contradictory, impossible or insufficient facts which make their application unconvincing; the asylum seeker lodges the application with the obvious intention of postponing or preventing the implementation of a decision which would result in their expulsion from the Republic of Croatia*, for which reasons the application shall be considered unfounded.⁴⁶

⁴⁴ Article 33 Law on Administrative Disputes.

⁴⁵ Article 54(1)-(2) Law on Asylum.

⁴⁶ Article 54(9) Law on Asylum.

All interviews are conducted by the civil servants of the Asylum Department within the Ministry of Interior, who are also responsible for taking decisions on the asylum application. Most asylum seekers are interviewed in practice. According to the Law on Asylum, the presence of an interpreter during the personal interview is required in case an asylum seeker does not understand the language in which the procedure is conducted.⁴⁷ In practice this means that the interpreter is present in all cases, with the only exception of those in which the asylum seeker understands Croatian (for example asylum seekers who are nationals of a neighbouring country such as Bosnia and Herzegovina). If possible, interview procedures shall be gender sensitive, i.e. the person in charge of conducting the procedure (the decision maker) shall, whenever possible, be of the same sex as the asylum seeker.⁴⁸ When possible, this is respected in practice, especially, in the case of vulnerable asylum seekers. Also, the asylum seeker can request and will be provided, where there is a specific reason and if possible, with an interpreter of their sex.⁴⁹ A few asylum seekers have complained to the Croatian Law Centre about the quality of translation. There is no specific code of conduct for interpreters in the context of asylum procedures, neither are standards prescribed with regards to the qualifications of interpreters in asylum procedures. Interpreters are not professionally trained and interpretation is not done by accredited interpreters in the majority of cases. Usually, persons who simply possess the requested language skills are contracted by the Ministry of Interior. Nevertheless, there is a lack of interpreters, especially for some specific languages. For example, asylum seekers from African countries are often interviewed in English or French, languages they are considered as being able to understand. Asylum seekers are asked at the beginning of the interview if they understand the interpreter.

The interpreter is obliged to keep the information revealed during the asylum procedure confidential, pursuant to the regulations related to data protection.⁵⁰

According to the Law on Asylum, the interview can be audio-recorded.⁵¹ However, this provision is not used in practice. In the past there was also a possibility for the interview to be conducted through video conferencing (through the GDISC Interpreters Pool Project and later also in cooperation with the Dutch Immigration and Naturalisation Service). However, such possibility is not available at the moment,⁵² mainly due to the fact that the State shall contribute financially whereas restrictions have been imposed onto the State budget.

During the interview, verbatim minutes of the interview, are drafted. Once the interview is finished, the interpreter translates the minutes to the asylum seeker who then has a possibility to make corrections, interventions, as well as to add information if needed. Generally, in practice, the quality of the minutes is not considered problematic, although there were cases in which minutes were not considered to be of sufficient quality (i.e. asylum seekers complained about the quality). It also depends on the interpreter whether they summarise the answers (which they should not do), or translate each sentence of the asylum seeker (which is how they should translate). By signing the minutes the asylum seeker agrees with the content of the transcript.

Legal assistance

Indicators:

- Do asylum seekers have access to free legal assistance at first instance in the regular procedure in practice?
☐ Yes ☐ not always/with difficulty ☒ No

⁴⁷ Article 24(1) Law on Asylum.

⁴⁸ Article 54(6) Law on Asylum.

⁴⁹ Article 24(2) Law on Asylum.

⁵⁰ Article 24(3) Law on Asylum.

⁵¹ Article 54(8) Law on Asylum.

⁵² Answer from the Ministry of Interior to the request for video conference translation in a particular case, dated 10 April 2014.

- Do asylum seekers have access to free legal assistance in the appeal procedure against a negative decision?
☒ Yes ☐ not always/with difficulty ☐ No
- In the first instance procedure, does free legal assistance cover:
☐ representation during the personal interview ☐ legal advice ☐ both ☒ Not applicable
- In the appeal against a negative decision, does free legal assistance cover
☐ representation in courts ☐ legal advice ☒ both ☐ Not applicable

The right to free legal assistance in asylum procedures is regulated by the Law on Asylum. There is also a general procedure and system of free legal aid which is regulated by the Law on Free Legal Aid, but asylum seekers can only benefit from this law in some procedures for which legal aid is not provided for by the Law on Asylum. According to CLC, this could also cover representation in the first instance procedure.

Free state funded legal aid under to the Law on Asylum is not available during the first instance asylum procedure, but only before the Administrative Court. According to the Law on Asylum, free legal aid includes assistance in the preparation of a claim to the Administrative Court and representation before the Administrative Court⁵³ if requested by the asylum seeker.⁵⁴ Legal assistance may be provided by attorneys at law and lawyers from organisations registered for providing legal assistance.⁵⁵ However, this second option is not available in practice, as to date the Ministry of Interior has not issued a call to NGOs to become providers of free legal aid funded by the State, although the Law on Asylum provides for a possibility for lawyers from organisations registered for providing legal assistance to represent asylum seekers in administrative disputes. In practice, legal information and assistance are also provided by NGOs, and primarily by the Croatian Law Centre as implementing partner of UNHCR and the Legal Clinic of the Law Faculty of the University of Zagreb. Lawyers of the Croatian Law Centre are present twice a month in the Reception Centre for Asylum Seekers for free legal counselling. However, with regard to the representation in the first instance procedure, they are not present at interviews, except in specific selected cases provided that they are authorised by the asylum seeker for legal representation. However, in practice there is a greater need for free legal assistance in the first instance procedure, but unfortunately due to financial restrictions and lack of capacity, two lawyers from the Croatian Law Centre can represent only a very small number of cases.

The cost of free legal aid before the Administrative Court is borne by the Ministry of Interior⁵⁶, and the asylum seeker is entitled to free legal aid if they do not possess sufficient financial means or valuable possessions⁵⁷. To this end, according to the Ordinance on free legal aid, the Administrative Court takes into account the evidence on the financial status of the asylum seeker (which is obtained *ex officio* by the Ministry of Interior during the first instance asylum procedure). In practice that means that at the beginning of the first instance procedure, the asylum seeker has to specify (by completing a form provided to them) if they carry any valuables with them, which is rarely the case. If an asylum seeker possesses sufficient financial means or valuable possessions, the Administrative Court, when deciding on the legal remedy, will determine that the costs of legal aid are borne by the asylum seeker. In practice there are no obstacles to accessing attorneys, as asylum seekers are informed about their right to free legal assistance and attorneys are notified the appointment by the Ministry of Interior. The Ministry of Interior also informs the interpreter about the meeting between clients and their attorney. To the knowledge of Croatian Law Centre, the amount of the financial compensation for legal assistance providers is adequate for lawyers to engage effectively in the provision of legal assistance to asylum seekers. However, compensation for legal aid seems to encounter obstacles in practice, as attorneys informed the Croatian Law Centre that the Administrative Court did not approve free legal aid in some cases. Consequently, lawyers were not paid for their work.

⁵³ Article 34(1) Law on Asylum.

⁵⁴ Article 34(5) Law on Asylum.

⁵⁵ Article 34(2) Law on Asylum.

⁵⁶ Article 2(1) Ordinance on free legal aid in the asylum procedure.

⁵⁷ Article 34(3) Law on Asylum.

3. Dublin

Indicators:

- Number of outgoing requests in the previous year: N/A
- Number of incoming requests in the previous year: N/A
- Number of outgoing transfers carried out effectively in the previous year: 3
- Number of incoming transfers carried out effectively in the previous year: 40⁵⁸

Procedure

Indicator:

- If another EU Member State accepts responsibility for the asylum applicant, how long does it take in practice (on average) before the applicant is transferred to the responsible Member State? According to the Ministry of Interior, it may vary from case to case

Croatia does not use any national legislation to incorporate the Dublin III Regulation, as it is directly applicable, but refers to it in Article 1 and then in Article 60 of the Law on Asylum specifying that the asylum application will be dismissed if the responsibility of another Member State has been established. In that respect, the Law on Asylum does not establish criteria to determine the state responsible, but the Ministry of Interior, when deciding on a case, simply refers to the criteria listed in the Dublin Regulation.⁵⁹ The Dublin procedure is applied whenever the criteria listed in the Dublin Regulation are met, except if the responsible country appears to be Greece. In those cases, Croatia accepts responsibility for examining asylum applications.

As there are only two LiveScan machines for taking fingerprints for EURODAC purposes (one in the Reception Centre for Asylum Seekers in Zagreb, and the other in the Reception Centre for Foreigners, i.e. detention and deportation centre), classical fingerprinting is first done at the police station. It only then serves for back up purposes and it is delivered to the Reception centre for Asylum Seekers, where all asylum seekers older than 14 are then systematically fingerprinted and checked in EURODAC. In those cases when there is a hit in EURODAC, the fingerprints are sent to the Forensic Centre within the Ministry of Interior for an additional check. Where fingerprinting is temporarily impossible due to medical or some other reasons, fingerprints of an asylum seeker shall be taken as soon as those impediments cease to exist.⁶⁰ Within the Asylum Department, three state officials working within the so called Dublin Unit are conducting EURODAC and Dublin procedures.

Asylum seekers are informed about the Dublin procedure twice, at the beginning of the procedure while fingerprinted and afterwards if conditions are met for actually carrying out a Dublin procedure. The decision on the transfer includes the grounds for the application of the Dublin Regulation and information on how to lodge a complaint against the decision. The complaint, for which they receive free legal assistance, must be lodged before the Administrative Court within 8 days from the delivery of the decision.⁶¹ The Ministry of Interior does not provide a written translation of the Dublin decision, but the decision is explained orally by the interpreter during its delivery in a language that the asylum seeker understands.

Asylum seekers are not detained in practice upon notification of the decision of transfer under the Dublin procedure, but alternatives to detention are used. The Law on Asylum prescribes that for the purpose of securing the transfer, the following obligations may be determined for a foreigner:

⁵⁸ Information provided in the letter from the Ministry of Interior, dated 28 January 2015.

⁵⁹ A meeting with officials of the Ministry of Interior with the purpose of collecting information about EURODAC and Dublin procedure was held on July 8, 2014.

⁶⁰ Article 37(3) Law on Asylum.

⁶¹ Article 60(6) Law on Asylum.

1. the prohibition to leave a specific address,
2. the obligation to report to the Police Station or the Reception Centre at a specific time,
3. to hand over travel documents and tickets.⁶²

If a foreigner waiting for the transfer fails to respect the above mentioned obligations, they could be detained in the Reception Centre for Foreigners.⁶³ However, according to the Ministry of Interior,⁶⁴ foreigners awaiting transfer often escape. Therefore those modalities prove not to be effective in some cases and it is difficult to predict how the practice in this regard will evolve.

Asylum seekers who are returned from other Member States in principle do not have any obstacles to access the asylum procedure in Croatia upon their return. However, those who left Croatia before the end of procedure and therefore had their case suspended, have to re-apply for asylum (if they wish) once they return to Croatia.

The transfer to the responsible Member State is organised by the Dublin Unit of the Ministry of Interior, in cooperation with the receiving Member State. According to the Ministry of Interior⁶⁵, the transfer is usually voluntary, i.e. the foreigner travels without police escorts. However, the escort will be provided if a foreigner's behaviour or personal circumstances require it.

In practice, if another EU Member State accepts responsibility for the asylum applicant, the time for the transfer to the responsible Member State will depend on the circumstances of each case.

Appeal

Indicators:

- Does the law provide for an appeal against the decision in the Dublin procedure:

☒ Yes ☐ No

○ if yes, is the appeal

☒ judicial

☐ administrative

○ If yes, is it suspensive

☒ Yes

☐ No

Average processing time for the appeal body to make a decision: not available, but according to the Law on Asylum, the Administrative Court shall decide on the complaint within 15 days from the reception of the case file.

Where responsibility of another EU Member State has been established, asylum seekers have the right to lodge a complaint before the Administrative Court within 8 calendar days⁶⁶ from the delivery of the Ministry of Interior's decision. The Administrative Court shall decide on the complaint within 15 days from the reception of the case file.⁶⁷

The courts and their judges are not specialised in asylum cases. The court examines the lawfulness of the Dublin decision. A personal hearing can be omitted on the decision of the judge: therefore in some cases the oral procedure is conducted *in absentia* (with only the legal representative present). In Dublin cases, it happens when the complainant disputes only the application of the law and not the facts of the case, and the parties have not made a request for a hearing to be held.

Complaints have suspensive effect. According to the information available to the Croatian Law Centre, the court does not always take into account the level of reception conditions, the procedural guarantees

⁶² Article 74a(1) Law on Asylum.

⁶³ Article 74a(2) Law on Asylum.

⁶⁴ Meeting with the Ministry of Interior, 8 July 2014.

⁶⁵ Meeting with officials of the Ministry of Interior with the purpose of collecting information about EURODAC and Dublin procedure was held on 8 July 2014.

⁶⁶ If the deadline falls on a Sunday, holiday or on some other non-working day for the Administrative Court, the deadline expires on the following working day.

⁶⁷ Article 60(6) Law on Asylum.

and the recognition rates in the responsible Member State when reviewing the Dublin decision. For instance, to the Croatian Law Centre's knowledge, in 2014 the transfer of vulnerable asylum seekers to Bulgaria was not suspended by a Court decision despite deficiencies in the system and UNHCR's recommendation not to return vulnerable categories of asylum seekers to that country. However, there is no publicly available data on how many Dublin decisions on transfers to other Member States were actually challenged before the Administrative Court since Croatia became an EU Member State last year. Therefore, no conclusions can be drawn on whether the Administrative Court takes into account the conditions and guarantees in the responsible Member state when reviewing the Dublin decision.

Personal Interview

Indicators:

- Is a personal interview of the asylum seeker conducted in most cases in practice in the Dublin procedure? ☒ Yes ☐ No
 - o If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No

There is no special interview conducted in the Dublin procedure, since questions relevant to that procedure are part of the first interview that is conducted by the officials of the Reception Centre for Asylum Seekers's administration.

If there are elements (in connection with the Dublin procedure) which were not mentioned in the asylum application (for instance there is a EURODAC hit and the asylum seeker did not mention that he was in another Member State), an additional interview can be conducted.

The same procedural rules as for the regular procedure apply during this part of the procedure, and the same guarantees as for the first interview in the regular procedure will apply (see section on Personal Interview under Regular Procedure).

Legal assistance

Indicators:

- Do asylum seekers have access to free legal assistance at the first instance in the Dublin procedure in practice? ☐ Yes ☐ not always/with difficulty ☒ No
- Do asylum seekers have access to free legal assistance in the appeal procedure against a Dublin decision? ☒ Yes ☐ always/with difficulty ☐ No

The same rules as in the regular procedure apply for access to free legal assistance during the Dublin procedure, meaning that free legal aid only includes assistance in the preparation of the appeal and representation before the Administrative Court,⁶⁸ if requested by the asylum seeker.

Suspension of transfers

Indicator:

- Are Dublin transfers systematically suspended as a matter of policy or as a matter of jurisprudence to one or more countries? ☒ Yes ☐ No
 - o If yes, to which country/countries? Greece

⁶⁸ Article 34(1) Law on Asylum.

After entering the EU, Croatia suspended transfers of asylum seekers to Greece. Where there is no responsible Member State other than Greece, Croatia will take responsibility for the examination of the asylum application. There are no data or information available on Administrative Court rulings suspending Dublin transfers to other EU Member States or associated States. To the knowledge of the Croatian Law Centre, so far the Administrative Court has not suspended any transfer.

4. Admissibility procedures

General (scope, criteria, time limits)

No specific procedure is named as admissibility procedure in Croatia. However, it is possible for the Asylum Department to make a decision without entering into a further in-depth examination of the asylum application (i.e. an examination on the merits) when the grounds for the dismissal of the asylum application are met. In particular, an asylum application will be dismissed if:⁶⁹

1. the asylum seeker has been granted asylum or similar protection in another state, including benefits which result from the observation of the principle of *non refoulement*, provided that he/she will again be accepted in that state,
2. the asylum seeker is a national of a third country, whose protection he/she did not request, unless he/she stated justified reasons for persecution in that country,
3. after individual assessment it is established that the asylum seeker is arriving from a safe third country, where there is a link between the asylum seeker and that country, and therefore it would be reasonable to expect him/her to return to that country,
4. the asylum seeker, following enforceability of a decision on dismissal of his/her asylum application, lodged a new asylum application without specifying new relevant facts and circumstances,
5. the responsibility of another Member State has been established on the basis of the Dublin Regulation.

There are no specific time limits that must be respected by the Ministry of Interior in the first instance procedure for delivering a dismissal decision, and the rules governing the regular procedure are applicable.

Appeal

Indicators:

- Does the law provide for an appeal against the decision in the admissibility procedure:
 - ☒ Yes ☐ No
 - o if yes, is the appeal ☒ judicial ☐ administrative
 - o If yes, is it suspensive? ☒ Yes ☐ No

There are no major differences between the appeal system in the regular procedure and in the “dismissal” procedure, as the time limit for an asylum seeker to lodge an appeal to the Administrative Court is the same as in the regular procedure (30 days after the delivery of the decision of the Ministry of Interior).

However, in “Dublin cases”⁷⁰ a complaint before the Administrative Court should be lodged within 8 days from the delivery of the decision of the Ministry of Interior dismissing the asylum application.⁷¹ Also, while

⁶⁹ Article 60 Law on Asylum.

⁷⁰ The term is used here to indicate the cases in which the asylum application has been dismissed because the responsibility of another Member State has been established on the basis of the Dublin Regulation

⁷¹ Article 60 paragraph 6 Law on Asylum

in other cases of dismissal there is no time limit prescribed by the legislation for the Court to take a decision, in case of dismissal of the application at first instance in these “Dublin cases”, the Administrative Court has an obligation to take a decision within 15 days from the reception of the case file.⁷² The complaint however has suspensive effect.

Personal Interview

Indicators:

- Is a personal interview of the asylum seeker conducted in most cases in practice in the admissibility procedure? ☒ Yes ☐ No
 - o If yes, is the personal interview limited to questions relating to nationality, identity and travel route? ☐ Yes ☒ No
 - o If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
- Are personal interviews ever conducted through video conferencing? ☐ Yes ☒ No

Since the decision of dismissal of an asylum application is not a separate procedure from the regular procedure, the substantive interview is that conducted by the Ministry of Interior (i.e. by decision makers from the Asylum Department) within the regular procedure. In practice, however, it could happen that this interview is omitted, for example in case of subsequent applications. In such cases, usually only the one interview for registering the asylum application is conducted, with questions focused only on specific issues such as new circumstances. However, in such cases, the interview is conducted by case workers from the Asylum Department (whereas normally the interview conducted for the purpose of registering the asylum application is conducted by the Reception Centre’s Administration’s caseworkers).

Legal assistance

Indicators:

- Do asylum seekers have access to free legal assistance at first instance in the admissibility procedure in practice? ☐ Yes ☐ not always/with difficulty ☒ No
- Do asylum seekers have access to free legal assistance in the appeal procedure against an admissibility decision? ☒ Yes ☐ not always/with difficulty ☐ No

Regarding free legal assistance in “inadmissible” cases, the general provisions about the right and access to free legal assistance apply, meaning that free legal aid is not foreseen in the first instance asylum procedure, but only in the preparation of a claim to the Administrative Court, including representation before the Administrative Court⁷³, if requested by the asylum seeker (see legal assistance in the section on regular procedure).

5. Border procedure (border and transit zones)

General (scope, time-limits)

Indicators:

- Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? ☒ Yes ☐ No

⁷² Article 60(6) Law on Asylum.

⁷³ Article 34(1) Law on Asylum.

- Are there any substantiated reports of refoulement at the border (based on NGO reports, media, testimonies, etc.)? ☐ Yes ☒ No

A border asylum procedure is foreseen by the Law on Asylum for those foreigners who express the intention to lodge an asylum application at a border crossing point or in a transit zone of an airport, sea port or internal water port, and do not fulfil the conditions for entering the Republic of Croatia provided by the Law on Foreigners and are therefore not allowed entry. However, this procedure is not being applied in practice due to the lack of centres and capacity at border crossing points where foreigners could be accommodated while it is carried out. At the moment, two transit centres for irregular migrants are being built, one at the border with Serbia and another near the border with Bosnia and Herzegovina. At the moment it is not clear whether the border procedure provided under the Law on Asylum would take place in those two centres once they are finished, or whether those centres would only serve for the detention of irregular migrants in removal procedures. Also, at the moment it is not clear which authority under the Ministry of Interior would conduct the procedure (if it is to be conducted at the border) and take the decision on the asylum application once those centres will be functional, i.e. whether it would be Service for Aliens and Asylum (in particular the Asylum Department) or another authority such as the border police.

According to the Law on Asylum, the border procedure would be applicable for the foreigner who expresses intention of lodging an asylum application at a border crossing point or in a transit zone of an airport, sea port or internal water port, and does not fulfil the conditions for entering the Republic of Croatia provided by the Law on Foreigners, and who therefore would not be allowed entry, provided that the following conditions are met:

- the foreigner is provided with adequate accommodation and food at the border crossing point or in the transit zone,
- the foreigner's stay at the transit zone does not exceed the deadline of 28 days from the day of lodging the application for asylum,
- and,
- the application is manifestly unfounded or can be decided upon in the accelerated procedure.⁷⁴

In such cases the asylum application must be registered as soon as possible, and the interview must be carried out immediately.⁷⁵ However, if a decision concerning the application is not issued within the period of 28 days from the day of the lodging of the application for asylum, the asylum seeker would be permitted entry to the Republic of Croatia with a view to conducting the asylum procedure.⁷⁶

Appeal

Indicators:

- Does the law provide for an appeal against a decision taken in a border procedure?
☒ Yes ☐ No
 - o if yes, is the appeal ☒ judicial ☐ administrative
 - o If yes, is it suspensive? ☒ Yes ☐ No

The border asylum procedure is foreseen by the Law on Asylum, but is not applied in practice. By law appeals against decisions in the border asylum procedure are subject to shorter time limits: a complaint to the Administrative Court against a decision of the Ministry of Interior made in the border asylum procedure must be lodged within 5 days from the day of the delivery of the decision, and a decision on

⁷⁴ Article 67(1) Law on Asylum.

⁷⁵ Article 67(3) Law on Asylum.

⁷⁶ Article 67(2) Law on Asylum.

the complaint shall be taken by the Administrative Court within 5 days from the day of the reception of the case file.⁷⁷

The legislation provides also the possibility to temporarily restrict access to those locations (and therefore to asylum seekers accommodated there) for the asylum seeker's legal representative or for a representative of an organization engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of national security and legal order of the Republic of Croatia.⁷⁸

Personal Interview

As there is no border asylum procedure conducted at the moment due to the lack of accommodation centres and capacity at border crossing points, it is quite difficult to predict how a personal interview in such procedure will look in the future. The Law on Asylum only prescribes that asylum applications shall be received as soon as possible and that the interview be carried out immediately.⁷⁹

Legal assistance

There is no asylum border procedure conducted in Croatia due to the lack of accommodation centres at the border crossing points, so it is difficult to predict how the system of free legal aid in the border procedure would function in practice. According to the Law on Asylum, asylum seeker in all types of procedures shall have access to free state funded legal aid in the preparation of a claim to the Administrative Court, including representation before the Administrative Court where requested by the asylum seeker. However, this could be restricted, as the Law on Asylum allows the possibility to temporarily restrict access to those locations (and therefore to asylum seekers accommodated there) for the asylum seeker's legal representative or a representative of an organization engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of the national security and legal order of the Republic of Croatia.⁸⁰

6. Accelerated procedures

General (scope, grounds for accelerated procedures, time limits)

The Croatian Law on Asylum foresees the use of an accelerated procedure where a positive decision may be taken on the basis of the available evidence or when an application is deemed manifestly unfounded.⁸¹

Asylum applications will be rejected in an accelerated procedure as manifestly unfounded if:

1. the asylum seeker, when lodging the application, has not, without any justified reasons, provided information on identity, age, family relationships, former residence, travelling directions, identification documents, reasons for seeking protection, and former applications for asylum;
2. the asylum seeker has stated only information which are irrelevant or are of a minimal importance for the result of the procedure;
3. the asylum seeker has misled the Ministry, by stating false information which are important for the result of the procedure, presenting unreliable documents, withholding relevant information, or destroying documents for establishing their identity and/or nationality with malintent, which could have a negative impact on the decision;

⁷⁷ Article 67(4)-(5) Law on Asylum.

⁷⁸ Article 67(8) Law on Asylum.

⁷⁹ Article 67(3) Law on Asylum.

⁸⁰ Article 67(8) Law on Asylum.

⁸¹ Article 56(1) Law on Asylum.

4. the asylum seeker conceals that they had previously lodged an application for asylum stating different personal data;
5. the asylum seeker has stated inconsistent, contradictory, impossible or insufficient facts which make their application unconvincing;
6. the asylum seeker has refused to be fingerprinted;
7. the asylum seeker has been staying in the territory of the Republic of Croatia for a long period of time and has not, without justified reason, previously lodged an asylum application;⁸²
8. the asylum seeker lodges the application with an obvious intention of postponing or preventing the implementation of the decision which would result in their expulsion from the Republic of Croatia;
9. the asylum seeker represents a threat for the national security and public order of the Republic of Croatia;
10. the asylum seeker has arrived from a safe country of origin and has not indicated any serious grounds for considering that country as not to be a safe country of origin in their particular circumstances, taking into account fulfilment of conditions for refugee status.⁸³

The Asylum Department within the Ministry of Interior is responsible for taking decisions in accelerated procedures. There is no specific time limit set in the Law on Asylum for a decision to be taken by the Ministry of Interior under the accelerated procedure.

The number of asylum applications that were handled in an accelerated manner according to the grounds listed above is not publicly available.

Appeal

Indicators:

- Does the law provide for an appeal against a decision taken in an accelerated procedure?
 - ☒ Yes ☐ No
 - o if yes, is the appeal: ☒ judicial ☐ administrative
 - o If yes, is it suspensive? ☒ Yes ☐ No

The Administrative Court is the competent appeal body in the accelerated procedure, so there is no difference in the authority responsible for handling the appeal compared to regular procedure. However, time limits are shorter: a complaint may be lodged to the Administrative Court within 8 days from the delivery of the decision of the Ministry of Interior,⁸⁴ and the Administrative Court is obliged to take a decision on the complaint within 15 days from the day of reception of the case file.⁸⁵

Personal Interview

Indicators:

- Is a personal interview of the asylum seeker conducted in most cases in practice in the regular procedure?
 - ☒ Yes ☐ No
 - o If yes, is the personal interview limited to questions relating to nationality, identity and travel route? ☐ Yes ☒ No
 - o If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No

⁸² Although no time limits for lodging an asylum application are foreseen, foreigners who have been staying in Croatia for a long period of time without applying for asylum, have to provide justified reasons for not applying for asylum earlier, or their application will be considered as manifestly unfounded.

⁸³ Article 61 Law on Asylum.

⁸⁴ Article 56(2) Law on Asylum.

⁸⁵ Article 56(3) Law on Asylum.

- Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The same provisions from the Law on Asylum on the personal interview in a regular asylum procedure apply to the one in accelerated procedures. That means that the interview in accelerated procedure is not held only in specific cases prescribed by the Law on Asylum,⁸⁶ i.e. when:

1. the asylum seeker has stated only the information which are irrelevant or are of a minimal importance for the result of the procedure;
2. the asylum seeker has stated inconsistent, contradictory, impossible or insufficient facts which make their application unconvincing;
3. the asylum seeker lodges the application with an obvious intention of postponing or preventing the implementation of the decision which would result in their expulsion from the Republic of Croatia,

The Asylum Department of the Ministry of Interior is responsible for conducting the interviews and taking decision.

Legal assistance

Indicators:

- Do asylum seekers have access to free legal assistance at first instance in accelerated procedures in practice? ☐ Yes ☐ not always/with difficulty ☒ No
- Do asylum seekers have access to free legal assistance in the appeal procedure against a decision taken under an accelerated procedure? ☒ Yes ☐ not always/with difficulty ☐ No

The same provisions from the Law on Asylum as to access to free legal assistance for asylum seekers in the regular asylum procedure apply for access to free legal assistance during an accelerated procedure, meaning that free legal aid includes assistance in the preparation of a claim to the Administrative Court and representation before the Administrative Court, if requested by the asylum seeker.⁸⁷

C. Information for asylum seekers and access to NGOs and UNHCR

Indicators:

- Is sufficient information provided to asylum seekers on the procedures in practice? ☐ Yes ☒ not always/with difficulty ☐ No
- Is sufficient information provided to asylum seekers on their rights and obligations in practice? ☐ Yes ☒ not always/with difficulty ☐ No
- Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ not always/with difficulty ☐ No

The Law on Asylum prescribes that the Ministry of Interior is obliged, within 15 days from the lodging of an application, to inform an asylum seeker about the asylum procedure, about rights and obligations asylum seekers are entitled to in the procedure, and about the possibility to get free legal aid and to get into contact with UNHCR representatives and representatives of other organizations dealing with the protection of refugees' rights. This information must be given in the asylum seeker's own language or in a language they can be reasonably supposed "to be able to communicate".⁸⁸ The law does not specify

⁸⁶ Article 54(9)(3) Law on Asylum.

⁸⁷ Article 34(1) Law on Asylum.

⁸⁸ Article 22(2) Law on Asylum.

whether the information should be provided orally or in writing. The same type of information is provided with the same modalities to applicants during all types of procedures.

In practice this information is given in writing during the process of lodging of the asylum application. The paper with information is available in the main languages spoken by persons seeking asylum in Croatia (i.e. in Arabic, English, French, Farsi, Russian, Turkish and Somali), and should be in a language the asylum seeker can reasonably be expected to understand. According to the Croatian Law Centre, this information is written in a rather legalistic manner and might therefore not be understood by the majority of asylum seekers. This information is a general information given to everyone rather than tailored to asylum seekers. When the person is illiterate or where there is no written information in some particular language, the information is read to the asylum seeker by an interpreter present at the asylum application interview. At the beginning of the interview the applicant is also informed about their duties in the procedure and during the interview.

Asylum seekers are informed about the Dublin procedure twice: at the beginning of the procedure while fingerprinted, and then in more details if conditions are met for actually carrying out the Dublin procedure. The decision on the transfer that asylum seekers receive includes the ground for application of the Dublin Regulation, and also information on the fact that they can lodge a complaint before the Administrative Court within 8 days from the delivery of the decision.⁸⁹ The Ministry of Interior does not provide a written translation of the Dublin decision, but they do explain it orally in a language that the asylum seeker understands during the delivery of the decision itself.

So far, according to the Ministry of Interior and due to some practical obstacles, the common leaflet as well as the specific leaflet for unaccompanied children according to the Article 4(3) of the recast Dublin Regulation, have not been issued and consequently not provided to asylum seekers in practice.

NGOs also provide information on asylum. Specialised NGOs, particularly those which are UNHCR's project partners (for example the Croatian Law Centre and the Centre for Peace Studies)⁹⁰ have issued leaflets and brochures which are also available in the Reception Centre for Asylum Seekers, as well in Reception Centre for Foreigners (detention and deportation centre). However, some of them were not up to date which is why UNHCR and the Croatian Law Centre decided to prepare new leaflets,⁹¹ which were distributed in the summer of 2014. The Centre for Peace Studies issued a new brochure entitled "Welcome to Croatian Society", containing information on Croatian history, the political system of Croatia, cultural differences, information on detention, a short overview of asylum procedure etc.⁹² Beside that, Croatian Red Cross staff is present on a daily basis in the Reception Centre for Asylum Seekers and can refer asylum seekers to the relevant organisations or institutions which can provide information to asylum seekers. Lawyers of the Croatian Law Centre have access to both the Reception Centre for Asylum Seekers and the Reception Centre for Foreigners, where they are providing free legal information-. They are present in the Reception Centre for Asylum Seekers at least twice a month and in the Reception Centre for Foreigners at least once a month. Quite often, when they need some information or advice, asylum seekers go directly to the office of the Croatian Law Centre. The students engaged in the Legal Clinic of the Law Faculty of the University in Zagreb are also providing legal information in the Reception Centre for Asylum Seekers.

In general, according to the Croatian Law Centre's experience, most asylum seekers are interested in receiving information on the duration of the asylum procedure, as well as on the duration of detention and

⁸⁹ Article 60(6) Law on Asylum

⁹⁰ The Centre for Peace Studies is an NGO dealing with the integration of beneficiaries of international protection (with a refugee status or under subsidiary protection). They have issued different leaflets dealing with inclusion into society, accommodation, education, free legal aid, family, religion, health and social care. Leaflets are available in Croatian, English and French.

⁹¹ The leaflets contain information for asylum seekers about the asylum procedure and are available in 10 languages (Arabic, Croatian, Farsi, French, English, Pashtu, Russian, Somali, Turkish, Urdu).

⁹² According to the Centre for Peace Studies, the brochure is available in Arabic, Croatian, Farsi, French, English, Russian and Turkish.

the reasons why a person who applied for asylum can remain detained. Apparently, the grounds for detention are not explained in a clear and understandable way to asylum seekers in detention. UNHCR has access to all facilities where asylum seekers are accommodated.

Foreigners arriving at the borders generally do not have access to information about the asylum procedure. Written leaflets, which in the past were prepared by UNHCR and Croatian Law Centre and were provided at some of the border crossing points, were no longer up-to-date and it was not known with certainty in which languages they were available in practice. However, new leaflets were prepared and distributed in the summer of 2014 to chosen police station on the territory and border entry points. At some border crossing points there is a lack of available interpreters. This prevents effective communication between foreigners (among which some are potential asylum seekers) and border officers.

Although at the moment the border asylum procedure is not applied, it will be interesting to see how the provision from the Law on Asylum on the access to UNHCR and NGO will apply in practice in the border procedure, as the Law on Asylum allows the possibility to temporarily restrict access to those locations (and therefore to asylum seekers accommodated there) for the asylum seeker's legal representative or a representative of an organisation engaged in the protection of refugee rights, other than the UNHCR, when it is necessary for the protection of the national security and legal order of the Republic of Croatia.⁹³

With regard to decisions, these are written only in Croatian and are translated orally by an interpreter to the asylum seeker during the delivery of the decision. However, due to the legal terms used in the decision, the level of understanding of that information by asylum seekers is questionable (including the information on the available legal remedy and its deadline).

D. Subsequent applications

Indicators:

- Is a removal order suspended during the examination of a first subsequent application?
 - o At first instance ☒ Yes ☐ No
 - o At the appeal stage ☒ Yes ☐ No
- Is a removal order suspended during the examination of a second, third, subsequent application?
 - o At first instance ☒ Yes ☐ No
 - o At the appeal stage ☒ Yes ☐ No

When the foreigner lodges a subsequent asylum application, the authority competent to examine the application is the Asylum Department of the Ministry of Interior, the same authority as in the regular procedure. The Asylum Department examines the elements presented in the subsequent application in conjunction with the elements provided in the previous application and/or appeal.

The legislation does not provide for a specific procedure for subsequent applications, neither contains a definition of subsequent asylum application. However, if the asylum seeker, following enforceability of a negative decision on their asylum application, lodged a new asylum application without specifying new relevant facts and circumstances, the new application will be dismissed.⁹⁴ Therefore, a new asylum application will be examined in meritum only where the asylum seeker submits new evidence or indicates new circumstances. New evidence and circumstances means evidence and circumstances appeared after enforceability of a decision rendered in the previous procedure, or which an asylum seeker, for justified reasons, has not submitted in the previous procedure.⁹⁵ In practice, to the knowledge of the

⁹³ Article 67(8) Law on Asylum.

⁹⁴ Article 60(1)(4) Law on Asylum.

⁹⁵ Article 60(5) Law on Asylum.

Croatian Law Centre, the decision maker from the Asylum Department will examine old elements along with the new ones in the application. What differs in the examination of subsequent asylum applications as compared to the regular procedure, is that, in practice, while in the regular procedure the interview for lodging of the asylum application and the substantive asylum interview are separate interviews, they are united into one in the case of a subsequent application; however, this may also vary. The interview is most frequently conducted by civil servants from the Asylum Department. An additional difference is that the interview is often much shorter compared to that conducted in the regular procedure, i.e. the asylum seeker is just asked to provide new elements. To the knowledge of the Croatian Law Centre the second, third, fourth, etc. subsequent applications are not treated differently. At the moment, in practice asylum seekers do not face obstacles in lodging a subsequent asylum application neither they have restricted rights (such as lack of legal assistance or lack of reception conditions). The main problem in practice is that the majority of asylum seekers who apply for asylum for more than once do not have new elements in their subsequent applications.

No special time limits are specified in the legislation for subsequent asylum applications, neither are special deadlines for the appeal, which follows the rules of that in the regular procedure (i.e. the deadline for the appeal is 30 days from the delivery of the decision). As in the regular procedure, the Administrative Court is the competent authority for deciding upon appeal. In practice, this means that the same rules and guarantees as for administrative disputes in regular procedure before the Administrative Court apply also in cases of subsequent applications (i.e. the Court may review both the facts and the points of law of the asylum application and would hold a hearing). In any case, until a final decision is taken, all pending measures of deportation or removal of the applicants who has lodged a subsequent asylum application are suspended.

E. Guarantees for vulnerable groups of asylum seekers (children, traumatised persons, survivors of torture)

1. Special procedural guarantees

Indicators:

- Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers? ☐ Yes ☒ No ☐ Yes, but only for some categories
- Are there special procedural arrangements/guarantees for vulnerable people? ☐ Yes ☐ No ☒ Yes, but only for some categories

According to the Law on Asylum, vulnerable groups include adults without legal capacity, children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence.⁹⁶

However, there is no further detailed guidance available in the legislation, neither there is a specific identification mechanism in place to systematically identify asylum seekers who need specific procedural guarantees in practice. To the knowledge of the Croatian Law Centre, it is quite difficult to assess to what extent vulnerability is identified systematically from the beginning of the asylum procedure, as generally this is something that depends on the officials in charge of the case.

Also, the Law on Asylum regulates that the specific needs of vulnerable groups of asylum seekers, if assessed by an individual evaluation, shall be taken into account when rights of asylum seeker established in the Law on Asylum are exercised.⁹⁷ However, the Ministry of Interior does not have a special unit (neither within the Reception Centre for Asylum Seekers' administration nor within the Asylum

⁹⁶ Article 2(1)(15) Law on Asylum.

⁹⁷ Article 29(4) Law on Asylum.

Department) dealing with vulnerable groups, but accommodates their needs in the general system and assesses their cases within the same legislative framework. In the past, trainings on how to deal with vulnerable cases were organized for case workers, but since then new civil servants were employed and the need for a continuation of such trainings still exists.

There are also little specific provisions on how to process and assess the cases of vulnerable asylum seekers, and with few exceptions (enumerated below) the same procedural guarantees are in place for vulnerable categories as for other asylum seekers. There is a general obligation to take into consideration the individual situation and personal circumstances of the asylum seeker⁹⁸, in particular the acts of persecution or serious harm already undergone.⁹⁹

The personal interview and decision-making mechanism is the same for all asylum seekers, regardless of their vulnerability.

It could be concluded that, according to the legislation, vulnerable asylum seekers have the following rights in the status determination procedure:

- to a special guardian if the asylum seeker is not capable of understanding the meaning of the procedure due to a temporary or permanent mental disorder or illness. The guardian should be appointed by the competent Centre for Social Welfare on proposal of the competent authority conducting the procedure and on the basis of medical documentation;¹⁰⁰
- to the possibility of being interviewed by a decision maker of the same sex;¹⁰¹
- to an interpreter of the same sex, if possible, on the request of the asylum seeker or where there are specific reasons for this;¹⁰²
- to be interviewed as soon as possible upon the submission of the application for asylum;¹⁰³
- in cases where it is not feasible to conduct the interview for objective reasons, in particular when an applicant is unfit or unable to be interviewed, owing to enduring circumstances beyond their control, the interview should be omitted¹⁰⁴ and their relatives shall be permitted to present evidence and give statements;¹⁰⁵
- in case of application for asylum of an unaccompanied child, to a decision to be taken within the shortest possible time.¹⁰⁶

Guardians of unaccompanied children or asylum seekers who are not capable of understanding the meaning of the procedure due to a temporary or permanent mental disorder or illness, are generally appointed among the social workers of the competent Centre for Social Welfare. In practice, however, according to the information available to the Croatian Law Centre, due to the work overload of social workers and the language barrier existing between the guardian and the client, their role is usually formal, and there is no active involvement in the procedure to protect the best interest of the child or other clients.

Besides that, in Croatia a system for the early identification of victims of torture or other forms of ill-treatment by competent authorities and professionals has not been developed.

Because of this serious lack in the system, asylum seekers who are victims of torture or other violence and are as such in need of special procedural guarantees are not identified timely. This in practice leads to situations where their claims are not properly assessed.

As for the accelerated procedure, according to the Law on Asylum, this type of procedure would not apply to cases of unfounded asylum application lodged by an unaccompanied child or a person with a psychological disability. However, practice shows that sometimes it is used with regard to victims of

⁹⁸ Article 55(2)(3) Law on Asylum.

⁹⁹ Article 55(3) Law on Asylum.

¹⁰⁰ Article 27 Law on Asylum.

¹⁰¹ Article 54(6) Law on Asylum.

¹⁰² Article 24(2) Law on Asylum.

¹⁰³ Article 54(1) Law on Asylum.

¹⁰⁴ Article 54(9)(2) Law on Asylum.

¹⁰⁵ Article 54(10) Law on Asylum.

¹⁰⁶ Article 26(4) Law on Asylum.

torture. An asylum border procedure is not applied at the moment in Croatia, however the Law on Asylum does not contain any exceptions with regards to unaccompanied children or to victims of torture, rape or other serious forms of psychological, physical or sexual violence.

2. Use of medical reports

Indicators:

- Does the legislation provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
☒ Yes ☐ Yes, but not in all cases ☐ No
- Are medical reports taken into account when assessing the credibility of the applicant's statements? ☒ Yes ☐ No

According to the information available to the Croatian Law Centre, in practice evidence is rarely presented by way of medical reports, although the claims of some asylum seekers indicate that it is possible that they have been victims of torture or inhuman and degrading treatment. In most, if not all of the cases where medical reports were provided, this was at the initiative of asylum seeker's legal advisor. To the knowledge of the Croatian Law Centre, in those few cases medical reports were not based on the methodology laid down in the Istanbul Protocol. The Law on Asylum does not explicitly establish the possibility to submit a medical report in the asylum procedure, so in this case the provisions of the Law on General Administrative Procedure are applied.¹⁰⁷ That means that in the procedure, the case worker determines the factual situation using any means suitable as evidence and can for this purpose, among other possibilities, make use of findings and opinions of experts.¹⁰⁸ However, expert witnesses are not mandatory according to the legislation, and that is why they are rarely used in practice. Even when applicants mention that they are victims of torture, they are still not referred to a specialist, either during the first instance procedure or even later during the administrative dispute. The other reason is the lack of public funds from the State budget. Therefore, the Ministry of Interior has the possibility to order a medical examination; however, this possibility is not used in practice. Few medical examinations for the purpose of drafting a medical report were paid within the project financed by UN Voluntary Fund for Victims of Torture implemented by Croatian Law Centre together with Croatian Red Cross.

3. Age assessment and legal representation of unaccompanied children

Indicators:

- Does the law provide for an identification mechanism for unaccompanied children?
☐ Yes ☒ No
- Does the law provide for the appointment of a representative to all unaccompanied children?
☐ Yes ☒ No

In Croatia there is no specific procedure in place for identifying unaccompanied children. At the moment, the number of unaccompanied children in Croatia is low. According to the Law on Asylum, unaccompanied child means a foreigner below the age of eighteen who arrives to the Republic of Croatia unaccompanied by an adult responsible for them whether by law or by custom, and for as long as they are not effectively taken into the care of such a person, including a child who is left unaccompanied after they have entered the Republic of Croatia.¹⁰⁹

¹⁰⁷ Article 72(1) Law on Asylum.

¹⁰⁸ Article 58(1) Law on General Administrative Procedure.

¹⁰⁹ Article 2(1)(13) Law on Asylum.

The Law on Asylum does not provide for an identification mechanism for unaccompanied children, neither for an age assessment procedure. As there were lots of open questions in the practice, the government accepted the *Protocol on treatment of separated children-foreign nationals* with the aim to provide a unified procedure that should be followed by relevant institutions when dealing with unaccompanied children. The Protocol was drafted by the representatives of relevant ministries, i.e. representatives of the Ministry of Interior, the Ministry of Health, the Ministry of Foreign and European Affairs, the Ministry of Social Policy and Youth, and the Ministry of Science, Education and Sports. Although not a part of the formal working group, input to the Protocol was also given by UNHCR. The purpose of this Protocol is to determine which authority/institution is in charge of identifying, assisting and protecting children (foreign citizens who are separated from their parents) in order to protect their rights and interests, i.e. to ensure their safe return, family reunification, or integration into Croatian society. However, the question of age assessment has not been properly addressed neither through the mentioned Protocol, so there is still no consensus when it comes to that. To the knowledge of the Croatian Law Centre, age assessment through x-rays was conducted, only in few, but not in all cases, when the Ministry of Interior was in doubt about the age of particular asylum seekers. Although the principle of the benefit of the doubt is laid down in the national legislation,¹¹⁰ it is questionable how it is applied in practice when it comes to children. In the past, age assessment was conducted by staff of the Centre for Social Welfare on the basis of the physical appearance of the age-disputed child and an interview with them. In practice, to the knowledge of the Croatian Law Centre, when the Ministry of Interior starts an age assessment procedure, the individual is treated as a child pending assessment.

According to the Law on Asylum, unaccompanied children seeking asylum should be appointed legal guardians¹¹¹ following the provisions, conditions and procedures of the national Family Law¹¹². The Family Law prescribes that for the purpose of protecting certain personal and property rights and interests, a centre for social welfare shall appoint a special guardian to a child of foreign citizenship or without citizenship found on the territory of the Republic of Croatia without a legal representative.¹¹³ Unaccompanied children are therefore appointed a guardian, generally among the social workers of the competent Centre for Social Welfare. Until now, no special qualifications were required for the appointment of guardians. In practice, according to the information available to the Croatian Law Centre, when workers from Centres for Social Welfare are appointed as guardians, these are usually lawyers, social workers or social pedagogs who are working within the Centre for Social Welfare.

In practice, however, due to the work overload of social workers and the language barrier existing between the guardian and the client (as centres do not have budget for the services of interpreters), their role is limited, and there is no active involvement in the procedure to protect the best interest of the child apart from being present during the interview. Therefore, they are not in a position to sufficiently support the children in the asylum procedure. In November 2014, the Ministry of Social Policy and Youth, UNHCR Croatia and the Croatian Red Cross organised training for special guardians on their role and importance in protecting the rights of unaccompanied children.

According to the legislation, the best interests of children should be considered when appointing a person to act as a guardian. However, it is not further explained in the legislation what this means in practice. Also the child's opinion should be taken into account, which, in practice, is not the case, as professionals from the Centre for Social Welfare are usually appointed as special guardians without the child meeting them first.

On the other side, the Law on Asylum prescribes that a guardian shall not be appointed when an unaccompanied minor is over 16 years of age and is married,¹¹⁴ which can be understood that persons

¹¹⁰ Article 71 Law on Asylum.

¹¹¹ Article 26(1) Law on Asylum.

¹¹² Official Gazette 116/03, 17/04, 136/04, 107/07, 57/11, 61/11, 25/13, 05/15.

¹¹³ Article 168(5) Family Law. Note that new Family Law has been adopted in 2014 but its implementation has been suspended. Pending a decision of the Constitutional Court, the previous family law provisions remain applicable.

¹¹⁴ Article 26(2) Law on Asylum.

from the age of 16 have the capacity “to perform procedural acts” on their own behalf in asylum procedures.

In the past, when many asylum seekers were claiming that they were children, some centres for social welfare had the practice of conducting age assessments on their own. In practice, in the majority of those cases, age assessment was conducted on the basis of the physical appearance of the disputed child and on an interview with them.

One of the issues with regard to guardianship is that of the appointment of a person from those with whom the child entered Croatia. This is generally not in the best interest of the child, and carries certain risks for the child, since it is impossible to determine whether such person meets the legal requirements necessary to perform the duties of a legal guardian. This is due to the fact that most asylum seekers generally do not possess any personal documents or have forged documents, therefore it is impossible to determine their identity.

There is no time limit prescribed by law for the appointment of the representative of an unaccompanied child. From the information provided by social workers of the Croatian Red Cross, previous problems with delays in the appointment of legal guardians in practice, do not exist any more.

F. The safe country concepts

Indicators:

- Does national legislation allow for the use of safe country of origin concept in the asylum procedure? ☒ Yes ☐ No
- Does national legislation allow for the use of safe third country concept in the asylum procedure? ☒ Yes ☐ No
- Does national legislation allow for the use of first country of asylum concept in the asylum procedure? ☐ Yes ☒ No
- Is there a list of safe countries of origin? ☐ Yes ☒ No
- Is the safe country of origin concept used in practice? ☐ Yes ☒ No
- Is the safe third country concept used in practice? ☐ Yes ☒ No

In Croatia, safe countries of origin and safe third countries’ lists have never been adopted. Therefore, those concepts are not applied in practice.

However, the Law on Asylum defines the term “safe country of origin” and the “safe third country”. According to the Law on Asylum, safe country of origin means “the country where a foreigner resided prior to arrival in Croatia as a national of that country, or as a stateless person with their last habitual residence in that country, provided that, based on the legal situation, the application of the law within a democratic system, and the general political circumstances, it follows that there is generally and consistently no persecution and that there is no suffering from serious harm.”¹¹⁵

Safe third country means the country where a foreigner resided prior to their arrival to the Republic of Croatia, provided that in that country they are safe from persecution and from suffering serious harm, the principle of “*non refoulement*” is respected, and they have the possibility to be granted asylum.¹¹⁶ An assessment of whether a country is considered a safe country of origin shall be based on reports of the United Nations High Commissioner for Refugees, the Council of Europe, European Union Member States, and relevant international organisations. In making such an assessment, account shall be taken, inter alia, of:

¹¹⁵ Article 2(1)(27) Law on Asylum.

¹¹⁶ Article 2(1)(28) Law on Asylum.

1. relevant laws and regulations of the country of origin and the manner in which they are applied,
2. respect of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms, International Covenant for Civil and Political Rights, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
3. respect of the *non-refoulement* principle according to the 1951 Convention,
4. existence of an effective system of legal remedies against violation of the aforementioned rights and freedoms.¹¹⁷

In making the assessment of whether a country is considered a safe third country, apart from conditions mentioned above, the existence of an effective asylum system in that country shall also be taken into account.¹¹⁸ The Law on Asylum prescribes that the Government of the Republic of Croatia is obliged to determine the list of safe countries of origin and safe third countries, to publish them in the "Official Gazette",¹¹⁹ as well as to review the aforementioned lists, when the conditions which determine a country as a safe country of origin or a safe third country have changed.¹²⁰ In cases where after individual assessment it is established that the asylum seeker is arriving from a safe third country and that there is a relationship between the asylum seeker and that country, and therefore it would be reasonable to expect them to return to that country, the asylum application shall be dismissed.¹²¹ In such cases, the asylum seeker can challenge the application of the safe third country concept through the usual appeal in front of the Administrative court, on the ground that they would be subjected to torture, cruel, inhuman or degrading treatment or punishment.¹²² The Ministry of Interior shall issue a certificate to the asylum seeker whose asylum application has been dismissed on the ground that they are from a safe third country, by which state bodies of the third country shall be informed, in a language of that country, that the asylum application has not been considered on the merits.¹²³ If the safe third country does not accept a foreigner, the asylum application shall be decided by Croatia pursuant to the provisions of Croatian Law on Asylum.¹²⁴

An asylum application shall be rejected in an accelerated procedure as manifestly unfounded if the asylum seeker who has arrived from a safe country of origin has not indicated any serious grounds for considering that country as not to be a safe country of origin in their particular circumstances.

G. Treatment of specific nationalities

In Croatia there are no official policies implemented with regard to nationals of particular countries, as every asylum application is examined individually and on a case by case basis. However, there is currently a trend with regard to Syrian applicants: when asylum seekers are identified as Syrian nationals (i.e. when they can prove their nationality) and in case they are still in Croatia by the end of the asylum procedure, they are granted subsidiary protection.

¹¹⁷ Article 2(2) Law on Asylum.

¹¹⁸ Article 2(3) Law on Asylum.

¹¹⁹ Article 2(4) Law on Asylum.

¹²⁰ Article 2(5) Law on Asylum.

¹²¹ Article 60(1)(3) Law on Asylum.

¹²² Article 60(4) Law on Asylum.

¹²³ Article 60(2) Law on Asylum.

¹²⁴ Article 60(3) Law on Asylum.

Reception Conditions

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators:

- Are asylum seekers entitled to material reception conditions according to national legislation :
 - o During the accelerated procedure?

☒ Yes	☐ Yes, but limited to reduced material conditions	☐ No
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 - o During the regular procedure:

☒ Yes	☐ Yes, but limited to reduced material conditions	☐ No
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 - o during the Dublin procedure:

☒ Yes	☐ Yes, but limited to reduced material conditions	☐ No
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 - o During the appeal procedure (first appeal and onward appeal):

☒ Yes	☐ Yes, but limited to reduced material conditions	☐ No
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 - o In case of a subsequent application:

☒ Yes	☐ Yes, but limited to reduced material conditions	☐ No
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- Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

☐ Yes	☒ No
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In Croatia, asylum seekers are entitled to the same level of material reception conditions during all asylum procedures and during both the first instance procedure and the appeal stage. Rights provided include accommodation, food and clothing in kind, and financial support.¹²⁵ According to the Law on Asylum, asylum seekers are entitled to accommodation at the Reception Centres for Asylum Seekers during the whole asylum procedure (including during the appeal phase).¹²⁶ If they want, asylum seekers are allowed to stay at any address in Croatia, subject to prior approval by the Ministry of Interior, at their own cost.¹²⁷ Asylum seekers are entitled to accommodation in the Reception Centre for Asylum Seekers from the moment they express the intention to lodge an application for asylum.¹²⁸ During the examination of the Dublin procedure, asylum seekers are entitled to a place in the Reception Centres for Asylum Seeker, as well as to all other material rights as prescribed by the Law on Asylum.

According to the legislation, an asylum seeker who is in possession of financial means or is employed and who does not cover accommodation costs at the Reception Centre, will lose the right to accommodation.¹²⁹ However, in practice, it is difficult to determine that someone possesses sufficient financial means, so this provision, to the knowledge of the Croatian Law Centre, is not applied in practice. The Law on Asylum does not provide for an assessment of the risk of destitution.

It is not prescribed in legislation that material reception conditions are tied to the issuance of a document by the relevant authorities. However, a foreigner who has expressed their intention to lodge an application for asylum and is accommodated in the Reception Centre, will be issued an accommodation certificate that proves the date from which the person is accommodated in the Reception Centre.¹³⁰ Beside that, asylum seekers will be given an identity card which should be issued within three days from the day of lodging the application for asylum and it shall serve as a residence permit in the Republic of Croatia until the completion of the procedure.¹³¹ According to information available to the Croatian Law Centre, there are no delays in issuing the identity card.

¹²⁵ Article 29(2) Law on Asylum.

¹²⁶ Article 38(1) Law on Asylum.

¹²⁷ Article 38(2) Law on Asylum.

¹²⁸ Article 5(1) Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

¹²⁹ Article 38(3) Law on Asylum.

¹³⁰ Article 6(1) and (3) Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

¹³¹ Article 78(1) Law on Asylum.

There are no particular obstacles which prevent asylum seekers from accessing material reception conditions in practice. However, according to information available to the Croatian Law Centre, there are certain delays in the payments of financial support by the competent Centres for Social Welfare. This could be due to the fact that they are issuing the decision on financial support once they are informed about a new asylum seeker by the Ministry of Interior, and in practice it seems that from time to time the officials from the Ministry of Interior do not timely inform the competent Centres for Social Welfare. Another problem reported is that if asylum seekers are not present in the centre when the postman delivers the financial allowance they are left without allowance for that month.

A good practice observed is that in a few cases asylum seekers were allowed to stay in the centre even though their asylum procedure had finished and therefore the period during which they were entitled to accommodation had ceased.

2. Forms and levels of material reception conditions

Indicators:

- Amount of the financial allowance/vouchers granted to asylum seekers on 31 December 2014 (per month, in original currency and in euro): 100 Kuna (€13.30)

The system granting material reception conditions to asylum seekers is separate from the general welfare system for nationals, and is less favourable for asylum seekers as compared to nationals.

The provision of adequate material living conditions includes accommodation, food, clothing in kind, and financial support. Asylum seekers are not entitled to financial support if they are employed and receive an income that is sufficient to ensure an adequate standard of living, or when they possess financial means, or they receive such financial means in any other way. In practice, asylum seekers are not employed and the majority of them do not possess sufficient financial means. Monthly financial support to asylum seekers is very low, although the amount varies if there are dependent family members. At the time of writing of this report, the amount of financial support is 100 Kuna per month for single persons (approximately €13.30) and it is given in cash. This amount is very limited and can serve only as pocket money.

Asylum seekers are also entitled to health care assistance. The level of health care provided has changed with the last amendments to the Law on Asylum, which now stipulates that only emergency care is covered.¹³² This leads to numerous problems in practice (see the section on Health Care). Nevertheless, asylum seekers who were exposed to torture, rape or other forms of serious violence, and asylum seekers with special needs are entitled to the necessary treatment related to their specific condition and the consequences resulting from the mentioned acts.¹³³ However, in practice to date it is not clear what “necessary treatment” should cover, and this provision is not applied in practice.

There are no official data available on the average length of stay of asylum seekers in the reception centres, but to the knowledge of the Croatian Law Centre, it could vary from a few months to more than a year (in few cases—few years). Asylum seekers can be accommodated in the Reception Centre until the completion of the procedure and a final decision is taken on the case (at first instance and during the administrative appeal). When a final negative decision on the asylum application has been taken and the time for executing the order to leave the country has elapsed, the right to receiving reception conditions ends. Some humanitarian and other circumstances can be a reason for the prolongation of accommodation in the Reception Centre, but this is not prescribed by the law and it is decided on a case by case basis. However, a good practice is that some asylum seekers were allowed to stay in the centre even though they were not anymore entitled to accommodation.

¹³² Article 31(1) Law on Asylum.

¹³³ Article 31(2) Law on Asylum.

3. Types of accommodation

Indicators:

- Number of places in all the reception centres (both permanent and for first arrivals): 700
- Type of accommodation most frequently used in a regular procedure :
☒ Reception centre ☐ Hotel/hostel ☐ Emergency shelter ☐ private housing ☐ other (please explain)
- Type of accommodation most frequently used in an accelerated procedure :
☒ Reception centre ☐ Hotel/hostel ☐ Emergency shelter ☐ private housing ☐ other (please explain)
- Number of places in private accommodation: N/A
- Number of reception centres: 2
- Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
- What is, if available, the average length of stay of asylum seekers in the reception centres? No official data available
- Are unaccompanied children ever accommodated with adults in practice? ☐ Yes ☒ No

In Croatia there are 2 reception centres for asylum seekers which provide altogether 700 places. One is situated in Zagreb, the capital of Croatia, and the other in the small town of Kutina, approximately 80 km from Zagreb. The centre in Kutina is aimed at the accommodation of vulnerable asylum seekers. Both reception centres are managed directly by the Ministry of Interior. At the moment, no problems of overcrowding are reported in these centres, although there was reception crisis a few years ago which led to the opening of the mentioned Reception Centre in Zagreb. The Ministry of Interior encountered some difficulties also during 2012 and 2013 due to the increased number of asylum seekers, which led to a lack of accommodation places. A long waiting time and crowded accommodation was one of the reasons why many asylum seekers left Croatia during that period, most of them at the very beginning of asylum procedure. Following that, the Ministry of Interior managed to solve some organizational matters, therefore the situation has improved in this respect.

Separate premises are provided in the Reception Centre for the accommodation of women and vulnerable groups. Families are kept together, while single women, unaccompanied children and traumatized asylum seekers are accommodated in separate rooms.

In order to prevent gender based violence and protect children from adults, Red Cross employees working in the Reception Centres for Asylum Seekers are conducting workshops and organize also individual counselling to inform asylum seekers about potential risks of exploitation, sexual violence and trafficking, with a specific focus on vulnerable groups.¹³⁴

There is also a Reception Centre for Foreigners, which is also under the competence of the Ministry of Interior and which serves as a detention and deportation centre. Foreigners who express the intention to lodge an application for asylum while accommodated there, can stay there for a limited period of time, as prescribed by the Law on Asylum.¹³⁵ After this period elapses, they are transferred to the Reception Centre for Asylum Seekers.

There are no specific facilities for asylum seekers at the borders or in transit zones. At the moment two transit centres for irregular migrants are foreseen (one is being built, the other still not). However, it is not clear whether these centres would serve also for accommodating asylum seekers during the border

¹³⁴ Croatian Red Cross provided information via email on 21 July 2014.

¹³⁵ Article 74 Law on Asylum.

asylum procedure, or only as transit accommodation centres for irregular migrant for the purpose of removal.

4. Conditions in reception facilities¹³⁶

Accommodation of asylum seekers is organised in two reception centres for asylum seekers. The Reception Centre in Kutina has been recently renovated and was reopened in June 2014. In both centres residents get three meals per day. Common cooking areas where asylum seekers could prepare meals by themselves are at the moment provided only in the Reception centres for asylum seekers in Kutina. If needed (for example in case of medical prescription, children, pregnant women or due to religious reasons), specific diets are available.

People in the reception centres for asylum seekers are sharing rooms (in Kutina two persons share a room, while in Zagreb maximum four persons can share room). Families are accommodated in the same room. There are sufficient showers and toilets and facilities are cleaned on a regular basis.

Asylum seekers can go outside whenever they want, but have to be back by 10 pm. If they want to leave the centre for a few days, they have to get permission¹³⁷ from the Head of Reception Centre.

In the Reception centre in Zagreb, a medical nurse is available and a doctor visits weekly. However, asylum seekers complain about the lack of interpretation services when accessing medical services.

The staff of the Ministry of Interior working in the reception centres is generally sufficient and most of them, but not all, are trained. In the past trainings were organized by UNHCR as well as through EU projects. From the moment Croatia has become an EU member state, the staff working in Reception Centre for Asylum Seekers participate to trainings organised by the European Asylum Support Office.

No problems are reported in connection to the possibility to practice religion. In the Reception Centre in Zagreb, there is a room for Muslim asylum seekers to pray. In Kutina, asylum seekers can practice their religion in their rooms. According to the Croatian Red Cross, since the reopening of the Centre in Kutina, no particular interest has been shown with regard to special premises for practicing religion, probably due to relatively low number of vulnerable asylum seekers who are accommodated there. However, employees have shown their intent to find appropriate spaces, should there be need and interest for that.

The social workers of the Croatian Red Cross are also present on a daily basis from Monday to Friday in the reception centres for asylum seekers. After an initial meeting, the Croatian Red Cross' social workers provide all asylum seekers with regular social support. The set of activities and assistance consist of the following: individual meetings; provision of necessary items (clothes, shoes, hygiene items, food); individual customized counselling and support; educational lectures (improvement of parenting skills, workshop on hygiene promotion and healthy lifestyles, social and communication skills); working on improving social interaction with other people in the reception centre as well as with people from the local community; monitoring of the above mentioned social interactions within the Centre and of the adjustment to living conditions in collective accommodation; social and educational activities (course of Croatian language, creative workshops for children and women); sport activities for men and women (basketball, table-tennis, football), indoor and outdoor; activities related to the organization of holidays for the children at the seaside; picnics for children; facilitation of family contact and restoring of family links.

According to the information provided by the NGO Centre for Peace Studies,¹³⁸ their volunteers have also begun to implement psycho-social assistance activities for asylum seekers in the Reception Centre for Asylum Seekers in Zagreb since February 2014. Volunteers have attended trainings (which include

¹³⁶ Information in this section is based on information provided by the Croatian Red Cross via e-mail on 21 July 2014.

¹³⁷ Article 13 Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

¹³⁸ Information received by Croatian Law Centre via e-mail from the Centre for Peace Studies on 14 July 2014.

lectures on international migration and asylum, the asylum system in the Republic of Croatia, work ethic, experience in working with asylum seekers, the importance of psychosocial support, solving conflicts). They are present in the Centre on Mondays and Wednesdays from 5.30 pm until 9.00 pm. The Ministry of Interior allows them to use one room for teaching asylum seekers Croatian language. Beside that, in March 2014 volunteers organized collection of books in various foreign languages and established a library in the Centre in Zagreb. One of the reasons for these activities to be carried out in the evening is that daily activities are provided by the Croatian Red Cross, and the intention of the Centre for Peace Studies is to complement the activities during the period when the employees of the Croatian Red Cross are not present in the Centre. It is important to note that the Centre for Peace Studies' volunteers are not professional teachers of Croatian language, therefore they use alternative methods that prove to be effective for learning the Croatian language (such as posters, flipchart, cards, boards, scripts created by volunteers, pantomime, interpretation, etc.).

Sport activities for asylum seekers are provided in both Reception Centres for Asylum Seekers and are organised by the employees of Croatian Red Cross working within Centres. In addition to that, supporters of a local football club organise football matches with asylum seekers once a week.

5. Reduction or withdrawal of reception conditions

Indicators:

- Does the legislation provide for the possibility to reduce material reception conditions?
☒ Yes ☐ No
- Does the legislation provide for the possibility to withdraw material reception conditions?
☒ Yes ☐ No

The reduction or the withdrawal of material reception conditions happens most often in cases of disappearance of the asylum seeker (more than 3 days outside the Reception Centre without authorisation). In practice, if a person came back within 3 days, they would still have right to material reception conditions. However, there is still no unique practice with regard to the accommodation of those asylum seekers who are caught crossing the border illegally during the ongoing asylum procedure, as some of them can be detained while others (mostly vulnerable groups) will be accommodated again in the Reception Centre for Asylum Seekers. To the knowledge of Croatian Law Centre, asylum seekers who are then detained are not always given financial support.

According to the Law on Asylum, an asylum seeker who is in possession of financial means to support them or is employed, and who does not cover accommodation costs at the Reception Centre for Asylum Seekers, will lose their accommodation rights.¹³⁹ However, it seems that this provision is not applied in practice as it is unclear how this would be determined, although it is prescribed by the Ordinance on accommodation that when submitting the asylum application a person is obliged to submit a financial statement.¹⁴⁰ The law does not provide for an assessment of the risk of destitution. The asylum seeker is considered to have sufficient financial means to support themselves if the amount of money they possess equals the average salary in Croatia¹⁴¹, or they possess goods the value of which exceeds the amount of the average salary in Croatia, or if the total amount of cash and goods exceeds this amount.¹⁴²

¹³⁹ Article 38(3) Law on Asylum.

¹⁴⁰ Article 6(5) Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

¹⁴¹ According to the Croatian Bureau of Statistics, available at: http://www.dzs.hr/Hrv/system/first_results.htm, the average monthly net salary per person employed in legal entities of the Republic of Croatia in December 2014 was 5,716 kuna (approx. €746).

¹⁴² Article 6(3) Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

According to the Law on Asylum¹⁴³ and the Ordinance on accommodation, the right to be accommodated in the Reception Centre for Asylum Seekers could be withdrawn by a decision of the Ministry of Interior for those asylum seekers who have the means to support themselves or who are employed, but who have not covered the cost of accommodation. The decision should be issued at the recommendation of the Head of the Reception Centre.¹⁴⁴ The decision can be challenged before the Administrative Court, however it is not clear whether free legal aid would be provided under the Law on Asylum. The Croatian Law Centre does not have information on whether or not such decisions were issued in the past few years. It is therefore unclear whether in practice reception conditions would be re-instated after having been withdrawn or reduced.

The Law on Asylum further prescribes that an asylum seeker who repeatedly violates the House Rules of the Reception Centre for Asylum Seekers may see some of the material living conditions and the right to accommodation withdrawn. The law prescribes also that the modalities for this would be prescribed by decrees regulating the accommodation of asylum seekers and the amount of financial support given to asylum seekers.¹⁴⁵ However, these sanctions are not further elaborated in subregulations.

6. Access to reception centres by third parties

Indicators:

- Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
☒ Yes ☐ with limitations ☐ No

Relevant legislation does not contain any specific provisions on the access of third parties to the Reception Centres for Asylum Seekers, but in practice family members, legal advisers, UNHCR and NGOs have access to these centres.

Also, both reception centres for asylum seekers are open facilities and asylum seekers may leave the centre according to the house rules and are able to meet anyone outside. According to the Law on Asylum, the Croatian Red Cross, UNHCR and other organizations involved in the protection of refugee rights or doing humanitarian work, may conduct pedagogical, educational and similar activities and provide other types of assistance at the reception centres, subject to prior authorisation by the Ministry of Interior.¹⁴⁶

The social workers of the Croatian Red Cross, based on a cooperation agreement with the Ministry of Interior, are present on a daily basis, from Monday to Friday, in both Reception Centres for Asylum Seekers.

In practice, access to the centres by UNHCR and other relevant NGOs does not seem to be problematic. The Croatian Law Centre and the Legal Clinic of the Law Faculty in Zagreb both have cooperation agreements with the Ministry of Interior for the provision of legal assistance. In practice, Croatian Law Centre's lawyers are present in the reception centres for legal counselling twice a month. Both organisations should inform the Ministry of Interior of their visits in advance.

7. Addressing special reception needs of vulnerable persons

Indicators:

- Is there an assessment of special reception needs of vulnerable persons in practice? ☐ Yes ☒ No

¹⁴³ Article 57(1)(11) Law on Asylum.

¹⁴⁴ Article 6(2) Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

¹⁴⁵ Article 106(1)-(2) Law on Asylum.

¹⁴⁶ Article 39(2) Law on Asylum.

There are no special mechanisms laid down in the legislation to identify vulnerable persons for the purpose of addressing special reception needs.

The law enumerates as vulnerable persons: adults without legal capacity, children, elderly and infirm persons, seriously ill persons, disabled persons, pregnant women, single parents with minor children, persons with mental disorders and victims of trafficking, as well as victims of torture, rape or other forms of psychological, physical and sexual violence.¹⁴⁷

Although the Ordinance on the accommodation prescribes that in the case of asylum seekers with special needs the individual assessment of needed measures will be done by the competent Centre for Social Welfare¹⁴⁸, to the knowledge of the Croatian Law Centre this provision is not used in practice.

In addition, the Law on Asylum regulates that the specific needs of vulnerable groups of asylum seekers, if established by an individual evaluation, shall be taken into account when rights of asylum seeker established in the Law are exercised (for example, when accommodating vulnerable asylum seeker in the Reception Centre, their specific needs should be considered).¹⁴⁹ However, the Ministry of Interior does not have a special unit dealing with vulnerable groups, but accommodates their needs in the general reception system. In the past, trainings on how to deal with vulnerable cases were organised for staff, but since then new civil servants were employed, so there is a need for the continuation of such trainings.

As for the accommodation, separate premises are provided in the Reception Centres for Asylum Seekers for women and vulnerable groups. This is also specified in the legislation.¹⁵⁰

No system for early identification of victims of torture or other forms of ill-treatment by competent authorities and professionals has yet been developed. According to the Law on Asylum, asylum seekers who were exposed to torture, rape or other forms of serious violence and the asylum seekers with special needs, shall be provided with the necessary treatment in connection with their specific condition and the consequences resulting from the mentioned acts.¹⁵¹ However in practice the system for addressing the consequences of torture among asylum seekers has not been established. It is also unclear who can get necessary treatment and under which conditions, and who should provide such treatments. That is why asylum seekers who were victims of torture, until 2010, when the project led by the Croatian Law Centre and financed by UN Voluntary Fund for Victims of torture¹⁵² begun, did not receive any kind of special assistance with regard to their trauma, except for the prescription of medication by doctors in hospital on case to case basis.

With regard to unaccompanied children, the Law on Asylum prescribes that the Ministry of Interior shall take the necessary steps in order to find the parents of a child.¹⁵³ There is no evidence available that in practice the Ministry takes steps to trace the parents.

There is no monitoring mechanism in place with regards to measures for addressing special needs of asylum seekers accommodated in the centres. However, social workers of the Ministry of Interior and the Croatian Red Cross are available daily in the Reception Centres for Asylum Seekers and can provide support. In practice, during their regular work and communication with asylum seekers as well as on individual and group support, Red Cross employees can observe the needs of vulnerable groups and, where there is a need, can accordingly propose changes in the reception of particular asylum seekers to the Head of Reception Centre (for example, a person may need to be accommodated in a single room, or with other persons, or may need to be relocated to the Reception Centre for Asylum Seekers in Kutina,

¹⁴⁷ Article 2(1)(15) Law on Asylum.

¹⁴⁸ Article 10(2) Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

¹⁴⁹ Article 29(4) Law on Asylum.

¹⁵⁰ Articles 3,10,11 and 12 Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

¹⁵¹ Article 31(2) Law on Asylum.

¹⁵² Project "Protection of Victims of Torture among Vulnerable Groups of Migrants" financed by UNV/FVT.

¹⁵³ Article 26(3) Law on Asylum.

which is specifically designed for vulnerable asylum seekers). To the knowledge of the Croatian Law Centre those suggestions are taken into consideration.

The Reception Centre for Asylum Seekers in Kutina has been renovated and was reopened in June 2014. It is envisaged that this centre is used for accommodation of vulnerable groups. Since June 2014, vulnerable asylum seekers are accommodated there, although at the moment the number of vulnerable asylum seekers in Croatia is quite low.

8. Provision of information

There are no specific rules for information to be provided to asylum seekers on rights and obligations relating to reception conditions. The provisions in the Law on Asylum on information of asylum seekers are formulated generally. The Ministry of Interior has to inform the applicants, in a language understandable to them, about the asylum procedure itself, about the asylum seeker's rights and obligations, as well as on organizations providing legal and social assistance within fifteen days from lodging the asylum application.¹⁵⁴ In practice, according to the information available to the Croatian Law Centre, this information is given in writing during the submission of the asylum application.

Asylum seekers are informed about the house rules of the reception centres and these rules are also displayed in a visible place in the premises of both Reception Centres for Asylum seekers. According to information provided by Croatian Red Cross, the House Rules are available in Croatian, English, French, Arabic and Farsi.

Upon their arrival in the Reception Centre for Asylum Seekers, asylum seekers are also informed by social workers of the Croatian Red Cross about their rights and obligations, the House Rules and rules of conduct which must be adhered to while accommodated in the Reception Centre as well as other practical information (e.g. the daily schedule of the distribution of linen, clothing and footwear, and hygiene items, laundry services, information on daily creative workshops and other activities available in the centre).

9. Freedom of movement

Asylum seekers who are not detained can freely move within the country, and generally no restrictions are applied with regards to the area of residence. In fact, asylum seekers are allowed to stay – at their own cost – at any address in the Republic of Croatia, subject to prior approval by the Ministry of Interior. In order to stay at some other address asylum seeker must provide proof of sufficient means to support themselves and a notarised copy of the rental agreement (or a notarised statement of the owner of the apartment that they accept to rent to the asylum seeker, or any other appropriate documentation proving their accommodation).¹⁵⁵

For those asylum seekers who are accommodated in the Reception Centres for Asylum Seekers, there is an obligation to inform the Head of the centre if they want to stay out for one or more nights, as they have to return to the centre by 10 p.m.

There are only two reception centres for asylum seekers in Croatia, so in the past relocation of asylum seekers was possible from one centre to the other centre due to capacity/bed management issues or where special needs would arise. However, since the Reception Centre in Kutina was renovated and reopened in June 2014, it was decided that this centre would be primarily used for the accommodation of vulnerable groups.

¹⁵⁴ Article 22(2) Law on Asylum.

¹⁵⁵ Article 7(2) Ordinance on the accommodation of asylum seekers, asylees and aliens under temporary protection.

According to the Law on Asylum, movement may be restricted by the prohibition to leave the Reception Centre, the prohibition to move outside a specific area, or the prohibition to leave a specific address.¹⁵⁶ The grounds for the restriction of movement are the following:

1. If there are reasons for exclusion from asylum¹⁵⁷ or subsidiary protection¹⁵⁸
2. To determine the asylum seeker's identity;
3. To prevent the spread of infectious diseases;
4. Upon suspicion that the lodging of the application for asylum represents a fraud and misuse of the asylum procedure.

The possibilities to restrict movement to a specific area or address are rarely used in practice, since in the majority of cases conditions stipulated by the Law on Asylum are met not for restriction of movement but for detention in the detention/deportation centre for irregular migrants (so called Reception Centre for Foreigners).

The Ministry of Interior shall determine the restriction of movement by a decision.¹⁵⁹ Asylum seekers may lodge a complaint to the Administrative Court against a decision¹⁶⁰ and the Administrative Court shall issue a decision concerning the complaint on the restriction of movement after an oral hearing, within 15 days from the day of reception of the case file.¹⁶¹ However, the complaint does not postpone the enforcement of the decision.¹⁶²

According to the information from UNHCR, the Ministry of Interior interpreted the Article of the Law on Asylum dealing with free legal aid in such a way that asylum seekers are entitled to free legal assistance in these proceedings.

However it seems that there could be some problems in practice, as attorneys informed the Croatian Law Centre that Administrative Court did not approved free legal aid in some cases of detention and consequently were not being paid for their work. As the restriction of movement is regulated by the same article of the Law of Asylum as detention, it can be concluded that in practice this could be (or it is) interpreted in the same way by some judges of Administrative Court. At the moment, the Croatian Law Centre does not have more precise information.

B. Employment and education

1. Access to the labour market

Indicators:

- Does the legislation allow for access to the labour market for asylum seekers? ☒ Yes ☐ No
- If applicable, what is the time limit after which asylum seekers can access the labour market: after one year from the day the asylum application was lodged, if the asylum procedure has not been completed
- Are there restrictions to access employment in practice? ☒ Yes ☐ No

According to the Law on Asylum, asylum seekers have the right to work after one year from the day of lodging the asylum application, if the asylum procedure has not been completed.¹⁶³ To this end, they do

¹⁵⁶ Article 74(3) Law on Asylum.

¹⁵⁷ Article 6 Law on Asylum.

¹⁵⁸ Article 8 Law on Asylum.

¹⁵⁹ Article 74(9) Law on Asylum.

¹⁶⁰ Article 74(10) Law on Asylum.

¹⁶¹ Article 74(11) Law on Asylum.

¹⁶² Article 74(12) Law on Asylum.

¹⁶³ Article 36(1) Law on Asylum.

not need a residence or work permit, or a work registration certificate, until the decision on their asylum application is final.¹⁶⁴

However, asylum seekers generally do not work while staying in Croatia, as the majority of applications are decided within one year time. In any case, it is quite difficult for them to find a job, due to the general difficulties resulting from their language skills, to the limited or no academic or professional background, as well as to the recession and the high national rates of unemployment. Asylum seekers do not have access to vocational training schemes.

Asylum seekers can work on a voluntary basis in both Reception Centres for Asylum Seekers. Since the beginning of 2014, a Job Centre was opened within the Reception Centre in Zagreb. In exchange for their work (cleaning the Centre and around it, cleaning the gym and helping with the cleaning in the restaurant, etc.), asylum seekers receive additional clothes, shoes, items for personal hygiene, etc.¹⁶⁵

2. Access to education

Indicators:

- Does the legislation provide for access to education for asylum seeking children? ☒ Yes ☐ No
- Are children able to access education in practice? ☒ Yes ☐ No

Right to education is a constitutional right for all children staying in Croatia. According to the Law on Asylum only child asylum seekers (i.e. under 18) are entitled to primary and secondary education.¹⁶⁶

There were some obstacles in the past in practice for asylum seeking children to access education. The major problem was the language and cultural barrier, but there has been progress in the last few years, and children are accessing the educational system more easily at the moment. In practice, schools are now organising additional language courses according to the individual needs of children. Although the legislation provides a possibility for education to be provided in the Reception Centre for Asylum Seekers¹⁶⁷, in practice education is provided in regular schools. As the number of children is low at the moment, it is hard to predict how the education system would address issues arising in case of asylum seeking children with special needs.

According to the Law on Asylum, the right to primary and secondary education is granted to child asylum seekers under the same conditions as for Croatian nationals, and children can access education within three months from the day of submission of the asylum application, or within one year if it is established, by an individual evaluation of a professional school team, that an asylum seeker does not speak Croatian at a sufficient level to be able to attend regular classes.¹⁶⁸ Child asylum seekers are also entitled to special assistance to learn Croatian and to make up for the knowledge they might lack in some school subjects, in the form of preparatory and supplementary classes.¹⁶⁹ In November 2011, a Programme of Croatian for preparatory classes for primary and secondary school students who do not speak or speak Croatian insufficiently was adopted. This is an intensive 70-hour course of Croatian, spread over a maximum of one academic year.

C. Health care

¹⁶⁴ Article 36(2) Law on Asylum.

¹⁶⁵ The Croatian Red Cross provided information via e-mail on 21 July 2014.

¹⁶⁶ Article 32(1) Law on Asylum.

¹⁶⁷ Article 32(3) Law on Asylum.

¹⁶⁸ Article 32(1)-(2) Law on Asylum.

¹⁶⁹ Article 43 Law on Education in Primary and Secondary Schools (Official Gazette 87/08, 86/09, 92/10, 90/11, 5/12, 16/12, 86/12, 126/12, 94/13).

Indicators:

- Is access to emergency health care for asylum seekers guaranteed in national legislation?
☒ Yes ☐ No
- In practice, do asylum seekers have adequate access to health care?
☐ Yes ☐ with limitations ☒ No
- Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
☐ Yes ☐ Yes, to a limited extent ☒ No
- If material reception conditions are reduced/ withdrawn are asylum seekers still given access to health care? ☒ Yes ☐ No

Asylum seekers are entitled to health care. The extent of health care provided was changed with the last amendments to the Law on Asylum in December 2013. The law now stipulates that only emergency care is covered.¹⁷⁰ This prevents effective access to health care and led to numerous problems in practice (see below). The same level of health care is provided in case reception conditions are reduced/withdrawn, but only until the asylum procedure is over.

In addition to the Law on Asylum, the Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia, which was adopted in June 2013, also states that asylum seekers are entitled to emergency medical care.¹⁷¹ This Law defines emergency medical care as diagnostic and therapeutic procedures that are necessary to avoid imminent danger to life and health.¹⁷²

The problems apparently derive from the interpretation of the amended Law on Asylum provision, as there were no such problems in accessing health care before. Following the amendments, no doctor was available in the Reception Centres, there were problems in issuing prescriptions for medications, and referral to specialised doctors was not possible. In that period, the Croatian Red Cross paid from their budget for necessary medical examinations required by pregnant asylum seekers. From May 2014, the situation is slightly improving, and a doctor is now available on a weekly basis in the Reception Centre for Asylum Seekers in Zagreb, although there is still a need for better and more effective health care. A doctor has recently been made available in Reception Centre for Asylum Seekers in Kutina.

One additional obstacle in accessing health care is the language barrier, as Croatian authorities do not provide free services of an interpreter, and most of the asylum seekers are not able to pay for such assistance on their own.

Medical assistance is being provided on a daily basis by a nurse in the Reception Centre for Asylum Seekers in Zagreb.

Asylum seekers who are victims of torture, rape or other forms of serious violence, and asylum seekers with special needs, are according to the Law on Asylum entitled to necessary treatment related to their specific condition and the consequences resulting from the mentioned acts.¹⁷³ However, in practice it is not clear what “necessary treatment” should cover and this provision is not applied, as the system for addressing the consequences of torture among asylum seekers has not been established. Since 2010 the Croatian Law Centre has been implementing the project “Protection of Victims of Torture among Vulnerable Groups of Migrants” (*Zaštita žrtava mučenja među ranjivim skupinama migranata*) funded by the UN Voluntary Fund for Victims of torture. Through the project, legal assistance (provided by the Croatian Law Centre), psychosocial support (provided by the Croatian Red Cross) and psychological counselling (provided by external experts – psychologists) are provided to asylum seekers and refugees. Until 2010, when the project begun, asylum seekers who were victims of torture did not receive any kind of special assistance with regard to their trauma, except for prescription of medication by doctors in

¹⁷⁰ Article 31(1) Law on Asylum.

¹⁷¹ Article 20(1) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

¹⁷² Article 8(2) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia.

¹⁷³ Article 31(2) Law on Asylum.

hospital, on case to case basis. In practice, persons suffering mental health problems are directed on case by case basis to a psychiatric hospital.

Detention of Asylum Seekers

A. General

Indicators:

- Total number of asylum seekers detained in the previous year (including those detained in the course of the asylum procedure and those who applied for asylum from detention): 81
- Number of asylum seekers detained or an estimation at the end of the previous year (specify if it is an estimation): no available data
- Number of detention centres: 1
- Total capacity: 116

In Croatia there is 1 detention centre (Reception Centre for Foreigners) used for the detention of irregular migrants (subject to return procedures) and asylum seekers. Its capacity is 116 places. No cases of overcrowding were reported in the last few years. According to the Ministry of Interior, 81 asylum seekers were detained in 2014 based on the Law on Asylum.¹⁷⁴ The main reasons for the detention of asylum seekers are situations where they request asylum after having been issued with a deportation order and situations where asylum seekers left or attempted to leave Croatia before the completion of the asylum procedure.

B. Grounds for detention

Indicators:

In practice, are most asylum seekers detained

- o on the territory: ☐ Yes ☒ No
- o at the border: ☐ Yes ☒ No
- Are asylum seekers detained in practice during the Dublin procedure?
☐ Frequently ☒ Rarely ☐ Never
- Are asylum seekers detained during a regular procedure in practice?
☐ Frequently ☒ Rarely ☐ Never
- Are unaccompanied asylum-seeking children detained in practice?
☐ Frequently ☐ Rarely ☒ Never
- Are asylum seeking children in families detained in practice? ☐ Frequently ☐ Rarely ☒ Never
- What is the maximum detention period set in the legislation (inc extensions): 6 months
- In practice, how long in average are asylum seekers detained? 3-6 months

In general, according to the Law on Foreigners, detention of third country nationals can be ordered by the border police on account of their unauthorised entry, irregular residence or lack of valid identity documents. The maximum detention period under the Law on Foreigners is 18 months, including extensions. However, those who apply for asylum from detention and asylum seekers in general can be detained up to 6 months under the Law on Asylum. In this case, detention may be ordered for an initial period of up to 3 months, and due to justified reasons, it may be extended by another 3-month period. In any case, people who are in an irregular situation or are awaiting return and apply for asylum from detention would not be released simply because they have applied for asylum. However, if a person who lodged an asylum application during the expulsion procedure is a vulnerable person, they would be released from detention.

¹⁷⁴ Letter from the Ministry of Interior dated 28 January 2015.

During the asylum procedure, detention is possible under all types of asylum procedure where the conditions prescribed by the Law on Asylum are met. However, the majority of asylum seekers are not detained but are accommodated in open centres. In that sense it is not likely that any category of asylum seekers would spend the whole status determination procedure in detention.

According to the Law on Asylum, *freedom of movement of an asylum seeker may be restricted* for the following reasons:

1. If there are reasons for exclusion from asylum or subsidiary protection,¹⁷⁵
2. determining identity;
3. preventing the spread of infectious diseases;
4. suspecting that the lodging of the application for asylum represents a fraud and misuse of the asylum procedure;
5. risk that the asylum seeker leaves or attempts to leave the Republic of Croatia before the completion of the procedure;¹⁷⁶
6. preventing situations where lives and possessions of other persons are put in danger;
7. protecting the national security and legal order of the Republic of Croatia;
8. lodging of an application for asylum during the expulsion procedure, with an intention to prevent further progress of the expulsion procedure;
9. temporary impossibility of taking fingerprints caused by intentionally damaged papillary lines.¹⁷⁷

In cases 1 to 4 the movement may be restricted to the Reception Centre for Asylum Seekers, to a specific area, or a specific address. Asylum seekers may, however, be detained if these restrictions are not complied with.

Asylum seekers *may also be detained* on the grounds mentioned under points (5) to (9).

In cases mentioned under points 5,6,7,8 and 9 asylum seekers can be detained in the Reception Centre for Foreigners.¹⁷⁸

Detention in the Reception Centre for Foreigners, in the cases under points 5 and 8, is not permitted in case of vulnerable asylum seekers.¹⁷⁹

However, in the past asylum seeking children staying on the territory of Croatia with members of their family were placed in detention together with accompanying adults. To the knowledge of the Croatian Law Centre, this is not happening at the moment, although the completion of a facility for the accommodation of children and other vulnerable groups of irregular migrants within the detention centre is planned.

In practice, most unaccompanied foreign children are placed in children and young people's home as an alternative to detention. Although this is an open facility, its primary function is to treat children with behavioural difficulties, so the conditions of their stay cannot be considered suitable for this group, especially when taking into account the specific needs of these children. When a child accommodated in children and young people's home expresses the intention to lodge an application for asylum, they are transferred to Reception Centre for Asylum Seeker and not to the detention centre.

In addition to the existing detention centre, two transit centres for irregular migrants are expected to be opened in Trilj and Tovernik, close to the Serbian and Bosnian borders. At the moment, it is not clear whether these facilities would be used also for the detention of asylum seekers in the border asylum procedure.

There are alternatives to detention provided under the Law on Asylum: the prohibition to move outside a specific area or the prohibition to leave a specific address.¹⁸⁰ However, to the knowledge of the Croatian

¹⁷⁵ See Section on Freedom of Movement above.

¹⁷⁶ No further information on how the risk of absconding is assessed in this case is available.

¹⁷⁷ Article 74(1) Law on Asylum.

¹⁷⁸ Article 74(4) Law on Asylum.

¹⁷⁹ Article 74(5) Law on Asylum.

¹⁸⁰ Article 74(3) Law on Asylum. See Section on Restrictions on Free Movement above.

Law Centre, these alternatives are rarely used in practice as the conditions for restricting free movement mentioned under items 1 to 4 above rarely apply.¹⁸¹ There is no requirement under the Law on Asylum that detention should be applied as a measure of last resort.

The decision to detain under the Law on Asylum is issued by the Ministry of Interior and it should be based on an assessment of the asylum seeker's individual circumstances. However, as most decisions are based on the same grounds (i.e. asylum seekers left or attempted to leave the Republic of Croatia before the completion of the procedure or they lodged the asylum application during the expulsion procedure), it is difficult to assess whether individual circumstances have been taken into account.

The restriction of movement due to the temporary impossibility of taking fingerprints due to intentionally damaged papillary lines shall last until fingerprinting is again possible and in any case up to a maximum of 3 months.

Detention is rarely used during the Dublin procedure, i.e. during the transfer procedure of a foreigner to another Member State. For purpose of securing the transfer, the following obligations may be imposed onto foreigner as alternatives to detention:

- Prohibition from leaving a specific address,
- Reporting to the Police Station or the Reception Centre at a specific time,
- Surrendering travel documents and tickets.¹⁸²

If, pending the transfer to another State, an asylum seeker fails to respect those obligations; they could be detained in the Reception Centre for Foreigners.¹⁸³ However, there is no information available on how the risk of absconding is assessed.

C. Detention conditions

Indicators:

- Does national legislation allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? ☐ Yes ☒ No
- If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedures? ☐ Yes ☒ No
- Do detainees have access to health care in practice? ☒ Yes ☐ No
- If yes, is it limited to emergency health care? ☒ Yes ☐ No
- Is access to detention centres allowed to
 - o Lawyers: ☒ Yes ☐ Yes, but with some limitations ☐ No
 - o NGOs: ☒ Yes ☐ Yes, but with some limitations ☐ No
 - o UNHCR: ☒ Yes ☐ Yes, but with some limitations ☐ No
 - o Family members: ☒ Yes ☐ Yes, but with some limitations ☐ No

The Ministry of Interior is in charge of the management of the detention centre and the staff working within the centre are mainly police officers. There is only one social worker working in the Centre. There is a need for continuous specialised training for the staff working at the Centre in order to better address the needs of those detained.

Asylum seekers are detained in the same premises as irregular migrants.

¹⁸¹ Although most asylum seekers do not possess any identity documents, in practice this is not used as a ground to restrict their freedom of movement.

¹⁸² Article 74a(1) Law on Asylum.

¹⁸³ Article 74a(2) Law on Asylum.

Conditions in the detention centre are satisfactory: every person has their own bed and there is sufficient space and separation between beds, as well as sufficient space to store personal possessions. Men and women are separated. Detainees are provided with clothes.

There is library within the centre so detainees have access to books in various languages. However, no access to the internet is available. The centre is cleaned on a regular basis, and there are sufficient showers and toilets. There is a spacious common room with TV available and migrants can spend most of the day there, watching TV or playing cards. There is also a facility for buying cigarettes and drinks. There are two public phones available to migrants at the Centre that can be used at their own cost. However, to the knowledge of the Croatian Law Centre, detained migrants are not allowed to use their mobile phones, which are seized upon admission to the Centre.

According to the Rules of Stay in the Reception Centre for Foreigners, during the stay there, foreign nationals are provided with urgent medical care and three meals a day, of which at least one must be a warm meal. Specific diets can be prepared upon request or when ordered by a doctor (for religious or other reasons, e.g. for pregnant women). Quality of food is generally reported to be of a satisfactory level.

They are entitled to stay outdoors for at least two hours a day in a specially designated area within the Centre (there is a football playground serving as an outdoor exercise area). Migrants are entitled to freedom of religion and one room is used for this purpose.

After being placed in the Centre, they are entitled to one free phone call with their country's diplomatic mission or consular office, and to another private phone call lasting up to 3 minutes. Aliens are allowed to receive visits at least twice a week, so there is no maximum limit to the number of visits. If an alien is in possession of any cash, it will be temporarily seized and safeguarded by an authorised officer. While staying in the Centre, aliens may use the seized cash, but may not have an amount exceeding HRK 300 (approx. 30 euro) on them. The cost of accommodation of an alien in the Centre amounts to HRK 150 per day and these costs are borne by the aliens themselves. In the case of families, the costs are borne by the person who holds the funds. If they do not possess any funds to cover these expenses, the costs of their stay in the Centre are paid from the State Budget.

The Croatian Law Centre has unlimited access to Centre for the purpose of assisting asylum seekers. In practice, the lawyers are usually available at least once a month. However, migrants detained contact the Croatian Law Centre by phone on daily basis. Other NGOs working with migrants and asylum seekers (Croatian Red Cross, Centre for Peace Studies) are also from time to time present at the Centre. UNHCR and attorneys representing asylum seekers also have unlimited access to the Centre. Media or politicians can access the detention centre. However, every visit should be announced in advance.

In the past, NGOs working in the field received several complaints from detainees concerning the behaviour of the staff and the quantity and variety of the food. Some complaints were referred to the Ombudsman office, as in 2011 the Croatian Parliament adopted the Law on the Preventive Mechanism for Suppression of Torture and Other Cruel, Inhuman and Degrading Treatment which entrusted the Ombudsman with the task of running a National Preventive Mechanism. As the main task of the National Preventive Mechanism is to regularly examine the treatment of persons deprived of their liberty in places of detention, the ombudsman also monitors complaints of persons detained in the Reception Centre for Foreigners (when such complaints have been referred to ombudsman office). However, there are no credible reports of abuse by staff in detention in the last few years. In particular, in the Ombudsman's reports there is no information on the possible well-foundedness of the complaints against the behaviour of the staff in the detention centres. Therefore, it can be concluded that no such instances were assessed.

There is no special mechanism in the detention centre to identify persons with special reception needs. Although vulnerable asylum seekers are rarely detained, where that happens, vulnerable asylum seekers are usually transferred to open centres upon request from lawyers working in NGOs.

Foreigners in detention have access to emergency health care. However, to the knowledge of Croatian Law Centre and to information provided by the staff working within the Centre, although a doctor is present twice a week in the Centre, the level of health care provided is not satisfactory.

D. Procedural safeguards and judicial review of the detention order

Indicators:

- Is there an automatic review of the lawfulness of detention? ☐ Yes ☒ No

Asylum seekers are informed orally by the staff of the Ministry of Interior about the reasons of their detention. In practice, the interpreter present at the delivery of the decision reads decision to them. As decisions are too legalistically written, the majority of asylum seekers do not understand the reasons for their detention. According to the Law on Asylum there is no automatic review of the lawfulness of detention. Asylum seekers may lodge a complaint to the Administrative Court against a detention decision within 30 days after its delivery. The Administrative Court must issue a decision after an oral hearing, within 15 days from the reception of the case file. However, there are no legal consequences for not respecting the 15-day time-limit prescribed by the relevant legislation. To the knowledge of the Croatian Law Centre, the time-limit is respected in practice. In any case, due to the lack of free legal aid, only few cases are challenged before the Administrative Court. In addition, the complaint does not suspend the decision.

Detention does not impair the quality and effectiveness of the asylum procedure, as it does not have an impact on the organisation of the personal interview, the availability of interpretation or the speed of the procedure.

E. Legal assistance

Indicators:

- Does the law provide for access to free legal assistance for the review of detention? ☐ Yes ☒ No
- Do asylum seekers have effective access to free legal assistance in practice? ☐ Yes ☒ No

In detention cases, according to interpretation of the Ministry of Interior (given to UNHCR) of relevant provision of the Law on Asylum, asylum seekers are entitled to free legal aid. However there seem to be obstacles to legal assistance in practice, as attorneys informed the Croatian Law Centre that the Administrative Court did not approve free legal aid in some cases of detention and consequently lawyers were not paid for their work. At the moment the Croatian Law Centre does not have more precise information.

Asylum seekers often approach NGO lawyers for legal advice in relation to their detention. However, NGO lawyers are not entitled to represent them before courts, and cannot provide such assistance to every asylum seeker in need thereof. Lawyers from the Croatian Law Centre visit detention centres at least once a month, certainly not frequently enough to respond to protection seekers' needs. However, lawyers/legal counsels can contact their clients easily and meet with them.

ANNEX I – Transposition of the CEAS in national legislation

Directives transposed into national legislation

Directive	Deadline for transposition	Date of transposition	Official title of corresponding act (GR)	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	22 November 2013	Amendment to the Law on Asylum Official Gazette 79/07, 88/10, 143/13	http://narodne-novine.nn.hr/clanci/sluzbeni/2007_07_79_24_74.html (HR) http://www.mup.hr/UserDocsImages/engleska%20verzija/2014/Asylum_Act_13.pdf (EN unofficial translation) http://narodne-novine.nn.hr/clanci/sluzbeni/2010_07_88_24_62.html (HR) http://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3_067.html (HR)

Pending transposition and reforms into national legislation

Directive	Deadline for transposition	Stage of transposition / Main changes planned	Participation of NGOs
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015	A draft law entitled "Law on international and temporary protection" is to be presented	
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	A draft law entitled "Law on international and temporary protection" is to be presented	