

Applicants with special needs - Croatia | DIP EUAA

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Overview

Relevant EU legislation

Croatia is bound by the recast Asylum Procedures Directive and has transposed its provisions through the Law on International and Temporary Protection | [Law on International and Temporary Protection | Zakon o međunarodnoj i privremenoj zaštiti](#)

National legislation

[Law on International and Temporary Protection | Zakon o međunarodnoj i privremenoj zaštiti](#)

Competent authority and other stakeholders

Border police | [Granična policija](#) (Application at the border)

Police station / Police administration | Policijska uprava / [Policijska stanica](#) or Reception Centre for Applicants for International Protection (Application on the territory)

Training initiatives

All officials involved in the process of granting international protection and case workers are trained to work with minors and vulnerable groups. More experienced case workers are assigned to applications by vulnerable groups.

Special needs in reception

Identification of special needs

Identification of vulnerable groups in Reception Centres is carried out during admission and accommodation, the initial health screening, the lodging of an application for international protection, and during any interaction with the applicant. The assessment is conducted by staff of the Ministry of the Interior, as well as by staff of international or non-governmental organisations operating in the Reception Centres and providing services to applicants for international protection (IOM, Croatian Red Cross, Croatian Law Centre)

A Standard Operating Procedure (SOP) on the Prevention and Response to Sexual and Gender-Based Violence in Reception Centres for Applicants for International Protection was implemented in April 2021. It was initiated by the Ministry of the Interior in cooperation with UNHCR, Médecins du Monde (MDM), Croatian Red Cross,

Croatian Law Centre and other stakeholders. This SOP aims to establish a clear and effective referral system to the national mechanism for both female and male survivors accommodated in the reception centres for international protection applicants and to ensure and strengthen the quality and speed of referrals to the national mechanism.

The SOP contains procedures, roles, and responsibilities for service providers involved in the prevention and response to SGBV in the reception centres for applicants for international protection in Croatia.

Referral of applicants with special needs

Police officers inform the Reception Centre for Applicants for International Protection of the special needs of applicants, and further identification during the procedure for international protection is carried out by social workers of the Reception Centre, as well as by employees of NGOs with which the Ministry has cooperation agreements and who come into first contact with applicants in reception facilities. For instance, the Croatian Red Cross (CRC) identifies applicants with special needs/vulnerabilities and plans support tailored to their specific needs.

Reception and care of applicants with special needs and vulnerabilities

When accommodating applicants in the Reception Centre, particular attention is paid to gender, age, the situation of vulnerable groups, applicants with special reception needs, and the integrity of the family.

For the purpose of preserving family unity, applicants shall be accommodated together with family members where there are no legal obstacles and where the accommodation capacity of the Reception Centre allows, while ensuring respect for the right to privacy and the personal dignity and safety of all family members.

Reception facilities and other housing arrangements

A specialised reception facility for applicants with special needs is located in the town of Kutina. The centre, which has a capacity of 300 beds, is primarily intended to accommodate vulnerable individuals applying for international protection who require additional reception support and procedural safeguards.

Detention of vulnerable persons and applicants with special reception needs

Article 54(7) [LITP](#): Vulnerable groups can be detained where it is established that such a form of accommodation is suitable for the applicant's personal circumstances and needs, in particular with regard to their health.

Reception of unaccompanied minors

The Foster Care Act ([Official Gazette 115/18](#)) that entered into force On 1 January 2019 provides for the possibility of unaccompanied children being accommodated in foster families.

Reception facilities and other housing arrangements

Most unaccompanied minors have been placed in care facilities for children and young people. Those under the age of 14 are accommodated in children's homes, while those aged 14 and above are placed in Residential Child Care Institutions.

Age assessments

The procedure conducted in cases of doubt regarding the minority of an applicant for international protection is defined by Article 18 of the Law on International and Temporary Protection ([LITP](#), [OG No.70/2015](#)).

The Ministry of the Interior is the authority responsible for initiating and overseeing the age assessment procedure.

Access to education

Elementary and secondary education for minor applicants is provided under the same conditions as for Croatian citizen. Preparatory or supplementary classes in the Croatian language, as well as supplementary classes in individual subjects are provided based on needs.

A programme of Croatian for preparatory classes for primary and secondary school students who do not speak Croatian or speak it insufficiently was adopted in 2011. This programme consists of an intensive 70-hour Croatian language course, delivered over a maximum of one academic year.

Access to healthcare

In 2020, an [Ordinance on health care standards for applicants for international protection and foreigners under temporary protection](#) entered into force. among other matters, the Ordinance regulates the scope of health care provided to vulnerable applicants for international protection.

Transition to adulthood

Reaching adulthood marks a cut-off point for certain forms of support and services. When unaccompanied minors (UAM) turn 18, they will be considered adults with regard to residence status at the time of reaching the age of majority. Some supports and services, such as attending school, may be provided to unaccompanied minors until the age 21. Guardians appointed to UAM cease to represent them once they reach the age of majority.

There are currently no national strategy or specialised stakeholders dedicated to supporting UAM in their transition to adulthood. The Ministry of Labour, Pension System, Family and Social Policy is a key stakeholder in providing social services.

UAM who are beneficiaries of international protection retain their legal status after reaching adulthood. They remain entitled to services provided under the Act on International and Temporary Protection. According to this Act, they have the right to accommodation in a reception facility for applicants for international protection and enjoy the same rights as adult applicants, such as the provision of adequate material reception conditions, health care, elementary and secondary education, legal counselling and free legal assistance, access to employment, etc.

UAM who did not apply for international protection are entitled to services provided by the Social Welfare Act. Upon reaching adulthood, they have the right to accommodation within the social care system, financial assistance, medical care and other rights.

(Source: EMN Ad hoc query on 2021.076 [Transition to adulthood](#), 22 December 2021)

Detention of unaccompanied minors

Under Article 54(8) [LITP](#) the freedom of movement of an unaccompanied minor may be restricted by placement in a detention centre for foreigners, separately from adults, for the shortest possible duration, where it is established through an individual assessment that this form of accommodation is necessary.

Special procedural guarantees

First instance determination for applicants with special needs

Article 4 of the [International and Temporary Protection Act](#) identifies vulnerable groups as persons divested of legal capacity, minors, unaccompanied minors, the elderly, seriously ill people, people with disabilities, pregnant women, single parents with minor children, people with mental disorders, victims of human trafficking, and victims of torture, rape or other psychological, physical and sexual violence (such as victims of female genital mutilation).

The Law on International and Temporary Protection LITP includes special procedural and reception guarantees.

Specially trained police officers, employees of the Ministry of Interior and other competent bodies, identify special needs/vulnerabilities from the moment of the expression of intention to apply for international protection until the decision on the application (Article 15 LITP).

Access to information

Officials of the Ministry of the Interior individually inform applicants about their rights and obligations in the Republic of Croatia within 15 days of their expressing the intention to apply for international protection, and prior to lodging a formal application. Applicants receive this information both orally and in writing, through an official interpreter, in their native language or in a language they understand. In addition, videos providing general information, as well as guidance on legal counselling, accommodation and daily life, health care, education, the legal framework, and cultural aspects of the local community, are available to applicants for international protection and other foreigners residing in Croatia in reception centres.

Personal interview

The personal interview is obligatory for all categories of applicants under the [LITP](#).

The interview may be postponed due to justified reasons (e.g. health or other justified reasons related to the persons' special procedural needs).

Officials of the Department for the International Protection Procedure are trained on interviewing technics and interviewing vulnerable persons.

According to the LITP, applicants in need of special procedural guarantees are entitled to the following rights during the status determination procedure:

- the right to be interviewed by a caseworker of the same sex;
- access to an interpreter of the same sex, where possible;
- the right to be interviewed as soon as possible following the submission of their application for international protection;
- in cases where the interview is omitted—particularly when the applicant is unfit or unable to participate due to enduring circumstances beyond their control—their relatives must be allowed to present evidence and provide statements on their behalf.

Legal assistance

Applicants with no financial resources are provided with legal assistance upon request. Organizations dedicated to protecting the rights of refugees either provide legal assistance directly or collaborate with attorneys with whom the Ministry has agreements for free legal counselling. In addition, applicants receive written information about the availability of free legal assistance from representatives of UNHCR and other relevant organisations working to protect the rights of refugees.

Guarantees for unaccompanied minors

The Protocol on the Treatment of Unaccompanied Children, adopted on 30 August 2018, aims to establish a robust and effective national system on procedures for unaccompanied children. The protocol also establishes an Interdepartmental Commission for the protection of Unaccompanied Minors (UAM) with the aim to

improve inter-agency cooperation between state administration bodies and other stakeholders involved in the protection of unaccompanied children. The commission is composed of representatives of the [Ministry for Demography, Family, Youth and Social Policy](#), the [Ministry of the Interior](#), the [Ministry of Science and Education](#), the [Ministry of Health](#), the [Office for Human Rights and Rights of National Minorities](#), as well as international organisations engaged in the protection of the rights of the child or refugee rights, and civil society organisations dedicated to the protection of children's rights.

Making, registering and lodging an asylum application

The police officer collects personal information and the reasons behind the arrival, registers the intention to apply for international protection, and contacts a professional provider of social services for children.

Generally, neither border procedures nor accelerated procedures may be applied in the case of UAMs. However, an accelerated procedure may be applied to a UAM when: a subsequent application is admissible; the applicant poses a risk to the national security or public order of Croatia; it is possible to apply the concept of safe country of origin.

All procedures are conducted in line with the principle of the best interests of the child (BIC). The law stipulates that, during a BIC assessment, emphasis is placed on:

- the welfare and social development of the child, and his/her origin;
- the protection and safety of the child, especially if he/she may be a victim of trafficking in human beings;
- the child's opinion, depending on his/her age and maturity;
- the possibility of family reunification, etc.

Information provision

Information is currently not available.

Best interests of the child in the Dublin procedure

All guarantees prescribed by the [LITP](#) are applicable during the entire asylum procedure as well as Dublin procedures, and are individually applied. As a rule, UAM's are not subject to the Dublin procedure, unless their family members which are in another Member State, can take care of them (as per the ruling of the European Court on transfers of UAM's). A legal guardian is appointed immediately upon making application for international protection. Upon its registration, an unaccompanied child has to undergo medical examination. UAMs are prioritized in the relevant procedures.

Personal interview

An unaccompanied minor shall attend the interview in person, accompanied by their appointed guardian. The application process for an unaccompanied minor shall be carried out by a Ministry of the Interior official who has received specialized training in working with children.

Legal representation during the asylum procedure

Unaccompanied minors (UAM) can apply for international protection by themselves. Soon afterwards the body competent for social welfare will appoint a guardian (who does not have a conflict of interest with the child and is trained to work with children) - except in the case of unaccompanied minors older than 16 years of age who are married.

The guardian of an UAM undertakes all the necessary activities, including contact and cooperation with the competent ministries, other state and foreign bodies, and NGOs, in order to reunite the child with his/her family if this is in the best interests of the child.

The UAM is informed immediately about the appointment of the guardian. The UAM then lodges an application in person in the presence of the guardian. The guardian is authorised to lodge the application on behalf of UAM when it is assessed in the return procedure that he/she needs international protection in view of his/her personal circumstances. The guardian prepares the UAM in time for the interview and provides him/her with information on the significance and consequences of the interview in a language that it may justifiably be assumed that he/she understands and in which he/she is able to communicate. The costs of interpretation are borne by the ministry competent for internal affairs.

All further steps in the process are taken only in the presence of the guardian. The procedure following an application by a UAM is conducted by an official from the Ministry of Interior trained to work with children. Applications by UAM have priority in decision-making.

Legal assistance and counselling

The Centre for Missing and Abused Children, in cooperation with the Osijek-Baranja County, adopted the [Action Plan](#) “Slavonian Heart for the Families of Ukraine” in 2022 which includes provision of legal assistance.