# Access to procedures and non-refoulement - Croatia

## Overview

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### Relevant EU legislation

Croatia is bound by the Asylum Procedures Directive and has transposed its provisions through the Law on International and Temporary Protection, as amended by the Law on International and Temporary Protection | Zakon o međunarodnoj i privremenoj zaštiti, (8 December 2017) and the Law on Amendments to the Law on International and Temporary Protection adopted on 22 March 2023.

### National legislation

Law on International and Temporary Protection | Zakon o međunarodnoj i privremenoj zaštiti, (8 December 2017)

Law on Foreigners | Zakon o strancima, (1 January 2021)

### Competent authority and stakeholders

| Area | Competent national authority | Assistance to competent authority (if applicable) |
|---|---|---|
| **Screening at the external border** | Authority responsible for screening or screening at the external border: Border police \| Granična policija | |

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| Area | Competent national authority | Assistance to competent authority (if applicable) |
|---|---|---|
| **Biometric data** | **At the border:** Border police \| Granična policija<br><br>**On the territory:** Police \| Policija | |
| **Making an application** | **At the border:** Border police \| Granična policija<br><br>**On the territory:** Police \| Policija<br><br>(exceptionally) Service for reception and accommodation of applicants for international protection I Služba za prihvat i smještaj tražitelja međunarodne zaštite (reception centres)<br><br>**In detention:** Police \| Policija | |
| **Registering an application** | Police \| Policija<br><br>Service for reception and accommodation of applicants for international protection I Služba za prihvat i smještaj tražitelja međunarodne zaštite (reception centres) | |

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| Area | Competent national authority | Assistance to competent authority (if applicable) |
|---|---|---|
| **Lodging an application** | Service for reception and accommodation of applicants for international protection I Služba za prihvat i smještaj tražitelja međunarodne zaštite (reception centres) | |
| **Information provision** | Police \| Policija<br><br>Service for reception and accommodation of applicants for international protection I Služba za prihvat i smještaj tražitelja međunarodne zaštite (reception centres) | |

# Access to the territory

### Official external border-crossing points

Croatia has 9 external air border crossing points:

- Brač
- Dubrovnik
- Mali Lošinj
- Osijek
- Pula
- Rijeka
- Split
- Zadar
- Zagreb

Croatia has 60 external land border crossing points

Croatia has 4 external river border crossing points:

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- Osijek
- Sisak
- Slavonski Brod
- Vukovar

Croatia has 13 external sea border crossing points:

- Rijeka
- Ploče
- Cavtat
- Dubrovnik
- Mali Lošinj
- Pula
- Raša-Bršica
- Šibenik
- Split
- Ubli
- Umag
- Vis
- Zadar

### Emergency measures in cases of mass arrivals

Information not currently available.

### Protection from refoulement

The principle of protection from *refoulement* is enshrined both in the Law on International and Temporary Protection and the Law on Foreigners.

Article 6 of the Law on International and Temporary Protection, prohibits the forced return of individuals to a country where their life or freedom would be at risk due to race, religion, nationality, social group, or political opinion, or where they might face torture or degrading treatment, unless they pose a threat to national security or public order.

Article 207 of the Law on Foreigners prohibits forced return of a third-country national to a country in which his life or freedom would be threatened due to

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their race, religion or nationality, affiliation to a particular social group or political opinion or to a country in which they may be subject to torture, inhumane and degrading treatment or punishment or in which he may be subject to death penalty. It also prohibits return to a country in which they face the risk of of being forcibly removed to such a country.

**Protection from refoulement at external air borders**

The principle of protection from *refoulement* is enshrined in the Article 207 of the Law on Foreigners.

**Protection from refoulement at external land borders**

The principle of protection from *refoulement* is enshrined in the Article 207 of the Law on Foreigners.

The Independent Monitoring Mechanism (IMM) | Nezavisni Mehanizam Nadzora (NMN) monitors the actions of police officers of the Ministry of the Interior (MoI) in the areas of border surveillance, irregular migration and international protection. The IMM was established in June 2021 and has been operational for more than 4 years. The renewed agreement extends this independent mechanism through June 2026. The objective of the IMM is to contribute to the respect of fundamental rights by monitoring the actions of police officers of the MoI, with particular emphasis on the respect of the principle of non-refoulement, prohibition of collective expulsion, prohibition of torture or other forms of ill-treatment.

The IMM is composed of the following civil society organisations (CSO): Croatian Academy of Medical Sciences (CAMS), Croatian Academy of Legal Sciences (CALS), Centre for Cultural Dialogue (CCD), Centre for Balkan Criminology and Security (CBCS), Croatian Red Cross (CRC) and Prof. Dr. Iris Goldner Lang (in her personal capacity).

The IMM's activities involve visits (both announced and unannounced) to monitor the treatment of irregular migrants and applicants for international protection by police officers, ensuring compliance with regulations related to State border surveillance and international protection. This also includes access to case files concerning complaints of alleged illegal treatment of irregular migrants and applicants for international protection.

**Protection from refoulement at external sea borders**

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The principle of protection from *refoulement* is enshrined in the Article 207 of the Law on Foreigners.

**Protection from refoulement in case of emergency measures related to mass arrivals**

The principle of protection from *refoulement* is enshrined in the Article 207 of the Law on Foreigners.

### Border procedure

According to Article 42 of the Law on International and Temporary Protection, the procedure for granting international protection, following the expression of intent to apply or a subsequent application made at a border crossing or in the transit zone of an airport, seaport, or inland water port, shall be conducted entirely at that border crossing or transit zone. The Ministry must decide on the application within 28 days from submission; if it does not, the applicant will be allowed to enter Croatia to continue with the international protection procedure.

Generally, neither border procedure nor accelerated procedure can be implemented in the case of unaccompanied minors.

Croatia has not yet carried out border procedure within the meaning of Article 42.

## Procedural aspects

The making, registering, and lodging of an application for international protection in Croatia involves separate steps. Individuals first express their intention to apply for international protection at border crossings, transit zones, police stations, or Reception Centres.

Within 6 working days of expressing this intention, the application is registered. Following registration, the formal lodging of the application occurs at the Reception Centre, where the applicant must report within 15 days of registration to complete the application process.

### Making an application

**Responsible authority and place**

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Individuals can express their intention to apply for international protection, orally or in writing, during border control at a border crossing point (or in the transit zone of an airport, seaport or inland water port), or after their entry, at the police administration, a police station or the Reception Centre or Reception Centre for Foreigners (detention). The responsible authorities are the border police at border crossing, the police and the Service for reception and accommodation of applicants for international protection on the territory, and the police in detention.

### Possibility to apply from outside the territory

It is not possible to make an application from outside the territory. There are no protected entry procedures or protection visas.

### Formal requirements for making an application

Applications must be submitted in person. The application of a minor is covered by the application made by their legal representative.

Immediately after the expression of intention to apply, police officers or officers from the Reception Centre take the applicant's fingerprints and photograph them, establish their identity, identify how they entered Croatia, the travel route from the country of origin to Croatia, and personal circumstances of importance for assessing the private and procedural guarantees. They also inform the Reception Centre immediately as well as the newly formed Service for International Protection.

## Registering an application

### Responsible authority and place

The Police and the Service for reception and accommodation of applicants for international protection are the responsible authorities for registering applications for international protection. Registration is a separate step that follows the expression of intent to apply for international protection. According to Article 33 of the Law on International and Temporary Protection, the application must be registered within 3 working days if the intention is expressed at a border crossing, police station, or reception centre. If expressed under exceptional circumstances at the Reception Centre, registration must occur within 6 working days.

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### Practical steps to register the application

All applicants over 14 years old are required to have their fingerprints and photograph taken.

### Data collection

Article 94 of the Law on International and Temporary Protection foresees that for the purpose of the implementation of the international protection procedures, the Ministry shall collect data on applicants, their ID cards, residence permits, travel documents, fingerprints and photographs. The Ministry of the Interior manages this data, with access restricted to authorized personnel and relevant authorities involved in the procedures. Personal data is collected, stored, and processed in accordance with data protection regulations.

Amendments to the Croatian Law on International and Temporary Protection (22 March 2023) established a new requirement for applicants to undergo verification and identification of their identity and the country or region of origin, including language and dialect analysis with the possibility of using software technologies, with full respect for the principle of human dignity. If it is not possible to determine the identity and country of origin, the applicant shall undergo an examination, which may include a search of objects and data carriers such as computers and other electronic and mobile devices that the applicant carries, for the purpose of establishing their identity and country of origin. That examination shall be carried out by a person of the same sex with full respect for the principles of human dignity and physical and psychological integrity. The examination shall be carried out with the written consent of the applicant, in full respect of the protection of personal data. In case of refusal of consent, it shall be considered that the applicant is not cooperating with the Ministry of Interior.

The Eurodac Regulation (604/2013), Article 9 obliges Member States to promptly take fingerprints of all fingers of every applicant for international protection who is at least 14 years of age. The new Eurodac Regulation (2024/1358), Article 15 obliges Member States to take the biometric data of every applicant for international protection who is at least 6 years of age.

### Documentation

A certificate of registration is issued to the applicant.

## Lodging an application

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### Responsible authority and place

The Service for reception and accommodation of applicants for international protection is responsible for lodging applications for international protection. According to Article 34 of the Law on International and Temporary Protection, applications must be made in person at the Reception Centre, orally for the record, and exceptionally in writing. Applicants are required to submit their application at the Reception Centre as soon as possible and within 15 days of their registration with the Ministry. In exceptional circumstances, applications may be lodged outside the Reception Centre within a reasonable time frame.

### Formal requirements to lodge an application for international protection

During the lodging, the applicant shall submit relevant documents to support his application, but they can do so in any stage of the procedure.

### Documentation

Within 3 days of lodging the application, an applicant’s card is issued.

### Information provision

According to Article 59(1) of the Law on International and Temporary Protection (LITP), necessary information on the procedures, the applicants' rights and obligations, and interpretation are provided from police officers to the applicant in a language that he/she can understand. According to Article 59(2) of the LITP, within 15 days of expressing the intention to apply for international protection, the Ministry must inform the applicant in writing about how the procedure is conducted, their rights and obligations, the possibility to consult with UNHCR and other relevant organizations, and access to free legal aid. Article 59(3) LITP allows for this information to be provided orally, if necessary, particularly if the applicant is illiterate or if justified reasons exist.

## Passport and other documents

### Obligation to surrender original documents

### Requirement to submit original documents

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Under Article 28 of the Law on International and Temporary Protection, the applicant must cooperate with the Ministry by providing all relevant documentation and accurate details about their identity, age, nationality, family, previous residence, prior applications, travel routes, and the reasons for seeking protection. Additionally, Article 63 allows the Ministry to retain an applicant's travel or other identification documents if necessary to establish or verify identity and to safeguard national security or public order. Documents are kept for as long as required, with a receipt issued for their retention.

**Consequence of a refusal to surrender documents**

Information not currently available.

**Return of original documents to the applicant**

Applicants may request their passports back while the international protection procedure is still ongoing. Once the asylum application is processed, all original documents are returned to the applicant.

### Other documents

According to the Act on International and Temporary Protection, Article 63 and the Ordinance on Forms and Databases in the International and Temporary Protection Procedure, Article 4(1) (Official Gazette, No 85/16), the Ministry may retain an applicant's travel or other identification documents if this is necessary to establish or verify identity and to protect national security or public order. A distinction is made between identity/travel documents and original evidence documents. Both are subject to the same provisions but treated in a different way.

### Requirement to read digital data

Article 14 of the Decision on the Promulgation of the Act on Amendments to the Law on International and Temporary Protection (22 March 2023) introduced a requirement for applicants to undergo identity and origin verification, including language and dialect analysis, potentially using software technologies, while upholding human dignity. If identity and origin cannot be determined, applicants may be subject to an examination, including searches of their belongings such as electronic devices. This examination requires the applicant's written consent and strict adherence to data protection. Refusal to consent is considered non-

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cooperation with the Ministry of Interior.

# Guarantees for applicants

### Confidentiality principle

Under Article 5 of the Law on International and Temporary Protection, all personal data collected during the protection procedure is confidential and not disclosed to unauthorized entities, including the applicant's country of origin. Data is only shared in specific situations, and always in accordance with personal data protection regulations.

### Information provision

According to Law on International and Temporary Protection (Section 18) police officers provide foreigners who might wish to express their intention to apply, all necessary information on the procedure for international protection in a language they understand and in which they are able to communicate. The information is provided by leaflet prepared by the Ministry. The Ministry also informs applicants within 15 days of the expression of intention of how the procedure of approval of international protection is conducted, on the rights and obligations they have in that procedure, and the possibility of applying to representatives of the UNHCR and other organisations who work to protect the rights of refugees, and the possibility of receiving free legal assistance.

In practice, all information on procedure as well as House rules, rights and obligations are provided immediately upon arrival to Reception Centre both orally and in writing.

An updated leaflet was prepared by the Croatian Law Centre and UNHCR in cooperation with the Ministry of Interior during 2016. The leaflet contains basic information on the procedure and rights and obligations during the procedure and is available on the Croatian Law Centres' website in Arabic, Croatian, English, Farsi, French, Pashto, Somali, Turkish and Urdu. The info sheets have been displayed at various community rooms and on convenient exchangeable info boards.

In 2017, Audio information for children has been developed by Croatian Law Centre in project funded by Ministry for Demography, Family, Youths and Social

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Policy. Information is prepared on Farsi, Arabic, Pashto, English and Croatian language.

NGOs also provide information on asylum. Some NGOs have issued leaflets and brochures that are also available in the Reception Centre for Asylum Seekers, as well in Reception Centre for Foreigners.

In 2021, the Croatian Law Center was selected in a public tender for financing project on providing legal advice in the procedure of granting international protection, and a decision was adopted on the allocation of financial resources for the project "Legal Advice in the Procedure for Approval of International Protection 2021". The project aims the protection of rights and interests of asylum seekers by the provision of legal advice and information.

In 2020, a new project, “Croatian Asylum Network”, which is financed through the STEP UP Fund, provides capacity-building to NGOs on refugee protection and inclusion, by the Dutch Council for Refugees will build a network of civil society organisations working on asylum and migration. The organisations will launch an online platform to connect all actors providing legal assistance to applicants for international protection and beneficiaries of international protection, allowing for exchange of views on legislation and practice.

Links to information provided in the national context:

**Authority/Agency:** Croatian Law Center in cooperation with the Ministry of the Interior and UNHCR

**Title:** Information for Applicants for International Protection in the Republic of Croatia

**Type:** Leaflet

**Hyperlink:** http://www.hpc.hr/2024/08/30/22230/

### Interpretation

Under Article 14 of the Asylum Law, interpretation services are provided at various stages, including border-crossing points, transit zones, detention facilities, and during the lodging of the asylum application. If the applicant does not understand the language, they will be provided with an interpreter for a language they are assumed to be understood and in which they can

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communicate. There is currently a lack of rare-language interpreters who also speak Croatian. In order to improve communications, international organisations, local NGOs, and the Ministry of Interior have hired additional interpreters to cover certain languages such as Farsi, Urdu, Pashto, Hindi and Dari. In cases where it is necessary because of distance or for some other reason, translation can be done via video-conference tools such as Lync. If possible, an interpreter of the same sex will be provided to the applicant ex officio. The applicant is required to cooperate with the interpreter.

### Legal assistance and representation

Article 59(2) (2) of the Law on International and Temporary Protection mandates that within 15 days of an applicant expressing their intention to seek international protection, the Ministry must inform them in writing about, inter alia, their right to free legal aid.

State-funded legal assistance is not available for the purposes of making, registering and lodging an application for international protection. Under Article 60, free legal aid is available to applicants who lack sufficient financial resources, in the context of administrative appeals.

Free legal aid is provided by the civil society organization Croatian Law Center.

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