First instance determination - Croatia

Overview of first instance procedures

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Relevant EU legislation

Croatia is bound by the recast Asylum Procedures Directive (APD/APR), the recast Reception Conditions Directive and the Dublin III Regulation (AMMR) and has transposed their provisions through the Law on International and Temporary Protection (LITP).

National legislation

The Law on International and Temporary Protection (LITP) provides for the following procedures:

- The regular asylum procedure (Chapter III, Section II);
- Special procedures (Chapter III, Section III):
- The admissibility procedure (Article 43)
- The accelerated procedure (Article 41);
- The border procedure (Article 42);
- The subsequent application procedure (Article 47).

Competent authority and other stakeholders

National authorities:

The International Protection Service | Služba za međunarodnu zaštitu conducts administrative procedures, organizes, directs, and coordinates operational tasks in the field of international and temporary protection; participates in the drafting of legislation in this area and in aligning such legislation with the European Union

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acquis; participates in the work of EU working and expert groups within its area of competence; contributes to the preparation of national positions on EU common policies in its area of competence; participates in procedures related to the implementation of resettlement or humanitarian admission programs for third-country nationals or stateless persons eligible for international protection, as well as in the implementation of other forms of solidarity with EU Member States and third countries. The International Protection Service also participates in the work of the European Union Agency for Asylum; contributes to the drafting of projects for the use of EU funds in this area; cooperates with other organizational units of the Ministry, state authorities, EU bodies, Member States, international and non-governmental organizations in the international protection process, and provides assistance in the integration of persons granted international protection; and performs other supervision and organizational tasks related to all matters concerning international protection.

To carry out the tasks within its remit, the International Protection Service is organized into the following departments:

- Department for the International Protection Procedure | Odjel za postupak međunarodne zaštite
- Department for Integration | Odjel za integraciju
- Department for Information and Documentation Affairs | Odjel za informacijsko-dokumentacijske poslove
- Department for Border Procedure | Odjel za graničnu proceduru

Staff: No information is currently available

Other actors: UNHCR or other organisations dealing with the protection of human rights or the rights of refugees (if the applicant does not oppose) appointed as legal guardians for unaccompanied minors, lawyers or legal representatives.

The cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) is defined in Article 11 of the LITP.

Accordingly, the Ministry and the Administrative Court shall cooperate with the Office of the UNHCR on matters relating to applicants, asylum seekers, aliens under subsidiary protection and aliens under temporary protection.

At the request of the UNHCR Office, the Ministry shall submit data on:

1. applicants, asylum seekers, aliens under subsidiary protection and aliens under temporary protection in the Republic of Croatia;

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2. the application of the 1951 Convention and other international instruments relating to refugees and;
3. laws and other regulations in the field of international protection that are applied or are being drafted.

The Ministry shall, based on the consent of the applicant, provide UNHCR with access to information on the specific request, the course of the procedure and the decision made.

Types of procedures and case processing

The LITP provides for the following procedures:

- The regular asylum procedure (Chapter III, Section II);
- Special procedures (Chapter III, Section III):
- The admissibility procedure (Article 43);
- The accelerated procedure (Article 41);
- The border procedure (Article 42);
- The subsequent application procedure (Article 47).

Applications that may be approved based on the established facts of the situation has priority in decision-making.

Also, applications made by unaccompanied children are prioritised.

Time limit for a decision and length of the procedure

Applicable time limits for taking a decision in the regular asylum procedure:

According to Article 40 of the LITP, a decision on the application shall be issued no later than within 6 months of the day of submission of a duly completed application or a duly completed and admissible subsequent application. The time limit may be extended for a further 9 months in case:

- the application includes complex facts and/or legal issues;
- of mass influx of asylum applicants;
- the applicant, through his/her actions, contrary to the law, causes the time limit to be extended.

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This time limit may be prolonged for an additional 3 months to ensure the complete consideration of the application.
According to Article 40(5), if the deadline is to be extended, the applicant must be informed of the reasons for extension and of the new deadline.

According to Article 40(6), if it is justifiably to be expected that no decision will be rendered on the application within the time limits on account of the temporary unsafe situation in the country of origin, the Ministry shall periodically verify the situation in the country of origin; and inform the applicant and the European Commission within a reasonable time of the reasons for failure to render a decision. In this case, a decision must be rendered no later than 21 months from the day the application is lodged.

According to Article 40(7), the decision cannot, under any circumstances, be made over 21 months after the application was submitted.
The time limit is calculated from the date on which the responsibility is established for Croatia to examine the application.

Time limits for special procedures:

- The admissibility procedure (Article 43) - 15 days from the submission of the application;
- The accelerated procedure (Article 41) - No later than within 2 months from the day the application is lodged if, in conducting the entire procedure it is established that conditions for such procedure exist; if no decision can be made within the prescribed time limit of two months, the application is assessed in a regular procedure and there is no obligation to inform applicants about the reasons for the delay and the date when a decision will be issued;
- The border procedure (Article 42) - The Ministry renders a decision on the application in a procedure at the border crossing or in the transit zone no later than within 28 days from the day the application is lodged. The border procedure is currently not being carried out.
- The subsequent application procedure (Article 47) - The Ministry decides on the admissibility of the subsequent application no later than within 15 days from the day of receiving it. The Ministry renders a decision in an accelerated procedure no later than within 2 months from the day the admissible subsequent application is lodged.

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Measures to enforce the legal time limit for processing an application:
Applicants cannot take measures to enforce adherence to the legal time limit for processing applications.
Penalty payment for exceeding processing time: Applicants cannot claim a penalty payment for exceeding processing time.
Prioritisation policies: Information is not currently available.

Quality assurance of first instance procedures

The UNHCR periodically conducts an analysis of first-instance decisions issued by the Ministry of the Interior of the Republic of Croatia in the international protection procedure. The analysis examines: the structure of the decisions, the timeframes in which the decisions were made, personal data of applicants for international protection, factual descriptions, credibility assessments, legal analysis, information on the situation in the applicant's country of origin, use of international and European standards, content analysis of the decisions, and procedural analysis of the decisions.

After completing the analysis, the UNHCR provides recommendations, which contribute to improving the quality of the decisions made.

Interinstitutional cooperation

Information is not currently available

Regular asylum procedure at first instance

Legal basis

The regular asylum procedure is provided in Chapter III, Section II of the Law on International and Temporary Protection (LITP).

Competent authority and stakeholders

Service for International Protection (SIP) | Služba za međunarodnu zaštitu.

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Personal interview

Article 35 of the LITP provides for the personal interview, which is mandatory for all categories of applicants. The competent authority in this matter is the SIP.

There is no prescribed time limit or fixed number of personal interviews. The LITP states that a Ministry official shall, as soon as possible, initiate the investigation procedure and allow the applicant to present all relevant facts and circumstances important for determining eligibility for international protection.

The LITP does not specify the interview location. In practice, interviews are held at the Reception or Detention Centre. Applicants living at private addresses are invited to the Reception Centre. They must submit translated documents by Ministry-accredited translators or provide certified translations if using others. The Ministry covers translation costs if the applicant lacks financial means.

According to Article 17(8), an unaccompanied minor is obliged to participate in the interview in the presence of a special guardian.

Interviews proceed even if a duly summoned attorney is absent without excuse. If the applicant does not speak Croatian, interpretation is provided in a language they are presumed to understand. If no interview occurs, the applicant or a family member may still submit relevant evidence and statements.

Interpreting services may be conducted via electronic or audiovisual means. If no interpreter is available for a specific language, the Ministry of Interior can request assistance from another EEA Member State, though this option has not yet been used.

Assessment of an application

The assessment of an application is conducted by the Department for International Protection Procedure, which falls under the SIP. The staff is trained on EUAA core modules.

The applicant is obliged to give credible and convincing explanations of the reasons for seeking international protection, present all the available evidence to support the application and reply truthfully to all questions asked. If the

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documents submitted are in their native language, they can discuss their content with the case officer, who will then assess their relevance and translate only those essential to the procedure.

Amendments to the LITP allow the Ministry of the Interior, with the applicant's consent, to arrange a medical examination to assess exposure to persecution or serious harm, with costs covered by the Ministry. If deemed unnecessary, the applicant is informed that they may arrange the examination independently and at their own expense.

Every case worker is responsible for carrying out his/her own COI research depending on the asylum claim's requirements. The appropriate COI, used by the caseworkers, substantiates the assessment of the caseworker, as well as the decision taken by the Head of the Asylum Service.

According to Article 30 of the LITP, international protection shall not be granted to an applicant if there are serious reasons to consider that the person committed, incited or in some other way participated in committing a serious, non-political crime outside of Croatia before arrival in Croatia.

Scope and outcomes of a decision

According to Article 38 of the LITP the Ministry renders a decision on an application, whereby:

1. It approves the application and grants asylum if the applicant meets the conditions under the LITP;
2. It approves the application in the part recognizing subsidiary protection if the applicant meets the conditions under the law;
3. It rejects the application if the applicant does not meet the relevant conditions;
4. It rejects the application if the conditions are met for exclusion (Articles 30 and 31);
5. It rejects the application as manifestly unfounded.

The asylum and return decisions are issued separately.

Article 36 of the Law on International and Temporary Protection provides for the communication of the decision to the applicant.

Withdrawal of an application

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The international protection procedure will be terminated if the applicant withdraws the application, in accordance with Article 39 of the LITP.

Competent authority to withdraw an application

The competent authority in cases of implicit and explicit withdrawals is the Service for International Protection (SIP) | Služba za međunarodnu zaštitu.

Implicit withdrawal

Grounds for implicit withdrawal: Article 39(2)(1), (2) and (3) of the LITP :

1. the applicant fails to appear at the reception centre or avoids lodging an application, and does not justify this within 2 days of the deadline for appearing at the reception centre, or for lodging an application;
2. does not respond to the invitation to the personal interview and does not justify the absence within 2 days of the scheduled interview;
3. leaves the place of residence for more than 2 days without the consent of the reception centre.

Consequences of implicit withdrawal: Article 39(1) of the LITP provides that the procedure is suspended if the applicant withdraws the application. The Ministry issues a relevant decision.

In the case of points 2 and 3 above, the Ministry may reject the application if, on the basis of the facts and circumstances established, it may be assessed that the applicant does not meet the conditions for approval of international protection.

After the implicit withdrawal of the application the applicant may submit a new application (without any time limits) which is handled through the regular procedure and is not considered a subsequent request.

Appeal against a decision to discontinue the examination due to an implicit withdrawal: The Ministry issues an act on the discontinuation of the examination or a discussion on the substance. In the first case, a claim may be brought before the Administrative Court by the applicant within 8 days of the day the decision is served.

Explicit withdrawal

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Grounds for explicit withdrawal: Article 39(2)(4) of the LITP sets the grounds for explicit withdrawal. The applicant may withdraw his/her application at any time during the procedure.

Consequences of explicit withdrawal: Article 39(1) of the LITP provides that the procedure is suspended if the applicant withdraws the application. The Ministry issues a relevant decision. The examination of the application is then discontinued, and any new application will be considered as subsequent.

Appeal against a decision to discontinue the examination due to an explicit withdrawal: Information is not currently available.

Personal interview

Competent authority: Interviewers

The Service for International Protection (SIP), operating within the Directorate for Immigration, Citizenship, and Administrative Affairs of the Ministry of the Interior, is competent for carrying out personal interviews.

Special procedural guarantees during the interview

The personal interview is mandatory for all categories of applicants under the Law on International and Temporary Protection (LITP).

According to Article 17(8) of the LITP, an unaccompanied minor is obliged to participate in the interview in the presence of a special guardian. The whole procedure must be conducted

by an official of the Ministry of the Interior who is trained to work specifically with minors.

Accompanied children are included in the application of a parent or legal representative and therefore are not interviewed. However, under Article 16(3) of the LITP, a child over the age of 16 who is married may independently participate in the international protection procedure.

Possibility to omit the personal interview

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Positive decision	Yes (Article 35(8) LITP).
Previous meeting - essential information	No
Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No
Safe third countries	No
Inconsistent, contradictory, improbable, insufficient representations	No
Subsequent application	Yes (Article 35(8) LITP).
Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No
Applicant unfit or unable to be interviewed	Yes (Article 35(8) LITP). If the applicant is unfit or unable to undergo an interview due to enduring circumstances beyond their control, the personal interview may be waived. The applicant or a family member may submit relevant evidence and provide statements that may be relevant to the decision on their application (Article 35(9) LITP).

According to Article 35(4) of the LITP, the personal interview shall be conducted even in the absence of an attorney who has been duly summoned but has not

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excused their absence.

Organisational aspects

Preparation and timing of the interview: There is no prescribed time limit for conducting personal interviews.

Information provision (before the personal interview): Information is not currently available.

Modalities of carrying out the interview: The location of the interview is not defined by the LITP. In practice, it is conducted at the Reception Centre where the applicant is accommodated or at a Detention Centre. If the applicant resides at a private address, they are invited to attend the interview at the Reception Centre. According to Article 35(10) of the LITP, the interview may also be conducted using audiovisual electronic devices.

Choice of gender of the interviewer/interpreter: According to Article 37(5) of the LITP, if possible, the applicant shall be ex officio ensured that the hearing is conducted by an official of the same gender when this is necessary to ensure a complete explanation of the request or for other justified reasons. In most cases, the interview is conducted by an official of the same gender as the applicant.

Objecting to the interviewer/interpreter: The applicant may express their refusal to cooperate with the official assigned. The Ministry will consider the reasons provided by the applicant and inform them orally, recording its decision.

Language and interpretation: If the applicant does not understand Croatian, a translator/interpreter shall be provided for a language that they may reasonably be presumed to understand and in which they are able to communicate. Applicants are obliged to cooperate with the translator/interpreter, unless it is assessed that such cooperation would negatively affect the full account of the reasons for their application.

The asylum authority has a contractor providing interpretation services. The agreement for consecutive interpretation and text translation services must be renewed every 4 years. According to the agreement, the interpreter is not allowed to disclose any information obtained during the international protection procedure.

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Before interpreting in each special case, the interpreter is obliged to sign a Certificate on maintaining professional secrecy. According to the LITP, the contracted interpreter is required to act in accordance with regulations governing the protection of personal data, especially by not disclosing personal and other information collected during the procedure.

The LITP establishes the conditions that must be met by translators in the international protection procedure. These conditions include:

- An assessment of the knowledge of the Croatian language in writing and speech.
- An assessment of the knowledge of the language for which the interpreter is engaged.
- An assessment of circumstances that would constitute a barrier for employment in the civil service, in accordance with regulations on employment in the civil service (e.g., a certificate of criminal records).
- An assessment of any security hindrances following a basic security check, in line with regulations on security checks.

The interpreter is obliged to submit proof of education and acquired professional qualifications (highest degree, certificates, testimonials, confirmations), as well as proof of knowledge of the foreign language for which they are engaged (sufficient certification or testimonial from the country of origin or other evidence showing the foreign language is their mother tongue). The interpreter must also submit a certificate of their criminal record issued by the competent municipal court. The interpreter must remain neutral and impartial during the proceeding, translating accurately and truthfully. The interpreter with whom the Ministry of the Interior concludes an agreement will be provided with "Instructions for Interpreters" that must be followed.

Where no professional interpreter is available to interpret the personal interview in the applicant's preferred language, the interview may be held in another language that the applicant is reasonably expected to understand, by a non-professional interpreter, by a translator provided by the applicant, using double translation, or by cooperating with other Member States. When necessary, interpretation may also be conducted remotely via video conference, phone, or other means.

Persons present during the interview: The applicant, the case handler, and the interpreter are present during the personal interview.

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The following third parties are allowed to be present:

- Legal representative/guardian of minors;
- A representative of UNHCR or another organisation dealing with the protection of human rights or the rights of refugees (requires the consent of the applicant).

Structure/steps of the interview: Information is not currently available.

Audio/Video recording and written report: According to Article 35(11), (12) and (13) of the LITP, minutes of the hearing shall be drawn up in accordance with the law governing general administrative procedures. The hearing and oral statements made during the interview may be recorded, with the applicant being notified in advance. Recordings or transcripts of recorded hearings and oral statements shall, in addition to the minutes of the hearing, form an integral part of the applicant's file.

During the interview, verbatim minutes are taken. Once the interview is finished, the interpreter translates the minutes to the applicant, who then has the opportunity to make corrections, interventions, or add any additional information if needed. By signing the minutes, the applicant agrees with the content of the transcript.

Postponing the personal interview: The interview may be postponed for justified reasons, such as health issues or other circumstances related to the applicant’s special procedural needs.

Failure to appear: Pursuant to Article 39(2)(2) of the LITP the procedure is terminated and the applicant is considered to have withdrawn the application if they fail to attend the scheduled interview and do not provide a justification for their absence within two days of the scheduled interview.

Other aspects

The LITP does not establish a prescribed number of personal interviews.

Special asylum procedures at first instance

Admissibility procedure

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Legal basis and grounds

Article 43 of the Law on International and Temporary Protection (LITP) provides that an application is deemed inadmissible when:

1. An applicant files a subsequent application;
2. The applicant has been granted international protection in another member state of the European Economic Area;
3. The applicant has been granted international protection in a third country whose rights he/she still enjoys, including the application of direct or indirect non-refoulement, provided that he/she will be received back into that state;
4. It is possible to apply the concept of safe third country;
5. It is possible to apply the concept of European safe third country;
6. The responsibility is established of another member state of the European Economic Area to consider the application;
7. The application was lodged by a national of a member state of the European Union.

Competent authority and other stakeholders

The Service for International Protection (SIP) | Služba za međunarodnu zaštitu.

Procedural aspects

Information is currently not available.

Decision and time limits to decide

The Ministry shall issue a decision rejecting the application if:

1. the applicant has been granted international protection in another Member State of the European Economic Area;
2. the applicant has been granted international protection in a third country and still enjoys that status, including the guarantees arising from Article 6 of this Act, provided that they will be readmitted in that country;
3. it is possible to apply the safe third country concept;
4. it is possible to apply the European safe third country concept;
5. the responsibility of another Member State of the European Economic Area for examining the application has been established;

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6. the application has been submitted by a citizen of a European Union Member State.

A decision rejecting a subsequent application is issued if it is assessed that the application is inadmissible in accordance with Article 47 of the LITP.

Decisions on subsequent applications are taken within 15 days from the submission of the application.

Appeal

Read more on the second instance page of the EUAA Case Law Database.

Impact on reception conditions (restricted for some countries)

Information is not currently available.

Accelerated procedure

Legal basis and grounds

Article 41(1) of the LITP provides that the accelerated procedure applies when:

1. the applicant has presented only facts which were irrelevant for an assessment of the application;
2. the applicant has consciously misled the Ministry by presenting false information or unreliable documents, or by not providing relevant information or by concealing documents which could have had a negative effect on the decision;
3. the applicant in bad faith has probably destroyed documents that establish identity or nationality so as to provide false information about his/her identity and/or nationality;
4. the applicant has presented inconsistent, contradictory, manifestly inaccurate or unconvincing statements contrary to the verified information on the country of origin, rendering his/her application unreliable;
5. a subsequent application is admissible;
6. the applicant has already been living for a long time in the Republic of Croatia and for no justifiable reason failed to express his/her intention to apply for international protection earlier;
7. the applicant expressed the intention to apply for international protection for the clear purpose of postponing or preventing the enforcement of a

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decision which would result in his/her expulsion from the Republic of Croatia;
8. the applicant represents a risk for the national security or public order of the Republic of Croatia;
9. it is possible to apply the concept of safe country of origin;
10. the applicant has refused to give fingerprints.

Competent authority and other stakeholders

The Service for International Protection (SIP) | Služba za međunarodnu zaštitu.

Procedural aspects

The applicant is informed that the application is examined in an expedited procedure.

The provisions of the LITP concerning the accelerated procedure do not apply to applicants requiring special procedural guarantees, particularly victims of torture, rape, or other forms of serious psychological, physical, or sexual violence, if adequate support cannot be ensured. These provisions also do not apply to unaccompanied children, except in cases where a subsequent application is admissible, the applicant poses a threat to national security or public order, or the safe country of origin concept is applicable.

The same provisions of the LITP governing personal interviews in regular procedures also apply to accelerated procedures. Accordingly, an interview in an accelerated procedure is omitted only in specific cases outlined by the LITP, namely when:

A positive decision can be made based on the available evidence;

The applicant is unfit or unable to be interviewed due to enduring circumstances beyond their control; or

The admissibility of a subsequent application is being assessed.

Decision and time limits to decide

A decision is taken no later than within 2 months from the day the application is lodged if, in conducting the entire procedure it is established that conditions for such procedure exist; if no decision can be made within the prescribed time limit of two months, the application is assessed in a regular procedure and there is no obligation to inform applicants about the reasons for the delay and the date when

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a decision will be issued.

Appeal

The Administrative Court is the competent appeal body in accelerated procedures, as in regular ones. According to Article 41 of the LITP, the time limit for lodging an appeal is shorter than the one for regular procedure. In fact, a lawsuit must be filed within eight days of receiving the Ministry of Interior's decision.

According to Article 51(1)(1) LITP, appeals in accelerated procedures do not have automatic suspensive effect. Applicants may request it, in which case the Ministry must forward the case file within eight days of the Court's request, and the Court must decide within eight days of receiving the file. However, according to Article 51(1)(2) LITP, in cases where the applicant has resided in Croatia for an extended period without a justified reason for delaying their asylum application, suspensive effect is not granted and cannot be requested.

Impact on reception conditions

Information is currently not available.

Border procedure

Legal basis and grounds

According to Article 42 of the LITP the procedure for approval of international protection following the expression of intention to apply for international protection or a subsequent application at a border crossing or in the transit zone of an airport, sea port or inland water port shall be undertaken at the border crossing or in the transit zone, where the entire procedure is conducted.

Croatia has not yet carried out procedures at the border within the meaning of Article 42 of the LITP.

Competent authority and other stakeholders

Directorate for Immigration, Citizenship and Administrative Affairs

Procedural aspects

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On the basis of an agreement with the Ministry, organisations working in the field of asylum may provide legal counselling to applicants at border crossings or in transit zones in airports, seaports or inland water ports.

If within the time limit (28 days) no decision is rendered, the applicant is permitted to enter the Republic of Croatia so that the procedure for international protection can be conducted.

In the context of border procedure, no interviews take place via phone or video/teleconference systems.

Decision and time limits to decide

The Ministry renders a decision on the application in a procedure at the border crossing or in the transit zone no later than within 28 days from the day the application is lodged.

Appeal

Although the LITP foresees a border procedure, it is not applied in practice. By law, appeals against decisions in the border procedure have a suspensive effect and are subject to shorter time limits. A lawsuit against a decision made by the Ministry of Interior in the border procedure must be filed with the Administrative Court within five days of receiving the decision. The Ministry must provide the case file to the Court within eight days of its request. The Administrative Court is required to issue a judgment within eight days of receiving the case file.

Impact on reception conditions

Applicants are provided with material reception conditions (accommodation in the Reception Centre, food and clothing provided in kind, remuneration of the cost of public transport for the purpose of the procedure for the approval international protection and financial assistance).

Subsequent application procedure

Legal basis and grounds

Article 47 of the LITP applies when:

- An application for international protection was submitted after a final negative decision;

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- An application was discontinued due to implicit/explicit withdrawal.

Competent authority and other stakeholders

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Procedural aspects

An explanation of the subsequent application is submitted to the Reception Centre directly in writing or orally if the person is illiterate. The subsequent application contains the relevant facts and evidence which arose after the previous decision remained final or which the applicant for justified reasons did not present during the previous procedure.

The admissibility of the subsequent application is assessed on the basis of the facts and evidence it contains, and in conjunction to the previous procedure.

Decision and time limits to decide

A decision on admissibility is issued.

- If admissible, a decision will be rendered on the substance.
- If inadmissible, the subsequent application is dismissed.

The Ministry decides on the admissibility of the subsequent application no later than within 15 days from the day of receiving it. The Ministry renders a decision in an accelerated procedure no later than within 2 months from the day the admissible subsequent application is lodged.

Appeal

Read more on the second instance page of the EUAA Case Law Database.

Impact on reception conditions

No information is currently available.

Last-minute application pending removal

Last-minute applications lodged by first time applicants pending a removal

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In most cases, asylum application is submitted after persons' freedom of movement has been restricted as a measure of carrying out return decision.

Last-minute applications lodged as subsequent applications pending a removal

Same as for first time applicants subject to a removal.

Safe country concept

Safe country of origin

The concept of a safe country of origin is defined in Article 44 LITP. It is applied in practice via an accelerated procedure. The Ministry of Interior adopts a list of safe countries of origin with the prior consent of the Ministry of Foreign and European Affairs.

The list was first adopted in 2 May 2016 by Decision of the Minister of the Interior on the list of safe countries of origin in the international protection procedure (OG 45/2016).

The Ministry issued a decision of refusal to nationals of safe countries of origin and who have left the Reception Centre without registering their new temporary address within the legal time limit if, based on the established facts and circumstances, it is assessed that the conditions for the approval of international protection have not been met (articles 39 and 41 LITP).

National list of safe countries of origin:

1. Albania
2. Algeria
3. Bosnia and Herzegovina
4. Kosovo
5. Montenegro
6. Morocco
7. North Macedonia
8. Serbia
9. Tunisia
10. Türkiye

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According to the LITP, a country is considered to be a safe country of origin when, on the basis of the legal situation, the application of the law and the general political circumstances, it can be shown that there is generally and consistently no persecution or risk of suffering serious harm. These facts are established on the basis of information on:

- The relevant laws and regulations of the country and the manner in which they are applied;
- Observance of the rights and freedoms guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, especially Article 15(2) of the European Convention, the International Covenant for Civil and Political Rights and the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- Respect for the principle of *non-refoulement*; and
- The provision of a system of effective remedies.

Information is collected from various relevant sources, in particular other Member States of the European Economic Area, the EUAA, UNHCR, the Council of Europe and other international organisations.

It is established for each application individually whether the conditions are met for the application of the concept of a safe country of origin. A country included on the list of safe countries of origin may be considered a safe country of origin in a specific case only if the applicant:

1. Has the nationality of that country or had previous residence in that country as a stateless person; and
2. Has not explained in a credible manner why that country of origin cannot be deemed to be a safe country of origin for him/her.

The applicant is informed in good time of the application of the safe country of origin concept in order to allow the applicant to challenge the use of the concept because of the specific nature of his/her personal circumstances.

Safe third country

The concept of a safe third country is defined in Article 45, Law on International and Temporary Protection (LITP). The concept is not applied in practice.

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According to the LITP, a country is considered to be a safe third country when, on the basis of the legal situation, the application of the law and the general political circumstances, it can be shown that there is generally and consistently no persecution or risk of suffering serious harm. A country is considered to be a safe third country if there is the possibility exists of access to an effective procedure of being granted protection, pursuant to the 1951 Convention.

Following the Constitutional Court of the Republic of Croatia, Judgement (U-III-4865/2018, U-III-837/2019 and U-III-926/2019) of 4 March 2021, the safe third country concept is no longer applied to Serbia in practice.

First country of asylum

The concept of a first country of asylum is not defined in the Croatian law.

European safe third country

The concept of an European safe third country is defined in Article 46, Law on International and Temporary Protection (LITP). It is not applied in practice.

Assessment of an application at first instance

Legal provisions relevant for an assessment

Information is currently not available.

Competent authority for the assessment

The Amending and Supplementary Regulation on the Internal Organisation of the Ministry of the Interior (OG No. 90/25) stipulates that the Service for International Protection conducts administrative procedures, organizes, directs, and coordinates operational tasks in the field of international and temporary protection.

The Service for International Protection consists of the following departments:

- Department for the International Protection Procedure,
- Department for Integration,

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- Department for Information and Documentation Affairs,
- Department for Border Procedure

Amendments to the Croatian Law on International and Temporary Protection (LITP, 22 March 2023) established that the Ministry of Interior may, with the consent of the applicant, organize a medical examination in order to determine the exposure to persecution or the risk of suffering serious harm in accordance with the Law on the General Administrative Procedure, and the costs of the medical examination shall be borne by the Ministry of Interior. When the Ministry of Interior assesses that a medical examination is not necessary to determine the exposure to persecution or the risk of suffering serious harm, the applicant shall be informed in writing, or orally on the record if she/he is illiterate, that she/he can organize such an examination on their own initiative and at their own expense.

Required qualifications: Information is not currently available.

Training: The staff is trained on EUAA core modules.

Grounds

Information is currently not available.

Guidelines for case officers

Practical guides and tools from the EUAA and UNHCR are applied, which help to enhance the knowledge and technical skills of asylum experts.

Credibility assessment

The applicant is invited to submit relevant documents to support his application. According to the LITP, the applicant is obliged to give credible and convincing explanations of the reasons for seeking international protection, present all the available evidence to support the application and reply truthfully to all questions asked. According to Article 50, international protection shall be revoked if it is established that the status was recognised on the basis of incorrectly presented or omitted facts, false presentation of important facts and circumstances or the use of unreliable documents or other documents which were decisive for the approval of international protection.

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According to Article 29 of the LITP, the applicant's testimony will be considered credible even without supporting evidence if the following conditions are met:

1. The applicant is generally considered credible;
2. They have made a genuine effort to support their claim with available evidence;
3. They have provided all relevant information, along with a reasonable explanation for any missing elements;
4. Their statements are consistent, convincing, and do not contradict available specific or general information relevant to the case; and
5. They applied for international protection as early as possible or provided a valid justification for any delay.

If an applicant submits a large number of documents in his/her native language, the applicant has the possibility to discuss with the case officer the contents of the documents and explain their relevance. After that, the case officer is free to determine the value of the documents and to translate only those which are important for the procedure.

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

According to Article 29 of the LITP, a claim made by the applicant shall be considered credible in the part where a certain fact or circumstance is not supported by evidence if:

1. The general credibility of the applicant's statement has been established;
2. The applicant has made a genuine effort to substantiate the application with evidence;
3. All relevant elements available to the applicant have been submitted, with a satisfactory explanation provided regarding the absence of other relevant elements;
4. The applicant's statements are found to be consistent and convincing and do not contradict available specific and general information relevant for the decision on the application; and
5. The applicant has applied for international protection as soon as possible or has provided a justified reason for not doing so.

Time limit for submitting evidence during credibility

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During the interview with the applicant for international protection, they are informed that they have a period of 10 days to submit evidence supporting their application, and this information is recorded in the minutes.

COI research

See information on COI units below

Decision and outcomes

The decisions on the application for international protection are notified to the applicant in person in a language he/she understands. If s/he is not to be found, a document is displayed on the notice board of the Reception Centre. It is deemed that this service is executed after 8 days.

Persons with a final negative asylum are issued a decision compelling them to leave the territory of Croatia within 30 days.

Minors and unaccompanied minors:

An application submitted by a minor is included within the application of their legal representative, and the decision is delivered to the legal representative.

In the case of unaccompanied minors, the decision is delivered to the special guardian, who informs the unaccompanied minor accordingly.

COI units

Background information

COI unit:

The COI Unit was established in 2003, and it was part of the international protection procedure Department until end of September 2025. Since 1 October 2025, the Department for Information and Documentation Affairs | Odjel za informacijsko-dokumentacijske poslove has been established as an independent unit within the Service for International Protection, pursuant to the Regulation on the Internal Organization of the Ministry of the Interior, adopted in June 2025.

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Legal basis:

Regulation on the Internal Organization of the Ministry of the Interior, adopted in June 2025 (NN 90/2025), effective as of 1 October 2025

Act on International and Temporary Protection (NN 70/15, 127/17, 33/23, 17/25), adopted in January 2025, effective as of 2 February 2025.

Structure and capacity

Officials within the Service for International Protection are trained in COI research. Currently, pursuant to the Regulation on the Internal Organisation of the Ministry of the Interior, the Department comprises four officials, including the Head of Department, who are responsible for collecting and updating COI. The Head of Department is a member of the EUAA Country Guidance, COI Network, Query portal and COI StratNet meetings.

The main tasks of the Department for Information and Documentation Affairs are to provide COI reports and update them upon request, respond to COI queries, data processing and statistics generation within competence of the Service for International Protection, including assessment and provision of information related to temporary protection.

COI products

COI reports are mostly provided to decision-makers. The requests are usually made in relation to particular cases and include a wide range of information – from general to very specific.

The sources used are EUAA COI reports; European Parliament; European Commission; Ministries of Foreign Affairs; UK Home Office; US Department, Bureau of Democracy, Human Rights, and Labor; embassies; Global Security; The International Crisis Group; UN (Security Council) documents; UN Fact Finding Missions; UNHCR; Human Right Watch; Refworld; Freedom House; Amnesty International; UNICEF; ACCORD, Ecoi.net; Internal Displacement Monitoring Centre (IDMC); The Middle East Research Institute (MERI), etc.

The sources consulted and the final products are in English or a combination of English and Croatian.

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Other aspects of COI units

One COI expert is a member of the EUAA Country Guidance Network, COI Network and COI StratNet. Case workers are informed about updated EUAA Country Guidance.

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