

Detention - Croatia | DIP EUAA

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Overview

Relevant EU legislation

Croatia is bound by the recast Reception Conditions Directive, the recast Asylum Procedures Directive and the Dublin III Regulation and has transposed their provisions through the Law on International and Temporary Protection (LITP) | [Zakon o međunarodnoj i privremenoj zaštiti](#).

National legislation

Croatia transposed the recast Reception Conditions Directive and the recast Asylum Procedures Directive by the Law on International and Temporary Protection (LITP) | [Zakon o međunarodnoj i privremenoj zaštiti](#).

Competent authority and stakeholders

Area	National authority/ stakeholder	Assistance to competent authority
Detention decision	Ministry of the Interior, police administration or police station.	Not applicable
Administration and management of detention facilities	Border Police Directorate/Police	Not applicable
Information provision in detention	Border Police Directorate/Police	Not applicable
Interpretation services in detention	Ministry of the Interior, police administration or police station.	Not applicable
Access to the procedure and provision of asylum information in detention	Border Police Directorate/Police	Not applicable
Detention for the Dublin procedure	Ministry of the Interior, police administration or police station.	Not applicable
Processing of asylum applications of applicants who are in detention	Service for International Protection (Ministry of the Interior)	Not applicable
Legal assistance and representation in detention	Attorneys and organisations approved by the Ministry of the Interior / Private lawyer at the expense of the applicant	Not applicable
Review of detention	Administrative courts	Not applicable

Grounds for detention during the asylum procedure

Grounds for detention in national law

Detention in the context of identification or verification of identity

According to Article 54(2), item 2 of the [LITP](#), applicants may be detained if it is deemed necessary for the purpose of establishing and verifying identity or nationality.

Detention to determine elements on which the application for international protection is based, in particular where there is a risk of absconding

According to Article 54(2), item 1 of the [LITP](#), applicants may be detained if it is deemed necessary for the purpose of establishing the facts and circumstances on which the application for international protection is based, and which cannot be established without restriction of movement, especially if it is assessed that there is a risk of absconding.

Criteria to establish the existence of a risk of absconding are found in Article 54(4) of the [LITP](#), which states that the risk of absconding shall be assessed on the basis of all the facts and circumstances of the specific case, in particular with regard to previous attempts to leave Croatia arbitrarily, refusal to undergo verification and identification determination, concealment or provision of false information on identity or citizenship, violation of the provisions of the house rules of the reception centre, the results of the Eurodac system, and opposition to the transfer.

Detention in the context of a procedure to decide on the applicant's right to enter the territory

Information currently not available.

Detention in the context of a return procedure

According to Article 54(2), item 7 of the [LITP](#), applicants may be detained for the purpose of carrying out the procedure of a forced removal if, based on objective circumstances, it is reasonably assumed that the person applied for international protection during the expulsion procedure, despite having had the opportunity to do so earlier, with the intention of delaying or preventing the execution of the expulsion or return order.

Detention in the context of national security and public order

According to Article 54(2), item 2 of the [LITP](#), applicants may be detained for the purpose of protecting national security or public order.

Detention for the purpose of a Dublin transfer

According to Article 54(3) of the [LITP](#), applicants subject to a Dublin transfer may only be detained to ensure the execution of their transfer to the responsible Member State if it is determined that a risk of absconding exists.

Less coercive measures (alternatives to detention)

In accordance with Article 54(5) of the [LITP](#), four measures are considered alternatives to detention:

- Prohibition of movement outside the reception centre;
- Prohibition of movement outside a specific area;
- Obligation to report in person at the reception centre at a specific time;
- Deposit of travel documents or tickets at the reception centre.

Among these alternatives, the reporting obligation is most frequently used, as its implementation is more practical. Reporting takes place at regular intervals, determined based on the individual assessment of the decision-maker. Typically, applicants for international protection are required to report to the authorities once a day for a period of 30 days. Applicants may be asked to appear in person at the reception centre at a specific time and sign a special list. In case of non-compliance, a new written decision is issued, imposing a stricter measure, such as a prohibition on movement outside the reception centre.

Application for international protection and processing while in detention/impact on the asylum procedure

Information is currently not available.

Procedural safeguards

Information is currently not available.

Access to information and interpretation

The competent authorities responsible for deciding on detention are the Ministry of the Interior, the police administration, or the relevant police station. Any detention decision must clearly state the reasons for the measure and its duration, which must be proportionate to the purpose of the detention.

Legal assistance and representation

Applicants in detention have the right to free legal aid. Legal counselling is provided free of charge only to applicants who lack financial resources or items of significant value that would enable them to maintain an adequate standard of living.

Length of detention

According to Article 54(9) of the [LITP](#), detention may be imposed for a maximum period of 3 months, as long as the reasons remain applicable. Exceptionally for justified reasons, the duration of these measures may be extended for an additional 3 months. Article 54(10) specifies that for a Dublin transfers, detention shall be imposed until the transfer is carried out, but no later than 6 weeks from the determination of the responsible Member State.

If an administrative dispute has been initiated, the 6-week period shall be counted from the enforceability of the decision on dismissal in accordance with Article 43(1), item 5 of the [LITP](#).

Judicial review of detention

Article 54(12) of the [LITP](#) provides that the competent administrative court reviews the legality of the applicant's detention, either upon the applicant's request or ex officio, at regular intervals if the detention exceeds 1 month or if new circumstances arise that may affect the legality of the detention.

Article 54(13) stipulates that if the court rules that the detention is unlawful, the ministry is obligated to release the applicant immediately.

Article 54(12) states that detained applicants may file an appeal before the Administrative Court within 8 days of the decision being delivered. The ministry, the police administration or the police station must submit the case file to the Administrative Court within 8 days of receiving the request for the file from the court. The Administrative Court is required to decide on the claim within 15 days of receiving the case file.

Specific conditions relating to detention

Conditions of detention

Applicants in detention may go outside for at least 2 hours per day. Visits are organised between 9:00 and 16:00 on weekdays, with exceptions for weekends and public holidays. Family members, legal representatives, diplomatic missions, friends and NGOs can visit, with prior written notice given at least 2 days in advance. In urgent and justified cases, a lawyer or proxy of a foreigner may be granted access to the centre with prior telephone notification of at least two hours before arrival. The duration of each visit is up to 1 hour, but it may be extended with authorisation from the police officer in charge.

Applicants may leave the reception centre only with special approval, which is rarely granted. Inside the detention facility, applicants are free to move except in official premises and must adhere to the house rules.

Minors in detention have the right to education, though provision depends on the duration of detention. While no cases have occurred yet, detained children would be provided schooling either within the detention facility or at a nearby school.

Free legal aid is provided to all applicants under the same conditions as other applicants, while legal counselling is offered only to those without sufficient financial resources.

Translation and interpretation services are available free of charge. Additionally, cultural mediators, part of non-governmental agencies, assist in facilitating communication between law enforcement and irregular migrants crossing borders or illegally staying in the country. Cultural mediators are employed by non-governmental organisations to support law enforcement agencies in their interactions with irregular migrants, whether crossing borders (including airports and seaports) or residing illegally, and are also involved in providing assistance within detention facilities.

Emergency healthcare and essential treatment are also provided.

UNHCR has access to the detention centres; however, each visit must be announced in advance.

In accordance with the agreement, Croatian Red Cross employees visit foreigners once a week.

Detention of applicants with special needs

Legislative overview

According to Article 54(7) of the [LITP](#), applicants with special needs may be detained only if it is determined that the detention is suitable for the applicant's personal circumstances and needs, particularly with regard to their health.

There is no separation of families, so if detention is required, the entire family is placed together in the detention facility.