

# LAW ON ASYLUM

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

By this Law are stipulated the principles, conditions and procedure for the recognition of asylum and the approval of temporary protection, as well as status, rights and obligations of asylum-seekers, asylees and aliens under temporary protection, and conditions and the procedure for revocation of the asylee status and cessation of temporary protection of aliens in the Republic of Croatia.

#### Article 2

##### Meaning of terms in this Law

(1) Particular terms used in this Law shall have the following meanings:

«**Alien**» means the person who has no Croatian citizenship (foreign citizen and stateless person).

«**Refugee**» means the person defined in the 1951 Convention on the Status of Refugees and the 1967 Protocol on the Status of Refugees (hereinafter: Geneva Convention and Protocol), i.e., a person not located in the country of his or her origin, who due to a justified fear of persecution by reason of his or her race, religion, nationality, affiliation with a specific social group or political views, cannot or due to that fear does not want to avail himself or herself of the protection of that state, as well as a person without citizenship outside the country of his or her former permanent residence, and who cannot or due to that fear does not want to return to that state.

«**Asylum**» means the refuge which is granted to the refugee in the Republic of Croatia on the basis of the competent body's act which complies with his/her application for asylum due to the reasons mentioned in Art. 4 of this Law.

«**Temporary protection**» means the protection offered to aliens in the Republic of Croatia whom the country of their origin is not prepared or able to protect due to reasons mentioned in this Law, but at most for a term of up to 3 years.

«**Asylum-seeker**» means the alien who has expressed his/her intention for the submission of the asylum application, i.e. the alien who submits the application for asylum.

«**Asylee**» means a refugee who has been granted asylum pursuant to the provisions of this Law.

«**Unaccompanied minor**» is an alien who has not turned eighteen years of age and who is, on entering the Republic of Croatia, not accompanied by parents or legal

guardians, or who has lost his parents or legal guardians after he had entered the Republic of Croatia.

«**Residence**» is the place where the asylee has settled down with the intention to live there.

«**Foreign travel document**» means the passport (personal or family), shared passport, diplomatic passport, official passport, naval book, ship book and other travel documents recognised under international law.

«**Alien travel document**» means the travel documents for refugees, travel document for persons without citizenship, and travel papers for aliens.

«**Country of origin**» means the country of citizenship of the alien or the country in which the person without citizenship had his/her former residence. If a person has more than one citizenship, the country of origin is each one of the countries of citizenship of the alien.

«**Safe third country**» means the country where the alien stayed prior to arrival to the Republic of Croatia, provided that:

1. he/she is safe from persecution or violation of human rights under the reasons stated in Art. 4 of this Law,
2. it complies with the international principles of refugee protection contained in the Geneva Convention and the Protocol,
3. he/she may legally return to that country and seek asylum without fear of expulsion to the country where his or her life, safety, of freedom would be threatened,

(2) The Government of the Republic of Croatia determines the list of the safe third countries from the Paragraph 1, Sub-paragraph 12 of this Article and publishes it in the Official Gazette.

### **Article 3** **Prohibition of Forced Removal or Return**

It is not allowed to forcibly remove or in any way return a refugee to a country where his or her life or freedom would be threatened, because of racial, religious or national affiliation; because of affiliation with a specific social group or political views or to a country where he/she could be submitted to torture, inhuman or humiliating treatment or punishment.

The prohibition of forced removal or return of refugees mentioned in par. 1 of this Article shall not be applied to a person who is legitimately suspected that he/she might represent a threat to the national security or public order in the Republic of Croatia or to a person convicted of a serious felony by a final judgement who represents a threat to society.

#### **Article 4 Right to Asylum**

The Republic of Croatia shall grant asylum to an alien not in the country of his/her origin and who, due to a justified fear of persecution by reason of his or her race, religion, nationality or affiliation with a social group or political views, cannot or due to that fear does not want to avail himself or herself of the protection of that state or to the person without citizenship outside the country of former residence who cannot or due to fear does not want to return to that state.

#### **Article 5 Reasons for Exclusion**

The right to asylum shall not be granted to an alien for whom the data are collected, which indicate that:

- he/she has committed a crime against peace, a war crime or a crime against humanity defined by international documents and their provisions related to such crimes,
- he/she has committed a serious non-political crime outside the Republic of Croatia prior to having arrived to the Republic of Croatia,
- he/she has participated in planning, financing, organizing, or any other way of helping or committing terrorist activities or in providing a refuge for the participants of terrorist activities,
- he/she is guilty for acts contrary to the objectives and principles of the United Nations.

The right to asylum shall not be granted to aliens receiving protection or assistance from the bodies or agencies of the United Nations, except the Office of the High Commissioner of the United Nations for Refugees (hereinafter: UNHCR).

When such protection or assistance from the item 2. of this Article has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons will be granted asylum if they meet conditions from the Article 4. of this Law.

The right to asylum shall not be granted to persons who have been granted the same rights and obligations as citizens of the Republic of Croatia by the competent bodies of the Republic of Croatia.

#### **Article 6 Bodies Competent to Decide on the Application**

The Ministry of Internal Affairs shall decide about the application for asylum in the first step.

The appeal against the Ministry of Internal Affairs' formal decision is allowed to be lodged to the Government Commission of the Republic of Croatia for deciding about the appeals of asylum seekers and asylees. (hereinafter: the Commission).

The administrative dispute against the Commission's decision can be started at the Administrative Court of the Republic of Croatia.

### **Article 7 The Commission**

The Commission has got a president and 8 members appointed by the Government of the Republic of Croatia upon the proposal of the minister of internal affairs, for the 4 - years period.

The president and the members of the Commission are appointed among the jurists, who are employed at the state administration bodies or public services, with at least 5 years of working experience in the profession.

The Commission makes decisions in Councils consisting of 3 members. The Council makes decisions by majority of votes.

The Commission is independent in its work.

Space and technical conditions for the Commission's work are ensured by the Ministry of Internal Affairs.

The Commission carries out the Statute about its work.

### **Article 8 Submitting an Asylum Application**

The application for asylum is submitted by an alien at the Accommodation Centre for Asylum Seekers.

Intention for submitting the application for asylum may be expressed by an alien while performing the border control at the border crossing.

If an alien is already at the territory of the Republic of Croatia, he may express his or her intention to file the application for asylum at every police department or police station.

An alien, who expresses his or her intention to file the application for asylum with another state body, shall be sent to the competent body from the paragraph 1 of this Article.

Expressing the intention to file the application for asylum means any seeking of protection against persecution in the sense of Article 4 of this Law.

### **Article 9 Illegal Entry to the Republic of Croatia**

A refugee who illegally enters the Republic of Croatia, coming directly from a territory where his/her life or freedom was threatened in the sense of the Article 4. of this Law,

shall not be punished for illegal entry or stay if he/she files an application for asylum with the Ministry of Internal Affairs without delay and if he/she presents legitimate reasons for his/her illegal entry or stay.

#### **Article 10**

##### **Assistance to Asylum-Seekers**

The asylum-seeker has to be enabled to submit his/her application for asylum as soon as possible.

The asylum-seeker has to be informed about the procedure for granting asylum and about rights and duties he/she has in the procedure, as well as about the possibility to contact and get the charge-free legal counsel from the UNHCR representatives and the representatives of other organizations dealing with the protection of refugees' rights.

#### **Article 11**

##### **Co-operation with the UNHCR Office**

With respect to the issues related to asylum-seekers or asylees, the competent state authorities co-operate with the UNHCR Office.

The competent state authorities, at the request of the UNHCR Office, shall regularly forward notices and statistical data about the following:

- asylum-seekers and asylees in the Republic of Croatia,
- application of the Geneva Convention and other international documents relating to refugees,
- laws, provisions, and other legal regulations applied or being prepared and related to refugees.

#### **Article 12**

##### **Right to Stay of the Asylum-Seekers**

The asylum-seeker is entitled to stay in the Republic of Croatia until the completion of the procedure initiated by his or her application.

Members of the immediate family of the asylum-seeker, who have arrived to the Republic of Croatia with the asylum-seeker, are entitled to stay in accordance with par. 1 of this Article.

#### **Article 13**

##### **Language in the Procedure**

If the asylum-seeker does not understand the language in which the procedure is conducted, he or she shall be provided an interpreter for the language he/she understands.

#### **Article 14**

#### **Women – Asylum Seekers**

Women - asylum seekers are entitled to request that the procedure for asylum should be conducted by a female person, if possible.

The provision under par. 1 of this Article shall be also applied to the providing of interpreter.

#### **Article 15**

#### **Unaccompanied Minors**

The competent body for social welfare services shall appoint a legal guardian to the unaccompanied minor seeking asylum.

Application for asylum submitted by an unaccompanied minor shall be resolved within the shortest term possible.

The Ministry of Internal Affairs shall conduct the procedure taking into consideration the degree of physical and mental maturity of the minor.

#### **Article 16**

#### **Adults without Business Capacity**

An adult without business capacity seeking asylum has to be awarded a legal guardian prior to the commencement of the procedure.

The legal guardian shall be designated by the competent body for social welfare in accordance with law.

The persons mentioned in par. 1 of this Article are entitled to assistance and basic care in accordance with separate regulations.

#### **Article 17**

#### **General Obligations of Asylum-Seekers**

Asylum-seekers are obliged to comply with the Constitution, laws and other regulations of the Republic of Croatia.

Asylum-seekers are obliged to co-operate with the competent state bodies of the Republic of Croatia and act in accordance with their measures and instructions.

#### **Article 18**

#### **Restrictions of Political Activity**

Asylum-seekers and asylees are not allowed to establish, join, support and act in political and other groups active in or outside the Republic of Croatia, whose programmes and activities are intended to disrupt the free democratic constitutional

order, threaten the existence of the Republic of Croatia, and whose activities are contrary to the principles of international law.

### **Article 19**

#### **Gathering of Personal Data**

The Ministry of Internal Affairs may, for the needs of implementation of this Law, gather personal data from asylum seekers.

The Ministry of Internal Affairs may also, without the agreement of the asylum seeker, gather the data about him/her at the state administration bodies, the bodies of the local and regional government units, legal entities and physical persons:

- if it is the interest of the asylum seeker,
- if it is allowed by Law or other regulation, or
- if it is necessary for checking the data about the alien.

The bodies, entities and persons from par. 2 of this Article, which have at their disposal the data related to the asylum seeker, must give those data at the request of the Ministry of Internal Affairs.

Personal and other data gathered during the asylum procedure shall represent an official secret and shall not be delivered to the country of origin of the asylum-seeker or other bodies not participating in the procedure.

Exceptionally, the following personal data of the asylum-seeker, whose asylum application has been validly denied and who has to be forcibly removed, may be revealed to the country of origin or other state accepting to admit him/her:

- first and last name, date of birth, gender, citizenship, data about family members, data about documents issued by the country of origin and the last address in that country;
- if necessary, finger-prints and photographs.

Gathering and using the data from this Article has to be in accordance with the law regulating the protection of personal data.

## **CHAPTER II**

### **RIGHTS AND OBLIGATIONS OF ASYLUM-SEEKERS AND ASYLEES**

#### ***RIGHTS AND OBLIGATIONS OF ASYLUM-SEEKERS***

### **Article 20**

#### **Rights of Asylum-Seekers**

Asylum-seekers are entitled to:

- stay,
- provision of basic living and accommodation conditions,

- health care,
- elementary education,
- financial support,
- access to courts and right to legal counsel,
- humanitarian aid,
- freedom of religion and religious upbringing of their children.

Rights from the Paragraph 1 of this Article last until the completion of the asylum procedure upon the submitted asylum application.

### **Article 21**

#### **Obligations of Asylum-Seekers**

Asylum-seekers have to:

- answer the calls of the Ministry of Internal Affairs and co-operate throughout the asylum procedure,
- report to the Ministry of Internal Affairs any change of address within 3 days,
- comply with the instructions and measures of the Ministry of Internal Affairs regarding any restriction of the freedom of movement,
- undergo identity verification measures,
- not leave the Republic of Croatia for the duration of the asylum procedure.

In the case of not-respecting the provision of the Paragraph 1 of this Article, the right to financial support from the Article 20 of this Law can be limited or revoked for the asylum seeker.

### **Article 22**

#### **Reception Centre for Asylum-Seekers**

The aliens, who are passing the procedure for the recognition of asylum, are accommodated at the Reception Centre for Asylum Seekers (hereinafter: Reception Centre).

Organization of the Reception Centre is arranged by the Decree on Internal Organization of the Ministry of Internal Affairs.

At the Reception Centre, the Croatian Red Cross, the Croatian CARITAS, UNHCR and other organizations, dealing with the protection of refugees` rights, may conduct pedagogical, educational and similar programmes and offer charge-free legal counsel, with the previous permission of the Ministry of Internal Affairs.

Asylum-seekers accommodated in the Reception Centre are provided basic living conditions, including:

- accommodation,
- food,
- financial support,
- health care,
- aid in basic hygienic essentials.



Asylum-seekers may receive different forms of humanitarian aid.

Asylum-seekers in possession of basic financial means or whose living expenses are covered on some other grounds are not entitled to financial support.

The rules for staying at the Reception Centre are regulated by house rules.

### **Article 23 Scope of Health Care**

Asylum-seekers shall be entitled to health care.

The scope of health care services shall be determined in accordance with the regulations on health care of aliens.

Children -asylum-seekers shall enjoy full health care, the same as Croatian citizens.

## ***RIGHTS AND OBLIGATIONS OF ASYLEES***

### **Article 24 Rights of the Asylee**

The asylee shall be entitled to:

- sojourn,
- accommodation,
- work,
- health care,
- education,
- freedom of religion and religious upbringing of children,
- immediate-family reunions,
- right of access to courts and right to legal counsel,
- financial support, and
- assistance in inclusion into social life.

### **Article 25 Obligations of the Asylee**

The asylee shall be obliged to:

- comply with the Constitution, laws and other regulations of the Republic of Croatia ,
- report to the Ministry of Internal Affairs about the residence and change of address within 8 days.

**Article 26  
Right to Sojourn**

For the purposes of this Law, the right to sojourn in the Republic of Croatia shall be established by a legally valid decision by which the asylum-seeker is granted asylum, and it shall be valid until the definitiveness of the decision on the revocation of the asylee status.

**Article 27  
Right to Accommodation**

Asylees shall be provided accommodation according to the abilities of the Republic of Croatia, and for the longest period of 6 months from the legal validity of the decision by which the asylum seeker is granted asylum.

The right to accommodation shall be lost if the asylee refuses the awarded accommodation.

**Article 28  
Right to Work**

Asylees and members of their immediate family have the right to work, in accordance with the regulations about employment of aliens in the Republic of Croatia.

**Article 29  
Right to Health Care**

Asylees shall be entitled to health care in accordance with the regulations on health care of aliens in the Republic of Croatia.

**Article 30  
Right to Education**

The asylee shall be entitled to elementary, secondary and university education, under the same conditions as a Croatian citizen.

**Article 31  
Right to Freedom of Religion and Religious Upbringing of Children**

Asylees shall be guaranteed freedom of religion and freedom of religious upbringing of their children.

**Article 32  
Right to Family Reunion**

An asylee staying in the Republic of Croatia shall be granted the right to reunite with the members of his / her immediate family.

For the purposes of this Law, members of the immediate family of the asylee are:

- a spouse,

- children under age, who do not have families of their own, and
- parents or the guardian of the asylee under age.

The status of aliens mentioned in Paragraph 2, items 1 and 3 of the above, shall be resolved in accordance with the regulations on the legal positions of aliens, while the persons mentioned under Paragraph 2, item 2 of the above, shall share the legal position of their parents or the guardian, to whom the asylee status has been granted.

The right to a family reunion shall be granted to the alien mentioned under Paragraph 2, item 1 of the above, only if the marriage was concluded prior to his or her arrival to the Republic of Croatia.

### **Article 33**

#### **Right to Access to Courts and Right to Legal Aid**

Asylees and their immediate family members shall have right to access to courts and right to legal aid.

### **Article 34**

#### **Right to Financial Support**

The asylee who does not earn, who does not possess any property, and who does not have anybody obliged and capable of supporting him/her, shall be entitled to financial support, in accordance with the regulations on social care.

The asylee, who refuses to accept an offered job, shall lose the right to financial support.

### **Article 35**

#### **Rights of Members of the Asylee's Immediate Family**

The rights mentioned in Article 24 of this Law shall be also enjoyed by the members of the asylee's immediate family living with the asylee in the Republic of Croatia.

### **Article 36**

#### **Assistance in Inclusion into Society**

The Republic of Croatia, according to its abilities, shall procure conditions for the inclusion of an asylee to the cultural, economic and social life.

Special attention shall be paid to:

- organisation of Croatian language courses,
- organisation of courses, seminars and other forms of education and professional training,
- providing information about Croatian history, culture and state organisation.

**CHAPTER III****ASYLUM RECOGNITION PROCEDURE****Article 37****Application of the Law on General Administrative Procedure**

The provisions of the Law on General Administrative Procedure, unless stipulated otherwise hereby, shall be applied in the asylum recognition procedure.

**Article 38****Uniformity of the Procedure**

The alien who submits the asylum application cannot submit the application for the issuance of the residence permit in accordance with the regulations on the status of aliens.

**Article 39****Accommodation of the Asylum-Seeker**

The alien who has submitted the asylum application shall be accommodated at the Reception Centre for the duration of the procedure.

If the asylum-seeker has got his/her own means of support or his/her accommodation and care have been provided in some other way, the Ministry of Internal Affairs, after seven days of stay at the Reception Centre, shall determine that the asylum-seeker stays outside the Centre.

Accommodation services for the asylum seeker may be performed by legal entities and physical persons, under the conditions and in the manner determined by the minister of social care with the consent of the minister of internal affairs.

**Article 40****Restriction of Movement**

The movement of the asylum-seeker may be restricted by reason of:

- mentioned in Article 5, Paragraph 1, item 3,
- determining his or her identity,
- preventing the spread of infectious diseases, or
- violation of law and other regulations, and measures taken in order to maintain the public order.

The movement may be restricted by:

- the prohibition to move outside the Reception Centre,
- the prohibition to move outside the specified area, or
- the prohibition to leave a specified address.

The movement shall be restricted for a period of up to 3 months, and in particularly justified circumstances it may be extended for another month.

Exceptionally from the Paragraph 3 of this Article, the restriction of movement for the reasons mentioned in Paragraph 1, item 3 of this Article is valid as long as reasons for the restriction exist.

The Ministry of Internal Affairs determines the restriction of movement by a formal decision.

The asylum seeker may submit an appeal against the above formal decision of the Ministry of Internal Affairs to the Commission within 8 days.

The appeal does not postpone the enforcement of the formal decision.

The Commission is obliged to decide about the appeal within 8 days.

#### **Article 41 Dismissal of the Application**

The asylum application shall be dismissed in a conclusion if:

- the asylum-seeker is coming from a safe third country, in the sense of Article 2 of this Law,
- the asylum application of the asylum-seeker in the Republic of Croatia has already been rejected, dismissed or the procedure has been suspended, and he or she has not submitted the evidence that the circumstances on which he or she had based his or her previous application have substantially changed in the meantime.

The asylum-seeker may lodge the appeal against the conclusion on dismissal of the application to the Commission within 8 days.

The Commission decides on the appeal within 30 days from the day of lodging the appeal.

#### **Article 42 Rejection of the Application**

The asylum application shall be rejected:

- if the asylum-seeker does not fulfil the conditions for recognition of asylum pursuant to Article 4 of the above;
- if any of the reasons from Article 5 of the above exist;
- if the application is obviously unfounded,
- if the asylum-seeker has also the citizenship of a third country whose protection he or she has not requested.

Against the decision on rejection of the application as obviously unfounded, the asylum seeker may lodge the appeal to the Commission within 8 days.

The Commission decides on the appeal from paragraph 2 of this Article within 30 days from the day of lodging the appeal.

### **Article 43** **Obviously Unfounded Application**

An application is obviously unfounded if:

- it obviously lacks credibility, i.e. the statement of an asylum-seeker is contradictory and inconsistent,
- it lacks content, i.e. the asylum-seeker gives no indications that he/she would be subject to fear of persecution, as in Art. 4 of the above,
- the asylum-seeker has arrived to the Republic of Croatia for economic reasons exclusively,
- the asylum-seeker might have been given efficient protection in another part of his/her own country,
- for general political circumstances, legal situation or implementation of laws in the country of origin, it may be generally considered that there may not be a founded fear of persecution,
- the asylum seeker`s application for recognition of asylum was prior rejected in another country that implements the Geneva Convention stipulations, while the circumstances whereupon his/her application is founded have not changed,
- it is based on intentional fraud or misuse of asylum procedure.

### **Article 44** **Fraud and Misuse of the Procedure**

Fraud and misuse of the procedure shall be considered a case when the asylum-seeker:

- bases his or her application on false identity or forged or falsified documents, unless he/she states justified reasons for doing so;
- bases his/her application on false reasons;
- deliberately destroys his/her passport, travel ticket or other document which might be applied in the adoption of a decision on the asylum application, unless he/she states justified reasons for doing so;
- conceals the fact that he/she had earlier submitted an asylum application in another country, in particular if using a false identity;
- submits the application with the obvious intention of postponing the forced removal pursuant to the decision of the Ministry of Internal Affairs. .

### **Article 45** **Suspension of the Procedure**

The asylum recognition procedure is suspended regardless of its phase if:

- the asylum-seeker withdraws the asylum application;
- despite the notification of the Ministry of Internal Affairs, the asylum-seeker does not appear at the interview without a justified reason;
- the asylum seeker does not inform on time the Ministry of Internal Affairs about the change of his or her address without a justified reason, or in some other way prevents the service of the notification;
- the asylum-seeker does not participate in the verification of his or her identity;

- the asylum seeker avoids to provide the information about facts and circumstances, or to enclose evidence in his or her possession relevant for determining the legitimacy of the application, or
- the asylum seeker leaves the Republic of Croatia during the procedure.

#### **Article 46**

#### **Participation of Other Persons in the Asylum Procedure**

The procedure for the recognition of asylum is closed to the public.

The following persons have to participate in the asylum recognition procedure:

- legal representative or guardian of an unaccompanied minor,
- guardian of an adult without business capacity.

Exceptionally from the Paragraph 1 of this Article, if the asylum seeker does not object, an UNHCR representative may also participate in the first-instance procedure, as well may the other organizations dealing with refugees` rights protection.

#### **Article 47**

#### **Procedure before the Administrative Court**

The submission of the complaint or the procedure before the Administrative Court is governed by the provisions of the law regulating administrative disputes.

#### **Article 48**

#### **Revocation of Asylum**

The Ministry of Internal Affairs shall revoke the status to the asylee by a formal decision if:

1. he/she voluntarily avails himself/herself under the protection of the country of origin or some other country of his/her former residence;
2. he/she acquires the citizenship and enjoys the protection of the country of acquired citizenship;
3. the circumstances which led to his / her acquisition of the asylee status no longer exist.
4. it is subsequently discovered that he/she acquired the status by presenting false material facts and circumstances, or that he/she has also other citizenship, or that the provisions of Article 5 hereof should have been applied had the decisive facts been known;
5. he/she violates the prohibition from Article 18 hereof;
6. he/she has moved out of the Republic of Croatia with a written statement about moving out, or if he/she is staying outside the Republic of Croatia for more than 90 days without having informed the Ministry of Internal Affairs thereof.
7. the safety measure of expulsion has been pronounced to him/her.

In the events from item 3 Paragraph 1 of this Article, the asylee shall retain his/her status if he/she provides the evidence on his/her well-founded fear of persecution.

**Article 49  
Forced Removal**

The asylum-seeker whose asylum application has been rejected or dismissed, or the procedure has been suspended, and who is illegally sojourning in the territory of the Republic of Croatia shall be forcibly removed in accordance with the provisions of the law regulating the movement and sojourn of aliens.

**CHAPTER IV**

**CERTIFICATES AND DOCUMENTS**

**Article 50  
Issuance of Certificates, Documents and Visas**

The Ministry of Internal Affairs shall issue to asylum-seekers:

- the certificate of submission of the asylum application, and
- the identity card for asylum-seeker.

The Ministry of Internal Affairs shall issue to asylees:

- the travel document for asylees at their request
- the personal identity card for asylees, and
- the visa at their request.

**Article 51  
Temporary Retention of Foreign Documents**

The Ministry of Internal Affairs may retain a foreign travel document or other identification document of the asylum seeker and the asylee upon the issuance of the certificates and documents listed in Article 50, Paragraph 1 and 2, if so required by the reasons of protection of national security or public order.

The above listed documents may be retained:

- until the termination of the asylee status,
- as long as the reasons for their retention exist.

A certificate shall be issued about the temporary retention of foreign documents.

**Article 52  
Identity Card for Asylum-Seeker**

The identity card for asylum-seeker shall serve as evidence of having submitted the asylum application and of residence permit in the Republic of Croatia until the completion of the procedure.



The identity card for asylum-seeker shall be also issued to members of the asylum-seeker's immediate family in accordance with Article 12, Paragraph 2 hereof.

**Article 53**  
**Travel Document for Asylee**

The asylee shall be issued the asylee travel document at his/her own request.

The asylee travel document is issued for the period of 2 years.

The application for the issuance of the asylee travel document shall be submitted by a legal representative or a guardian on behalf of persons under 18 years of age, or persons who are partially or fully deprived of business capacity.

The minor shall be entitled to the personal asylee travel document, but may also be entered in the travel document of his / her legal representative or guardian until he/she turns 15 years of age.

**Article 54**  
**Personal Identity Card for Asylee**

The asylee personal identity card is issued for the period of 5 years.

**Article 55**  
**Return of the Identity Card**

The identity card for asylum-seeker, the asylee travel document and the asylee personal identity card have to be returned to the Ministry of Internal Affairs upon completion of the procedure, or upon the revocation of the asylee status or in the case of replacement.

In the procedure of return, replacement, lost, disappearance or theft of the documents from Paragraph 1 of this Article, the provisions of the law regulating the movement and sojourn of aliens are applied.

**CHAPTER V**

**TEMPORARY PROTECTION**

**Article 56**  
**Granting of temporary protection**

Temporary protection shall be granted to aliens who massively arrive in the Republic of Croatia from the country in which, due to a war or a war-like situation, general violence or internal conflicts, the violation of human rights occurred, if the country of their origin is not able to protect them.

Aliens from the Paragraph 1 of this Article, who are citizens of the country which they have fled from or who are without citizenship, shall be granted temporary protection under the condition that they:

- before the occurrence of the situation from the Paragraph 1 of this Article, had a temporary or permanent residence in that country, and that, for such a situation, had come directly to the Republic of Croatia,
- sojourned legally in the Republic of Croatia at the time of occurrence of such a situation, and upon the expiry of the legal sojourn their return to the country of origin is temporarily not possible.

Assessment of the situation on the needs of granting international protection to the persons from the Paragraph 1 of this Article is made by the Government of the Republic of Croatia.

Taking into consideration the economic and other possibilities of the Republic of Croatia, and the reasons of national security, public law and order, etc., the Government of the Republic of Croatia may determine the number of persons who shall be given temporary protection and the conditions for which that number may be exceeded.

#### **Article 57**

#### **Competence for Approval and Duration of Temporary Protection**

The Ministry of Internal Affairs shall grant temporary protection for a period of 6 months.

Temporary protection may be extended for a period of 6 months if the justified reasons for its granting exist, but at most for a period of up to 3 years.

#### **Article 58**

#### **Reasons for Denying of Temporary Protection**

Temporary protection shall not be granted to an alien if:

- the reasons mentioned in Article 56 of this Laws do not exist,
- the reasons mentioned in Articles 5 and 18 of this Law do exist,
- he/she has committed a felony in the Republic of Croatia for which he/she has been punished by a prison sentence in the duration of at least 5 years, and which has still not been deleted from criminal records,
- he/she has the status of asylee or status recognised by the provisions of the law regulating the movement and sojourn of aliens,
- he/she enjoys international protection, or has citizenship, or regulated stay in a third country.

#### **Article 59**

#### **Termination of Temporary Protection**

Temporary protection of an alien terminates:

- by the expiration of the set term,

- when the reasons for temporary protection no longer exist,
- when the alien leaves the Republic of Croatia,
- if the alien has been granted protection pursuant to some other law or an international treaty,
- if the alien enjoys international protection, or has regulated sojourn in a third country.
- if the alien has been pronounced the safety or protective measure of expulsion.

### **Article 60**

#### **Rights and Obligations of Aliens under Temporary Protection**

The alien who has been granted temporary protection in the Republic of Croatia is entitled to:

- sojourn,
- basic living conditions and accommodation,
- health care,
- primary and secondary education,
- legal counsel,
- freedom of religion.

The obligations stipulated by Article 25 of this Law shall be applied also to aliens who have been granted temporary protection.

### **Article 61**

#### **Right to Family Reunion**

By way of an exception, besides the rights stated by the Art.60 hereof, an alien under temporary protection shall be granted the right to a family reunion if that right may be realised solely in the territory of the Republic of Croatia.

Right to family reunion is also granted to a child under age who has not conceived his/her own family and to a spouse of the alien who has been granted temporary protection.

Temporary protection shall be extended also to members of the families being reunited.

### **Article 62**

#### **Accommodation of Aliens under Temporary Protection**

Aliens granted temporary protection shall be provided accommodation, in accordance with the possibilities of the Republic of Croatia.

### **Article 63**

#### **Identity Card of an Alien under Temporary Protection**

The alien granted temporary protection shall be issued identity card.

**Article 64**  
**Adequate Application of Regulations**

The stipulations hereof referring to asylees shall, adequately, be applied to the aliens under temporary protection.

**Article 65**  
**Limitation of Use of Rights**

The alien, who applies for asylum while duration of the temporary protection, may not use the rights of an asylum-seeker for the duration of the temporary protection.

**CHAPTER VI**

**RECORDS**

**Article 66**

Records shall be kept about asylum-seekers, asylees, aliens under temporary protection, travel documents of asylees, identity cards of asylum-seekers, personal identity cards of asylees and identity cards of persons under temporary protection, visas and temporary retained travel and other documents.

The records under Paragraph 1 of the above shall be kept by the Ministry of Internal Affairs.

**CHAPTER VII**

**COMPETENCE FOR PASSING REGULATIONS**

**Article 67**

The Government of the Republic of Croatia shall appoint a president and members of the Commission from Article 7 hereof within 30 days from the effective date of this Law.

**Article 68**

The minister of internal affairs shall pass regulations on:

- the manner of keeping records from Article 66 hereof,
- the forms and the contents of identity cards for asylum seekers, asylees and persons under temporary protection, travel documents for asylees and asylum applications,
- the manner of keeping special records on taken finger prints and photographs of asylum-seekers and persons under temporary protection.

**Article 69**

The minister of internal affairs, at the proposal of the minister of social care, shall pass the regulations about the accommodation of asylum seekers, asylees and persons under temporary protection.

**Article 70**

The minister in charge of social care shall pass the regulations about the amount of financial support to asylum-seekers, asylees and persons under temporary protection.

**Article 71**

Regulations from Articles 68, 69 and 70 of this Law will be passed by the competent ministers within 60 days from the effective date of this Law.

**CHAPTER VIII****TRANSITIONAL AND FINAL PROVISIONS****Article 72**

By entering into force of this Law, the provisions of Articles 22 and 59, in the part related to the status of refugees, 31, 32, 33, 34, 35, 36, 37, 38, 43, 48, 72, Paragraph 1, and Article 73 of the Law on Movement and Sojourn of Aliens (Official Gazette Nos. 53/91, 22/92, 26/93 and 29/94) shall cease to apply.

The procedures initiated according to the provisions of the Law on Movement and Sojourn of Aliens, before the date of enforcement of this Law, shall be finished according to the provisions of the Law on Movement and Sojourn of Aliens.

The aliens who have acquired the refugee status according to the Law on Movement and Sojourn of Aliens shall acquire the asylee status on the effective date hereof in accordance with the provisions hereof.

**Article 73**

This Law shall enter into force on July 1<sup>st</sup> 2004.