

## **THE PARLIAMENT OF CROATIA**

Pursuant to Article 88 of the Constitution of the Republic of Croatia I adopt this

### **DECISION concerning the promulgation of the Law concerning Foreigners**

I promulgate the Law concerning Foreigners that was passed by the Croatian Parliament in session on July 2 2003

No 01-081-03-2443/2  
Zagreb, July 3 2003

President  
Republic of Croatia  
**Stjepan Mesic**

## **THE LAW CONCERNING FOREIGNERS**

### 1. GENERAL PROVISIONS

#### Article 1

This law shall govern the conditions and manner of entering, the movements and sojourn and the employment of foreigners in the Republic of Croatia.

#### Article 2

In the meaning of this Law, the word foreigner implies anyone who is not a Croatian citizen.

A foreigner who has two or more nationalities shall be considered a citizen of the country that issued the passport with which the person entered the Republic of Croatia.

#### Article 3

A foreigner may enter the Republic of Croatia, and stay in the territory of the Republic of Croatia, with a valid travel document, in which a visa or a residence permit has been entered, unless otherwise determined by this law or international treaty.

Foreigners whom the Republic of Croatia is bound to accept pursuant to an international treaty may be permitted to enter without a valid travel document.

#### Article 4

A foreigner who is entered into the travel document of another person may enter the Republic of Croatia and leave the Republic of Croatia only together with the person into whose travel document the person is entered.

Foreigners who have a joint passport can enter the Republic of Croatia only together, and persons who are entered into a joint passport must have a document with a

photograph pursuant to which their identity can be determined. The leader of the group must have a personal travel document.

#### Article 5

A foreigner can be forbidden to move in or restricted in his [henceforth: his etc., includes her etc/.] movements in a given area for reasons of the protection of law and order, national security and public health.

A security check on a foreigner for the purpose of determining reasons of national security shall be carried out by the competent security service.

#### Article 6

A foreigner is bound, during the time of his movement and sojourn in the Republic of Croatia, to abide by the regulations and decisions of governmental bodies.

#### Article 7

Foreigners shall be forbidden to found political parties.

Foreigners may found civil associations in line with separate regulations.

A foreigner may purchase, keep and bear arms and ammunition according to the rules that govern the purchase, keeping and bearing of arms.

A foreigner can move in his own military, customs or police uniform under conditions prescribed in this Law.

#### Article 8

Unless otherwise prescribed by the provisions of this Law, the provisions and principles of the Law concerning General Administrative Procedure shall be applied to procedural matters.

## II. TRAVEL DOCUMENTS

#### Article 9

Travel documents in the sense of this Law are a foreign travel document and a travel document for a foreigner.

The following are considered foreign travel documents: a passport (personal or family), a joint passport, a diplomatic passport, an official passport, a sailor's booklet, a shipping booklet and any other travel document recognised in an international treaty.

A travel document for foreigners is a travel document for refugees, a travel document for stateless persons and a travel paper for a foreigner.

#### Article 10

A travel document for a foreigner is issued to a person who has had his 16<sup>th</sup> birthday.

A person who is younger than 16 shall be written into the travel document of one of his parents.

Exceptionally, if there are good reasons for it, a travel document for a foreigner can be issued to a person younger than 16 years old.

## Article 11

A travel document for a foreigner shall be issued by a police administration or a police station of the Interior Ministry (below: a competent body) according to the place in which the foreigner has his temporary residence or permanent residence.

A travel document for a foreigner can be issued, apart from a competent body, by a diplomatic mission or consular office of the Republic of Croatia.

A travel document for a foreigner shall be issued with a period of validity of up to one year.

The period of validity of a travel document for a stateless person can be extended for at the most up to a time of five years.

## Article 12

A travel paper for a foreigner is issued to a foreigner who does not have a valid travel document in the event that he:

1. whose Croatian citizenship has lapsed – for leaving for a foreign country;
2. has lost his travel document, or is without one in some other way, and the state of which he is a citizen does not have a diplomatic or consular mission in the Republic of Croatia and its interests are not represented by some other state, for leaving for a foreign country;
3. has lost, abroad, his travel document for a foreigner issued by a competent body or a diplomatic mission or consular office of the Republic of Croatia abroad – in order to return to the Republic of Croatia.

A travel document for a foreigner can be issued to some other foreigner too if there are good reasons for this.

## Article 13

A travel paper for a foreigner shall be issued:

1. in cases as defined by Article 12 Paragraph 1 Items 1 and 2 of this Law – by a competent body;
2. in cases as defined by Article 12 Paragraph 1 Item 3 of this Law – by a diplomatic mission or consular office of the Republic of Croatia with the consent of the Interior Ministry (below: the Ministry);
3. in cases as defined by Article 12, Paragraph 2 of this Law by a competent body or by a diplomatic or consular mission of the Republic of Croatia, with the prior consent of the Ministry.

## Article 14

A travel paper for a foreigner shall not be issued:

1. to a foreigner against whom some felony or misdemeanour proceedings are being conducted without the consent of the governmental [state] body that is handling the proceedings,
2. to a foreigner who has been sentenced to a term of imprisonment or a fine, until he has served the term of imprisonment or paid the fine;
3. at the request of the court of jurisdiction, a foreigner who has not settled his property law obligations for which there is a writ of execution;
4. if this is required by reasons of the protection of public policy, national security and

public health.

An appeal against a ruling denying an application for the issue of a travel paper for a foreigner shall not delay the execution of the ruling.

When a competent body determines the existence of one of the reasons stated in Paragraph 1 of this Article, it shall confiscate the travel document of the foreigner for the time during which the reasons exist.

In the case of an event as defined in Paragraph 3 of this Article the competent body shall issue a receipt concerning the confiscation of the travel document for a foreigner.

### III. VISAS

#### Article 15

A visa is permission for entry into, stay in, or transit over the territory of the Republic of Croatia.

The Government of the Republic of Croatia shall prescribe the visa system of the Republic of Croatia.

A foreigner shall be bound to obtain a visa before coming to the Republic of Croatia.

A foreigner may not work in the Republic of Croatia pursuant to a visa.

A visa shall be issued by a diplomatic mission or a consular office of the Republic of Croatia.

Before issuing a visa, a diplomatic mission or a consular office is bound, in cases determined by the sub-law provisions, to seek the prior consent of the Ministry.

#### Article 16

A visa shall be issued to a foreigner who has a valid travel document.

A visa shall be issued for a period that is shorter than the period of the validity of the travel document.

#### Article 17

These are the kinds of visas:

- travel
- transit
- aircraft transit
- group
- diplomatic visas
- official visas.

#### Article 18

A travel visa is issued for one or more entries into the Republic of Croatia.

A travel visa is issued for tourist, business, personal or other kinds of visit.

A travel visa is issued with a period of validity of up to one year.

The total sojourn, or the total length of successive sojourns of a foreigner with a travel visa in the Republic of Croatia, may not be longer than 90 days in a period of time of six months, counting from the day of first entry.

A travel visa shall be issued by a diplomatic mission or a consular office of the Republic of Croatia with the previously obtained consent of the Ministry.

A travel visa with a period of validity of longer than one year may be issued, on condition of reciprocity, to the staff of a diplomatic or consular mission of a foreign country in the Republic of Croatia.

Exceptionally, if humanitarian, serious professional or personal reasons require it, a travel visa for one entry and a sojourn of up to 15 days may be issued by the body competent for control of the crossing of the state border.

#### Article 19

A transit visa shall be issued to a foreigner for one, two or, exceptionally, more journeys across the Republic of Croatia.

A transit visa shall be issued with a period of validity of up to 6 months.

During each journey pursuant to a transit visa, a foreigner may sojourn in the Republic of Croatia for at the longest five days.

A transit visa may be issued to a foreigner who can prove that he has a guaranteed entry into the state to which he is travelling.

Exceptionally, a transit visa for one transit may exceptionally be issued by the body competent for control of crossings of the state border if this is required by humanitarian, serious professional or personal reasons.

#### Article 20

Foreigners who during the time they are in transit in an airport in the Republic of Croatia do not leave the airplane transit area or the plane do not need a visa.

Exceptionally, the government of Republic of Croatia may determine that for the reasons defined in Article 5 of this Law, the citizens of certain states or travellers on certain routes need to have an aircraft transit visa.

A foreigner can be issued an aircraft transit visa for one or several crossings through the international transit area of an airport, pursuant to which a foreigner may stay in the Republic of Croatia for at the most 24 hours.

#### Article 21

A group visa shall be issued for a group of from 5 to 50 persons for one entry or transit over the Republic of Croatia.

Exceptionally to Paragraph 1 of this Article, a group visa may be issued to a group with a larger number of persons if it is a matter of organised tourist groups that come to the Republic of Croatia pursuant to international treaties that have been made.

It shall be possible to sojourn in the Republic of Croatia for at most 30 days pursuant to a group visa for one entry.

Exceptionally, a group visa may be issued by a body competent for control of crossings of the state border, if this is in the interests of the Republic of Croatia.

#### Article 22

The procedure for and manner of issuing a diplomatic or official visa shall be determined by a sub-law /byelaw/ regulation.

#### Article 23

A visa shall not be extended.

Exceptionally, a travel visa may be extended for reasons of force majeure, humanitarian, serious personal or serious professional reasons within the period defined in accordance with Article 18 Paragraph 4 of this Law.

An application for the extension of a visa shall be submitted to the competent body, and the Ministry shall decide on an application.

#### Article 24

A visa shall not be issued:

1. if there are reasons as defined in Article 29 of this Law,
2. if at the call [summons] of the embassy or the consulate the foreigner does not appear in person.

Exceptionally to Paragraph 1 of this Article, a visa may be issued for humanitarian reasons, if it is in the interests of the Republic of Croatia or if it is in accordance with international obligations that have been assumed.

In a case as defined in Paragraph 2 of this Article, the body competent for the control of crossings of the state border can determine that the foreigner shall be allowed to enter only at a given border crossing.

A body competent for the control of crossings of the state border can abbreviate the period of the validity of a visa that has been issued, if it determines that the foreigner does not have resources sufficient for his maintenance.

The body competent for control of crossings of the state border will cancel a visa if it determines the existence of a reason as defined in Article 29 of this Law.

No appeal is possible against a decision concerning an application for the issue of a visa.

#### Article 25

A carrier may bring foreigners to a border crossing if they meet the conditions defined in Article 3 of this Law.

A carrier is bound without delay at its own costs to take back and to meet the expenses of the stay of any foreigner who has been forbidden entry into the Republic of Croatia.

Any tour operator or organiser of business trips to the Republic of Croatia shall be bound to meet the costs of the expulsion of any foreigner to whom it has provided these services as well as the costs of the foreigners' stay in the Republic of Croatia, if the foreigners are forcibly expelled for reasons as defined in Article 3 of this Law and if the foreigners cannot meet these costs themselves.

### IV. THE ENTRY OF FOREIGNERS INTO THE COUNTRY AND LEAVING THE COUNTRY

#### Article 26

It shall be considered that a foreigner has entered the country when he has crossed the state border or when he has crossed the place at which border checks are carried out.

When a foreigner stays in the transit area in an airport or stays in the anchorage of a port or a mooring, this shall not be considered entry into the country.

## Article 27

Foreigners are duty bound, during entry into the country and exit from the country, to submit to border checks [control].

Border checks of foreigners shall be carried out in line with the regulations governing the supervision [surveillance] of the state border.

Border checks of foreigners who enter the country shall include determination of reasons as defined in Article 29 of this Law.

## Article 28

Exceptionally to Article 3 of this Law, a foreigner who does not have a valid travel paper, and who comes for the sake of tourist or business travel, can be issued by the body competent for control of crossings of the state border with a border pass pursuant to an identity document that has been issued to the foreigner by the state of which he is a citizen.

A foreigner on a cruise in international marine, river or air transport can also be issued a border pass pursuant to a passenger manifest authenticated by the commander of the ship or the aircraft.

A passenger manifest as defined by Paragraph 2 of this Article shall contain the name and surname, date of birth, citizenship [nationality] and number of the travel document of the traveller, or the number of some other document through which his identity is proved.

A border pass shall be issued with a period of validity of up to three months.

A border pass shall not be issued to a foreigner if there are any reasons as stated in Article 29 of this Law.

## Article 29

Entry into the Republic of Croatia will not be permitted to a foreigner:

1. if he does not fulfil the conditions as defined by Article 3 of this Law,
2. if he does not have the resources requisite for his maintenance during the time of his sojourn in the Republic of Croatia and his return to the country whence he came or for travel to a third country,
3. if he is in transit and he does not fulfil the conditions for entry into a third country
4. during the period of the security measure of expulsion or the protective measure of deportation,
5. if he does not have a vaccination certificate and yet comes from an area in which there is an epidemic of infectious diseases,
6. if this is required by reasons of the rule of law and order, national security, public health,
7. if there is a reasonable suspicion that his stay will be connected with the commission of crimes that are prosecuted in the course of duty,
8. if he is in the records of the competent body as an international offender,
9. if there is a suspicion that his stay will not be used for the intention as stated [literally: the intended purpose].

The denial of entry shall be entered into the travel document of the foreigner.

The government of the Republic of Croatia shall determine the amount of resources required for maintenance as defined in Paragraph 1 Subparagraph 2 of this Article.

## Article 30

The entry of a foreigner into the country shall be considered unlawful if:

1. he enters the country outside the places and times set for crossing the state border,
2. he avoids or attempts to avoid border checks,
3. during entry, he uses someone else's or an invalid travel or other document
4. he gives the bodies of the border control untruthful information
5. he enters the country during the duration of the security measure of expulsion or the protective measure of deportation.

## Article 31

A foreigner who does not need a visa for entry into the country can sojourn in the Republic of Croatia for the most 90 days in a period of 6 months, counting from the day of first entry, unless otherwise ordered by international treaty.

## Article 32

Foreigners may freely leave the Republic of Croatia.

A foreigner shall not be allowed to leave the country if:

- he possesses someone else's or an invalid travel document,
- he does not fulfil the conditions for entering another country,
- there are reasonable grounds for suspicion that he intends to evade prosecution for a crime or misdemeanour, serving a sentence, obeying a court order, arrest or the performance of due property law obligations,
- this is required by reasons of the protection of law and order, national security and public health.

A foreigner shall be permitted to leave the country as soon as the reasons as defined in Paragraph 2 of this Article cease to exist.

## V. THE RESIDENCE [SOJOURN] OF FOREIGNERS

### Article 33

The residence of a foreigner in the sense of this Law is:

1. residence of up to 90 days,
2. temporary residence,
3. permanent residence.

A sojourn as defined in Paragraph 1 Item 1 of this Article is considered the sojourn of a foreigner without a visa, with a visa or with a border pass, unless determined otherwise by this Law or a treaty.

### **1. Temporary residence**

### Article 34

A temporary residence permit must be possessed by a foreigner who:

- intends to stay in the Republic of Croatia longer or for reasons different from



- those pursuant to which the visa was issued;
- for entry does not need a visa, but wishes to stay in the Republic of Croatia for longer than 90 days or for reasons stated in Article 37 of this Law;
- carries out affairs as defined in Article 95 of this Law, and wishes to stay in the Republic of Croatia longer than 30 days.

#### Article 35

A first temporary residence permit shall be permitted with a period of validity of up to one year, unless otherwise ordered by this Law or international treaty.

A temporary residence permit may be extended for at the most up to two years, unless otherwise ordered by this Law.

A temporary residence permit is entered into the travel document of a foreigner. The period of validity of this travel document must be at least three months longer than the time for which the permit is issued.

Exceptionally, a temporary residence permit for a foreigner who has no valid travel document can be extended by a ruling.

A business permit as defined by Article 97 of this Law shall be deemed a permit for temporary residence and work in the Republic of Croatia.

#### Article 36

A foreigner shall submit an application for the issuance of a permit for the first temporary residence to a diplomatic mission or consular office of the Republic of Croatia.

A foreigner who does not need a visa to enter the Republic of Croatia can submit an application for a permit for the first temporary residence to the competent body.

An application for the extension of a temporary residence permit for a foreigner shall be submitted to a competent body at least 30 days before the expiry of the period of the currently valid temporary residence.

The competent body shall decide on an application as defined in Paragraphs 1, 2 and 3 of this Article.

In an application as defined in Paragraphs 1, 2 and 3 of this Article the purpose for which the permit is sought must be stated. The person submitting the application as defined in Paragraphs 1 and 2 of this article may not change the purpose during the procedure.

The competent body shall decide on an application as defined in Paragraphs 1 and 2 of this Article with the prior consent of the ministry within the competence of which the purpose because of which the foreigner is seeking a residence falls.

If the ministry as defined in Paragraph 6 of this Article does not give its opinion in a period of 10 days, the consent shall be deemed to have been given.

For a temporary residence for the purpose of work, the prior consent of the ministry competent for labour is not necessary.

#### Article 37

Temporary residence in the sense of this law shall be deemed to be residence for the sake of:

1. employment and work
2. [tertiary level, university] study, [school] education
3. linking families together

4. other justified reasons determined by statute or treaty.

#### Article 38

A foreigner can be permitted to have temporary residence if:

- he has resources for his maintenance;
- he has a guaranteed place to live
- he has medical insurance
- there are no obstacles as defined in Article 45 of this Law,
- he has appended proof of the justification of his temporary residence.

Along with the application for a first temporary residence, a foreigner is bound to append a certificate that he has not been sentenced [convicted] from the state of which he is a national or in which he has his permanent residence.

An appeal can be made against a ruling that denies an application for a permit for temporary residence within a period of three days of the delivery of the ruling.

The Ministry shall decide on an appeal as defined in Paragraph 3 of this Article.

#### Article 39

A foreigner who is permitted to have a temporary residence for a given purpose can sojourn in the Republic of Croatia only in accordance with the purpose for which his temporary residence was approved.

A foreigner who has been permitted to have a temporary residence for a given purpose, except for a foreigner who is sojourning for the purpose of seasonal work and a foreigner who is carrying out matters as defined in Article 95 of this Law, and wishes to stay in the Republic of Croatia longer than 30 days may submit an application for a residence permit on a different basis.

#### Article 40

A temporary residence for the purpose of work can be granted to a foreigner:

1. who has been issued with a work permit
2. who does not need a work permit and wishes to stay in the Republic of Croatia longer than 30 days, if he meets the other conditions laid down by this Law.

A permit for temporary residence for the purpose of work is issued to a foreigner for the period for which his work permit is issued, or for the period as defined by Article 35, Paragraph 2 of this Law.

The body competent according to the residence place of the foreigner shall decide about an application for a temporary residence permit.

#### Article 41

Along with an application for the issue of a temporary residence permit for the purpose of school education or tertiary [university] studies the foreigner is bound to submit a certificate about his education or studies\*.

A temporary residence permit for the purpose of education or university studies can be extended by the most for up to two years after the expiry of the period laid down for the duration of the education or university studies.

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\* tr. note: presumably, the studies to be pursued in Croatia, but not clearly stated.

## Article 42

An application for the issue of a temporary residence permit for the purpose of joining a family is submitted by a foreigner [who is] – a member of the immediate family of: a Croatian citizen, a foreigner who has been granted permanent or temporary residence, or who has the status of someone who has been granted asylum.

In the sense of this Law, members of the immediate family are deemed to be spouses, minor children who have not formed their own family and the parents of minor children. Exceptionally, some other relation or an adopted child or adoptive parent can be considered a member of an immediate family, if there are special personal or humanitarian reasons for joining a family in the Republic of Croatia.

A foreigner may not work in the Republic of Croatia pursuant to temporary residence granted for the purpose of joining a family.

## Article 43

A foreigner who is a member of the immediate family of a Croatian citizen may have his or her temporary residence extended for up to a period of three years, until the fulfilment of the conditions for the granting of permanent residence.

A member of an immediate family can extend his or her temporary residence even if the Croatian citizen as defined in Paragraph 1 has died or if the marriage has ceased to exist, but it did last in the Republic of Croatia for at least three years.

## Article 44

A child born in the Republic of Croatia, who is not a Croatian citizen, does not need a residence permit from the time of its birth until the time it is one month old.

After the expiry of the time defined in Paragraph 1 of this Article, a temporary residence permit shall be issued in the course of duty, and it shall be extended for the time for which the temporary residence of one parent or guardian of the child is granted.

## Article 45

The competent body can rescind the sojourn of a foreigner who is staying in the Republic of Croatia on a sojourn of up to 90 days and a foreigner who has been granted a temporary residence permit, if

1. it determines a reason as defined in Article 29,
2. he works without a valid work permit or a business permit or in contravention of the provisions of this Law,
3. he sojourns in the Republic of Croatia in despite of the purpose for which his permit was issued
4. he is in breach of public law and other or other social values protected by law.

When the time is set within which a foreigner has to leave the country, the time in which the foreigner is able to do this has to be taken into consideration, but this time may not be longer than 30 days.

While making a decision about cancelling a foreigner's sojourn, the length of the sojourn and personal, family, economic and other circumstances have to be taken into consideration.

Cancellation of a sojourn shall be entered into a travel document.

## Article 46

The sojourn of a foreigner who is sojourning in the Republic of Croatia for a sojourn of up to 90 days and a foreigner who has been granted a temporary residence shall cease:

- if the protective or security measure of deportation is imposed on him;
- if his sojourn is rescinded;
- on the expiry of the time for which the temporary residence was approved.

## 2. Permanent Residence

### Article 47

Permanent residence shall be granted to a foreigner who:

- up to the date of the submission of the application has been granted temporary residence for five years uninterruptedly,
- has been married for three years to a Croatian citizen or a foreigner who has been granted permanent residence, and who has been granted temporary residence in the Republic of Croatia.

A minor residing temporarily in the Republic of Croatia will be given permanent residence if one of his parents is a foreigner granted permanent residence, as long as there is the consent of the other parent.

Exceptionally, permanent residence will be granted to other foreigners with temporary residence because of some special personal, humanitarian or business reasons if there are some other interests of the Republic of Croatia in this.

The competent ministry shall give an opinion about the existence of the reasons as defined in Paragraph 3 of this Article.

Any time that a foreigner has spent serving a prison sentence shall not be counted into the time needed for being granted permanent residence.

### Article 48

An application for the issue of a permanent residence permit shall be submitted to the competent body, and the decision is made about the application by the Interior Ministry. No appeal is possible against a ruling by the Ministry, but an administrative suit may be filed.

A permanent residence permit shall be entered into the travel document of a foreigner in a visible way.

### Article 49

Permanent residence shall not be granted to a foreigner:

1. who has in the preceding three years been sentenced to a non-suspended term of imprisonment the total length of which is longer than one year
2. who has no resources for maintenance,
3. who has no guaranteed housing
4. who has no medical insurance
5. when reasons of protection of law and order, national security or public health so require.

### Article 50

The competent body shall rescind a foreigner's permanent residence if:

- because of a crime he has been sentenced with legal force to unconditional imprisonment of six months or more,
- if this is demanded by reasons of protection of law and order, national security or public health.

While determining the period for quitting the country, the competent body must take into account the time in which the foreigner is able to do this, but the period may not be longer than 30 days.

During the decision making about rescinding a permanent residence, the foreigner has to have the length of his residence taken into account, as well as personal, family, economic and other circumstances.

The rescinding of a permanent residence shall be written into the travel document of the foreigner.

#### Article 51

A foreigner's permanent residence will cease if:

1. the protective or security measure of deportation is imposed on him;
2. the competent body determines that the foreigner has moved out or stays abroad uninterruptedly more than six months without having informed the competent body;
3. his permanent residence is rescinded.

In a case as defined by Paragraph 1 Item 2 of this Article, a ruling about the cessation of permanent residence will be made by the Ministry at the recommendation of the competent body.

A ruling as defined by Paragraph 2 of this Article can be made without a previous hearing of the foreigner.

If the foreigner does not inform the competent body about a change of address or if it is not possible to find him at the address at which he is registered, the delivery of the ruling as defined in Article 2 of this Article shall be performed by [the ruling being displayed on] the notice board of the competent body.

## VI. UNLAWFUL RESIDENCE

#### Article 52

A foreigner resides unlawfully in the Republic of Croatia if he does not possess a visa or a residence permit in line with Article 3 of this Law.

A foreigner residing unlawfully in the Republic of Croatia must leave the country at once or in the period set for him.

It shall be deemed that a foreigner has left the Republic of Croatia when he has entered another state that has permitted his entry.

A foreigner who has within due time submitted an application to have his temporary residence extended may stay in the Republic of Croatia until a decision on his application becomes legally valid.

#### Article 53

The competent body shall set a deadline by which a foreigner who is residing unlawfully in the Republic of Croatia must leave the country, and it can also set him a place

at which he must cross the border, as well as the obligation to report to an official person of the body competent for control of crossings of the state border.

While setting the deadline for the [foreigner] to leave the state, the competent body must take into account the time in which a foreigner is able to do this, but the deadline may not be more than 30 days.

An appeal against a ruling determining a deadline for [the foreigner] to leave the country shall not delay the execution of the ruling.

The deadline for the [foreigner] to leave shall be calculated from the day the decision becomes enforceable.

A foreigner who for some justifiable reasons does not leave the country in the period given him may on his application or in the course of duty be set a new deadline.

A foreigner who has had the security or protective measure of deportation imposed upon him or a foreigner who has to be returned according to international treaty will be given a deadline by which to leave the country only if there are justifiable reasons.

#### Article 54

While making a decision about the security or protective measure of deportation, the length of the sojourn, personal, family, economic and other circumstances must be taken into consideration.

The security or protective measure of deportation shall be entered into the foreigner's passport.

An appeal against a ruling of a court of jurisdiction deciding on an offence by a foreigner can be lodged within a period of eight days.

If there is some danger that a foreigner might forestall the enforcement of the ruling, the court as defined in Paragraph 3 of this Article can determine that the appeal shall not delay the enforcement of the ruling.

#### Article 55

Governmental bodies, legal and natural entities are bound without delay to inform a competent body about a foreigner who is sojourning unlawfully in the Republic of Croatia or when there are reasons for cancelling his residence.

A body that has filed a misdemeanour or a felony proceeding for an action that is prosecuted in the course of duty is bound to inform the competent body about this without delay.

### VII. THE FORCIBLE EXPULSION OF A FOREIGNER

#### Article 56

A competent body shall forcibly expel a foreigner who is sojourning unlawfully in the Republic of Croatia and does not leave the Republic of Croatia in line with Article 52 Paragraph 2 of this Law.

A foreigner who has had the security measure of expulsion or the protective measure of deportation and a foreigner who has to be returned pursuant to international treaty shall be forcibly expelled at once.

## Article 57

It is forbidden forcibly to expel a foreigner to a state in which his life or liberty might be at risk because of his race, religious or ethnic affiliation; because of affiliation to some special social group or because of political opinions; or to a state in which he might be exposed to torture or inhuman or degrading procedures or punishments.

The ban upon the forcible expulsion of a foreigner shall not hold with respect to foreigners who are reasonably suspected of representing a threat to law and order or the security of the country, or have been convicted with legal effect of a grave crime.

## Article 58

In order to make sure of the forcible expulsion of a foreigner, the foreigner may be arrested and detained in the premises of the competent body for at most 12 hours.

A foreigner who cannot at once be forcibly deported and a foreigner who has not been identified shall have their freedom of movement restricted by being quartered in the reception centre for foreigners of the Interior Ministry of the Republic of Croatia (the Centre, below).

A foreigner who for health or some other special needs or reasons cannot be located in the Centre shall be quartered in some other appropriate way.

## Article 59

Accommodation in the Centre shall be set up to the time of the forcible expulsion of the foreigner, with the proviso that the total amount of time spent in the Centre may not be longer than 90 days.

After the expiry of the time defined in Paragraph 1 of this Article, the foreigner can be quartered in the Centre again if:

- the procedure for identification or the collection of documents is under way'
- security reasons require this'
- during the forcible expulsion process the foreigner has submitted an application to be granted the status of a person granted asylum.

A foreigner can always be discharged from the Centre if there is a reasonable expectation that it will not be possible forcibly to expel him.

Sojourn outside the Centre shall not be counted into the time of accommodation in the Centre.

## Article 60

During his stay in the Centre the foreigner is bound to adhere to the rules of stay in the Centre and may not leave it without permission.

A foreigner who may reasonably be supposed to be likely to leave the Centre without permission or not to adhere to the rules of the stay may have enhanced supervision set for him within the Centre.

## Article 61

Accommodation in the Centre is determined by a ruling of the competent police administration.

An appeal against a ruling may be lodged by the foreigner with the Interior Ministry within a period of 8 days, and the Ministry shall decide about the appeal in a period of 8

days.

An appeal shall not delay the execution of the ruling.

#### Article 62

Accommodation in the Centre shall cease:

- with the departure of the foreigner from the country,
- at the end of the period as defined in Article 59 of this Law.

#### Article 63

Temporary continued stay can be granted to a foreigner who cannot be forcibly expelled:

- if he has a guaranteed place to stay and resources for his maintenance
- if in this way the enforcement of the obligation to leave the country is ensured.

Temporary continued stay is approved and extended by the competent body at the application of the foreigner or in the course for duty for a period of up to 6 months with the prior consent of the Ministry.

#### Article 64

A foreigner who has temporary continued stay can have his movements limited to the place of his temporary residence and can be required to report regularly to the closes police stated. This restricted movement and requirement to report regularly can last for at the most 6 months.

A competent body will determine the temporary place of residence for a foreigner who has been allowed temporary continued stay.

A foreigner who has been granted a temporary continued stay does not have his obligation to leave the Republic of Croatia changed or stopped.

Temporary continued stay is entered into the foreigner's travel paper, and a foreigner who does not have a travel paper shall be issued with a certificate with a photograph.

#### Article 65

Temporary continued stay in the Republic of Croatia ceases:

1. when the foreigner leaves the country,
2. at the expiry of the period in which the temporary remaining is valid
3. when it is rescinded.

Temporary continued stay can be rescinded when the reasons defined in Articles 63 and 64 Paragraph 1 [sic] of this Law cease to exist or if the regulations of the Republic of Croatia are not adhered to.

#### Article 66

A minor foreigner shall be accommodated in the Centre together with his parents or with other legal representatives, unless it is assessed that some other accommodation is more suitable for him.

Exceptionally, stricter supervision within the Centre can be determined for a minor foreigner younger than 16 years only together with a parent or other legal representative.



## Article 67

A foreigner is bound to bear the costs of accommodation in the Centre and other costs that are incurred during his forcible expulsion.

For a foreigner without any resources, the costs defined in Paragraph 1 must be borne by an employer who has employed the foreigner without a proper permission, and the person who has guaranteed to bear the costs of the foreigner during the time of his sojourn in the Republic of Croatia.

Costs that cannot be recovered in line with Paragraphs 1 and 2 of this article are paid from the resources of the national Budget.

## Article 68

A competent body can confiscate monetary resources from a foreigner who is to be forcibly expelled and collect the costs defined in Article 67 Paragraph 1 of this Law. A receipt shall be issued for monetary resources that have been confiscated.

For the sake of ensuring the execution of the forcible expulsion, the foreigner may have his travel and other documents retained, as well as his tickets. A receipt shall be issued concerning confiscated documents and items.

## VIII. DOCUMENTS PROVING IDENTITY

### Article 69

A foreigner proves his identity via a travel document, a personal identity card for foreigners, a special personal identity card or some other public document that contains a photograph.

A foreigner is bound to carry and to show at the request of an official person of the Ministry a document proving his identity and a permit that proves the lawfulness of his sojourn in the Republic of Croatia.

A foreigner may not allow a second person to use his documents and must not use an invalid document or someone else's document as his own.

A foreigner must, during the period of his residence in the Republic of Croatia use the personal name that is written into his travel document or other identity document.

### Article 70

A personal identity card for foreigners shall be issued to a foreigner who has been granted permanent residence and a foreigner who has a temporary residence permit but does not have a valid travel document.

A personal identity card for foreigners can be issued to a foreigner who has a temporary residence permit who does have a valid travel document at his request or at the request of the diplomatic or consular office of the state of which he is a citizen.

A special personal identity card shall be given to a foreigner who is a member of a diplomatic or consular office of a foreign state or a member of some other mission that has diplomatic status.

### Article 71

A personal identity card as defined in Article 70 Paragraphs 1 and 2 shall be issued by

the competent body.

A special identity card as defined by Article 70 Paragraph 3 shall be issued by the Foreign Ministry.

#### Article 72

A personal identity card for a foreigner with a permanent residence permit shall be issued with a period of validity of 5 years.

A personal identity card for a foreigner with a temporary residence permit shall be issued with the period of validity for which his temporary residence has been permitted.

#### Article 73

An application for the issue of a personal identity card for foreigners can be submitted by a foreigner who has had his sixteenth birthday.

A foreigner who has a permanent residence permit is bound within thirty days of coming to his place of residence to make an application for the issue of a personal identity card for foreigners.

#### Article 74

A personal identity card for foreigners has to be replaced

- in the event of the change of any of the data contained in the personal identity card
- when it has been damaged or worn out to such an extent that it no longer serves its purpose
- when the photograph on the personal identity card no longer corresponds to the appearance of the person.

A foreigner is duty bound in a period of eight days from the occurrence of any of the reasons as defined in Paragraph 1 of this Article to submit an application to the competent body for the replacement of his personal identity card for a foreigner.

#### Article 75

A foreigner is bound to return a personal identity card that has been issued to the competent body when:

- he moves,
- when his residence ceases according to Article 46 and Article 51 of this Law,
- he acquires Croatian citizenship.

#### Article 76

A foreigner is bound without delay to report the loss, disappearance or theft of a document as defined by Article 69 or of a border pass to the body competent according to the place of the event or the discovery.

The competent body must issue a certificate about the fact of the loss, disappearance or theft of the document as defined in Paragraph 1 of this Article.

A foreigner who loses or in some other way is left without a travel document for a foreigner or a personal identity card for foreigners while abroad is bound to report this in the period given in Paragraph 1 of this Article to the nearest diplomatic and consular office of the Republic of Croatia.

A missing personal identity card and travel document of a foreigner shall be advertised as invalid in the Official Gazette at the cost of the foreigner.

#### Article 77

A competent body shall temporarily retain any document proving the identity of a foreigner:

1. who is reasonably suspected of having committed a crime that is prosecuted in the course of duty or a misdemeanour;
2. who has not complied with some due property law liability at the application of the court of jurisdiction;
3. if this is required by reasons of the protection of law and order, national security or public health.

A document as defined in Paragraph 1 of this Article shall be retained for as long as the reasons for its retention obtain.

A receipt shall be issued for a temporary retention of a document defined in Paragraph 1 of this Article.

### IX. THE TEMPORARY RESIDENCE AND PERMANENT OR OFFICIAL RESIDENCE OF A FOREIGNER

#### Article 78

A temporary residence is the place in which the foreigner resides on a sojourn of up to 90 days and during temporary residence.

A permanent residence is the place in which a foreigner with a permanent residence permit has settled down with the intention of living there.

#### Article 79

A foreigner with temporary residence in the Republic of Croatia is bound to register his temporary residence and change of address with the competent body within a period of three days of the day of entering the Republic of Croatia or of the day of changing his address.

A foreigner with permanent residence in the Republic of Croatia is bound to register his permanent residence and change of address of abode in the place of his permanent residence with the competent body in a period of eight days of the day of changing the address of his abode.

A foreigner as defined in Paragraphs 1 and 2 of this Article is bound to deregister his temporary residence or permanent residence before leaving the place of his temporary residence or permanent residence.

#### Article 80

Healthcare establishments or healthcare workers in private practice that receive a foreigner for treatment must report him to the competent body at the latest 24 hours after reception.

Legal and natural persons who provide the service of accommodation for foreigners and persons being visited by foreigners are bound to report the sojourn of a foreigner within a period of 12 hours from the moment of giving the service of accommodation or the

moment of the arrival of the foreigner on a visit.

A foreigner who does not use the services of accommodation as defined in Paragraph 2 of this Article is bound to report his temporary residence to the competent body within a period of 24 hours of entry into the Republic of Croatia, or to report the change of address of his abode within a period of 24 hours of the change of the address in the place of his sojourn.

A registration as defined in Paragraphs 2 and 3 of this Article can be made via a tourist office of the municipality or city in the area of which the foreigner is sojourning. The registration of the sojourn must be supplied to the competent body within a period of 12 hours.

The provisions of Paragraphs 1 to 4 of this Article refer to foreigners who are sojourning in the Republic of Croatia up to 90 days.

#### Article 81

Legal and natural persons who provide the services of accommodation to foreigners are bound to keep orderly records about the foreigners to whom they provide the service of accommodation.

Persons as defined in Paragraph 1 are bound to keep the records about foreigners for at least three years from the day they are concluded.

Persons as defined in Paragraph 1 are bound to provide records about foreigners for the inspection of an authorised person.

### X. THE COLLECTION OF PERSONAL DATA

#### Article 82

A competent body may collect personal data about foreigners from government bodies, legal and natural entities and the foreigner himself:

- if this is in the interest of the foreigner and if it can be assumed that he would not be opposed to this or
- if it is necessary for the sake of checking on data about the foreigner.

### XI. THE MOVEMENT OF FOREIGNERS IN UNIFORM

#### Article 83

During their sojourn foreigners may move in a foreign military uniform:

1. if they are staying as members of a diplomatic or consular office of a foreign state or some other foreign mission that has diplomatic status in the Republic of Croatia in the character of military representative while the mission is lasting,
2. who as members of foreign military missions or foreign military envoys are staying on an official visit,
3. who are being trained in the military schools,
4. who as members of foreign military missions or foreign military envoys with diplomatic or foreign passports are passing over the territory of the Republic of Croatia
5. who are participants in military exercises or training [programmes].

The minister of defence with the consent of the minister of the interior may approve the wearing of foreign military uniforms by other foreigners while they are staying in the Republic of Croatia.

#### Article 84

Foreigners may wear foreign police or foreign customs officers' uniforms:

1. if they are on an official visit as members of envoys of foreign police or customs bodies,
2. while they are carrying out their service during joint control of the crossing of the national border at that part of the border crossing that belongs to the Republic of Croatia,
3. if they are being trained in a police school,
4. if as members of foreign police or foreign customs envoys with a diplomatic or official passport they are crossing over the territory of the Republic of Croatia.

## XII. EMPLOYMENT [WORK, LABOUR] OF FOREIGNERS

#### Article 85

A foreigner may work in the Republic of Croatia pursuant to a work permit or pursuant to a business permit unless otherwise ordained by this Law.

Pursuant to a business permit, a foreigner may carry out a trade [small, self-employed business] or a business equivalent to a trade or a free lance profession, run operations in a his own registered company or legal entity in which he has a majority holding or provide services on behalf of a foreign employer.

The provision of services on behalf of a foreign employer can be undertaken only by a foreigner who is employed by that employer and on condition that a contract about the provision of services has been made with a legal or physical entity that carries out some business activity in the Republic of Croatia.

Carrying out preliminary actions for founding and registering a company, the registration of a trade or some activity equivalent to a trade or a freelance profession shall not be deemed work in the sense of Paragraph 1 of this Article.

#### Article 86

The government of the Republic of Croatia at the recommendation of the ministry competent for labour [work, employment] and in line with its migration policy and paying attention to the situation and trends in the labour market shall determine an annual quota of work permits.

Migration policy is defined by the Croatian Parliament at the recommendation of the Government of the Republic of Croatia every two years.

The ministry competent for labour shall draw up a proposal for an annual quota of work permits pursuant to an opinion from the Croatian Employment Institute about the need to employ foreigners.

Within the framework of the quota as defined in Paragraph 1 of this Article the government shall determine the activities and occupations in which employment is permitted, the number of work permits for each activity, and the territorial distribution of work permits.

The quota as defined in Paragraph 1 of this Article is defined by the government with the previously obtained opinion of the ministries competent for the individual activities for which the quotas are being defined and the opinion of the Economic and Social Council of the Government of the Republic of Croatia.

The government shall determine the quota defined in Paragraph 1 of this Article at the latest by 31 October for the next year.

The annual quota of work permits shall also determine the quota of work permits for seasonal employment.

## Article 87

The work permits determined in the annual quota shall be issued in the following order:

1. for the extension of work permits already issued;
2. for new employment.

The quota shall not include work permits that are issued:

1. for workers who are foreign daily migrants who have entered into employment contracts for an unlimited period of time on condition of reciprocity;
2. for workers who are foreigners and members of their families, the status of whom is regulated by the Agreement about Stabilisation and Association;
3. for foreigners who carry out key jobs in companies and offices of foreign companies, but who are not foreigners as defined in Article 95 Paragraph 1 Item 1 of this Law;
4. for foreigners who are transferred within the framework of the internal transfer of personnel within companies as defined by the Law concerning the confirmation of the protocol of the accession of the Republic of Croatia to the Marrakesh Agreement about the foundation of the World Trade Organisation;
5. for teachers who teach in schools in the language and script of the ethnic minorities;
6. pursuant to an international treaty;
7. to professional sportspeople or sporting workers who are working in the Republic of Croatia pursuant to a properly concluded employment contract;
8. to members of the families of foreigners who have been granted permanent residence;

In the sense of this Law, a foreign worker who is a daily migrant is a foreigner who is a citizen of a neighbouring state in which he has his permanent residence and who comes every day to work for an employer in the Republic of Croatia and then returns to his native country.

### **1. A work<sup>+</sup> permit**

## Article 88

At the application of a legal or physical entity that employs a foreigner (below: an employer), a work permit for a foreigner shall be issued by the competent body defined according to the headquarters of the employer, in a period of 15 days from the day of submission of the application.

A ruling shall be made about the application for the issue of a work permit for a foreigner.

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<sup>+</sup> In the sense of employment by another.

## Article 89

Along with an application for the issue of a work permit for a foreigner, the employer is bound to append:

1. data about the foreigner with which it intends to make an employment contract or other appropriate contract;
2. data about the job or kind of job and the conditions of work
3. evidence of the registration of the company, office or trade in the Republic of Croatia;
4. proof that tax and contributions liabilities have been paid
5. a statement of reasons about the justifiability of employing a foreigner.

## Article 90

An appeal can be lodged with the Ministry against a ruling as defined by Article 88 Paragraph 2 of this Law within a period of 8 days.

A ruling denying an application for the issue of a work permit by reason that the quota is filled may not be appealed against, but an administrative suit may be filed.

## Article 91

An employer is bound to make a written employment contract with the foreigner or other appropriate contract before the beginning of the work, and at the latest within a period of 15 days from the day of the issue of the work permit.

If the contract defined in Paragraph 1 of this Article is not made in written form, the employer is bound, before the beginning of the work, and at the latest within a period of 15 days of the issue of the work permit, to hand the foreigner a written confirmation that the contract has been made.

An employer may not make a contract with a foreigner about employment for a given period of time for permanent seasonal work.

An employer is bound to deliver the contract as defined in Paragraph 1 of this Article to the competent body in a period of 8 days from the day of entering into the contract.

## Article 92

A work permit is issued for a limited period of time with a period of validity that is identical to the time for which the employment contract is entered into, but at the longest for two years.

## Article 93

An application for the extension of a work permit has to be submitted by an employer at least 45 days before the expiry of the period of validity of the current work permit.

A decision is made at the same time about an application for the extension of a work permit and the extension of temporary residence.

## Article 94

A foreigner for whom a work permit has been issued may work in the Republic of Croatia only at those jobs for the performance of which he has entered into an employment contract or other appropriate contract, that is, only with that employer with

which, pursuant to the work permit, he was able to enter into an employment contract.

## Article 95

With the application of all the provisions of this Law that relate to temporary residence, the following categories of foreigner do not need a work permit:

1. the key personnel of companies defined by the Agreement on Stabilisation and Association between the European Community and their Member States and the Republic of Croatia;
2. founders, proxies, members of the management and members of the board of supervision of companies, who carry out jobs in the company, and the carrying out of the jobs does not have the character of employment and does not last longer than three months a year all told;
3. university teachers invited as lecturers by Croatian universities, scientists doing scientific and professional further studies, scientific representatives of international organisations and scientists taking part in the implementation of scientific research projects important for the Republic of Croatia;
4. administrative personnel and teachers of foreign cultural institutions who do their work in the Republic of Croatia within the framework of a programme of cultural and educational cooperation;
5. civilian and military officials of other states who come to work in the Republic of Croatia pursuant to a cooperation treaty with the government of the Republic of Croatia;
6. members of scientific international missions who carry out research work in the Republic of Croatia that has been approved by the government of the Republic of Croatia;
7. foreign correspondents accredited in the Republic of Croatia or reporters of foreign media;
8. representatives of religious communities while they are carrying out matters exclusively related to religious service;
9. artistes and technical staff for opera, ballet, theatre, concert, art and other cultural events, if for this purpose they do not stay longer in the Republic of Croatia than 30 days, or three months in one year with interruptions;
10. authors and performers in the area of musical, music drama, dance and ballet art, and also accompanying reporting, organisational and technical personnel who are taking part in cultural workshops, meetings, colonies and other events, if for this reason they do not spend longer than 30 days or three months annually with interruptions in the Republic of Croatia.
11. persons that pursuant to a contract with the government of the Republic of Croatia, the ministry responsible for defence or the ministry competent for internal affairs are carrying out matters for the purpose of defence and national security or who are undergoing further training in these areas;
12. the spouses and children of Croatian citizens who have a residence in the Republic of Croatia;
13. persons who enter the Republic of Croatia for the purpose of taking part in sporting and chess events;
14. experts in the domain of the conservation of the cultural heritage, librarianship or records if they do not stay longer than 30 days in the Republic of Croatia for this purpose;
15. foreigners sent by a foreigner employer who provide services of professional further training and training to persons employed with legal or natural entities in



- the Republic of Croatia for a period of up to three months continuously;
16. persons who have been granted temporary residence for the purpose of professional further training or training with a Croatian employer which is an organisational form of a foreign employer that has sent them for further training or training, if their further training or training does not last longer than three months uninterruptedly;
  17. foreigners who carry out jobs related to the delivery, assembly or servicing of machines or equipment, if their work does not last longer than 30 days annually uninterruptedly or a total of 3 months with interruptions;
  18. foreigners who take part in fairs and exhibitions at which their employer is exhibiting or showing;
  19. foreigners who take part in organised professional congresses and seminars;
  20. foreigners who take part in circuses or entertainment fairs [carnivals, amusement parks], if they do not spend more than three months in the Republic of Croatia uninterruptedly;
  21. persons who are recognised to have the status of persons who have been granted asylum;
  22. foreigners with permanent residence permits
  23. foreigners who in the Republic of Croatia have the status of fulltime school pupil or university student when they are carrying out jobs of a temporary nature, via the agency of authorised agents, and in line with the regulations that regulate the performance of these jobs.

Foreigners defined in Items 9, 10, 14, 15, 17, 18 and 20 of Paragraph 1 of this Article must have concluded a valid contract with a natural or legal entity that is registered in the Republic of Croatia for the performance of these activities.

## Article 96

A foreigner's work permit shall cease to be valid:

1. when the validity period expires
2. when a contract as defined in Article 91 of this Law ceases;
3. on cancellation.

A work permit shall be cancelled by a competent body if:

1. it has been issued pursuant to untruthful data about the worker or the employer
2. the employer does not enter into an employment contract with the foreigner in the period as defined in Article 91 Paragraphs 1 and 2 of this Law;
3. the foreigner, pursuant to a work permit, carries out matters from a job that he could not have entered into an employment contract to do;
4. he works for an employer with whom, pursuant to the work permit, he could not have entered into an employment contract or other appropriate contract;
5. a foreigner does not have a temporary residence permit, or if it has expired.

In the event of the cessation of a contract as defined by Article 91 of this Law, an employer is bound to return the work permit to the competent body within a period of eight days of the day of the cessation of the contract.

## **2. A business permit**

### Article 97

A business permit shall be issued to a foreigner who has a registered trade or an activity

equivalent to a trade or a free lance profession, runs the affairs in his own registered company or in a legal entity in which he has a majority holding or a foreigner who provides services on behalf of a foreign employer (below: an activity) and who meets the other conditions for the issue of a permit for temporary residence.

A business permit shall be issued by a competent body within a period of 30 days from the day of the submission of the application.

An appeal may be lodged with the Ministry within a period of eight days against a ruling as defined by Paragraph 2 of this Article. [sic]

A foreigner may not start carrying out the industry as defined in Paragraph 1 of this Article before the competent body issues him a business permit.

A foreigner shall submit an application for the issue of a business permit to the competent body in the place of his residence.

Exceptionally, foreigners who provide services on behalf of a foreign employer can submit an application for a business permit in a diplomatic mission or consular office of the Republic of Croatia.

Along with an application for a business permit, a foreigner shall be bound to submit proof about the registration of his firm, trade or activity equivalent to a trade or his freelance profession, or his contract to provide services as defined in Article 85 Paragraph 3 of this Law.

#### Article 98

A business permit shall be issued with a period of validity of up to two years.

A business permit shall be extended if at the moment of the submission of the application for its extension the foreigner meets the conditions for the issue of a business permit as defined in Article 97 of this Law.

A foreigner has to submit an application for the extension of a business license at least 30 days before the expiry of the period of validity of the business license.

#### Article 99

A business permit shall cease to be valid:

1. if the foreigner has had the protective or security measure of deportation imposed upon him,
2. rescinding of residence;
3. expiry of the period for which it was issued;
4. by cessation of the existence of circumstances pursuant to which it was issued;
5. on cancellation,

A business permit shall be cancelled if:

1. in a period of four months the foreigner does not start to carry out the industry for which a business permit was issued to him,
2. a foreigner carries out some activity for which no business permit was issued to him;
3. in the performance of the industry the foreigner breaches regulations in accordance with which the activity must be carried on, some employment, labour or social insurance regulations;
4. if bankruptcy or liquidation proceedings have been instituted with respect to a company, or if the trade or some activity equivalent to a trade ceases to work, or if the conditions for the performance of a freelance profession or the execution of a contract to provide services as defined by Article 85 Paragraphs 2 and 3 of

this Law have ceased to obtain.

A foreigner who has been issued a business license is bound, in a period of 8 days of the occurrence of circumstances that constitute a reason for the cessation of the business permit, to inform the competent body about these circumstances.

#### Article 100

The provisions of this Law that regulate the work of foreigners shall not be applied to:

1. a foreigner who is a member of a diplomatic mission or a consular office of a foreign state or a member of a mission that has diplomatic status and who has been issued with a special personal identity card as defined in Article 70 Paragraph 3 of this Law,
2. foreigners who have privileges and immunities pursuant to an international treaty,
3. foreigners who carry out work in the Republic of Croatia pursuant to international treaties that the Republic of Croatia makes with some other state, international organisation or the EU about professional and technical assistance or who are carrying out projects in line with international treaties.

### XIII. SUPERVISION [INSPECTION, SURVEILLANCE, CONTROL]

#### Article 101

Supervision of the implementation of this Law shall be carried out by the Ministry.

Inspectorial supervision of the implementation of this Law in the part that relates to the work of foreigners in the Republic of Croatia shall be carried out by the State Inspectorate.

In the event that inspectorial supervision finds that a foreigner does not have a proper work permit for work in the Republic of Croatia, it will make a ruling forbidding the work of the foreigner and will file a misdemeanour report against the foreigner and the legal entity and the responsible person or the natural person that has employed the foreigner or that uses his work in contravention of the provisions of this Law.

The State Inspectorate shall inform the competent body about a ruling concerning the prohibition of work that has been made.

### XIV. PENAL PROVISIONS

#### Article 102

A foreigner shall be fined between 1000 kuna and 7000 kuna for a misdemeanour:

1. if he unlawfully crosses the state border or attempts to cross the state border (Article 30)
2. if he does not leave the Republic of Croatia in the period set him (Article 52 Paragraph 2 and Article 53 Paragraph 1)
3. if he leaves the Centre without permission or does not abide by the rules of sojourn in the Centre (Article 60)
4. if he leaves the place of residence that has been set him by the competent body or if he does not regularly report to the nearest police station (Article 64).

A foreigner may also have imposed on him the protective measure of deportation by

itself or in conjunction with a fine.

#### Article 102

A foreigner shall be fined between 500 kuna and 5000 kuna if:

1. he sojourns in the Republic of Croatia unlawfully (Article 52 Paragraph 1)
2. does not possess a travel document in the sense of Article 3 of this Law,
3. he moves or sojourns in a defined area in which his movement or sojourn is restricted or forbidden (Article 5)
4. he refuses to show an official person of the competent body a document proving his identity and the permit with which he can prove the lawfulness of his sojourn in the Republic of Croatia (Article 69 Paragraph 2)
5. he gives some other person his identity document for that person to use it, or if he uses an invalid document, or another person's document as his own (Article 69 Paragraph 3),
6. he uses a personal name in contravention of the provision of Article 69 Paragraph 4 of this Law
7. he sojourns in the Republic of Croatia in contravention of the purpose for which his visa was issued or his residence granted,
8. he works in the Republic of Croatia without a work permit or in contraventions of the provisions of this Law (Article 85 Paragraph 1).

For misdemeanours as defined in Paragraph 1 a foreigner may have the protective measure of deportation imposed on him by itself or in conjunction with a fine.

#### Article 104

A foreigner shall be fined between 300 kuna and 2000 kuna if:

1. he does not submit an application for temporary residence in the legal period (Article 36 Paragraph 3),
2. he does not have with him a document to prove his identity and a permit showing the lawfulness of his sojourn in the Republic of Croatia (Article 69 Paragraph 2)
3. in the regulation time he does not submit to the competent body an application for the issue of a personal identity card for a foreigner (Article 73 Paragraph 2)
4. in the regulation time he does not submit to the competent body an application for the replacement of a personal identity card for a foreigner (Article 74 Paragraph 2)
5. he does not return a personal identity card to the competent body in cases defined in Article 75 of this Law,
6. in the regulation time he does not report to the competent body the loss, disappearance or theft of a document as defined in Article 76 of this Law,
7. in the regulation time he does not report to the competent body his temporary residence and yet is not staying in a hospitality facility or in a healthcare establishment, and is not sojourning with a person he has come to visit (Article 80)
8. in the regulation time he does not register his temporary residence, permanent residence and change of address of his abode with the competent body in accordance with Article 79 of this Law,
9. during the time of his sojourn in the Republic of Croatia he wears a foreign military, police or customs uniform against the provisions of this Law (Articles 83 and 84).

10. he performs work for which he has not been issued a work permit or works for an employer with whom he could not make a contract (Article 94),
11. in a period of one year from the beginning of the implementation of this Law he does not obtain new documents (Article 114 Paragraph 2).

The competent body may, for misdemeanours as defined in Paragraph 1 of this article, levy an on-the-spot fine in the amount of 500 kuna.

#### Article 105

A legal or natural person that has a registered trade shall be fined between 10,000 kuna and 50, 000 kuna, and natural entity that has a registered trade shall be fined from 300 to 3000 kuna if it/he brings a foreigner into the Republic of Croatia or refuses to take him away against the provisions of Article 25 of this Law.

For an offence as defined in Paragraph 1 of this Article the protective measure of a ban on the performance of the activity may be imposed on a legal entity.

#### Article 106

A legal or natural person shall be fined between 3000 kuna and 20,000 kuna and a natural person shall be fined between 300 kuna and 3000 kuna if:

1. in the regulation period it/he does not report the sojourn of a foreigner it is providing with the service of accommodation or whom it/he has received as a visitor (Article 80 Paragraph 2)
2. in the regulation period it [etc.] does not report the reception of a foreigner for treatment (Article 80 Paragraph 1)
3. in the regulation period it does not supply to the competent body all the registrations of the sojourns of foreigners (Article 80 Paragraph 4),
4. it does not keep or keeps in a disorderly manner records about the foreigners to whom it provides the services of accommodation and does not keep records about foreigners in the period prescribed (Article 81 Paragraphs 1 and 2)
5. it does not allow an authorised person of the competent body to inspect records about the foreigners to whom it is providing the service of accommodation (Article 81 Paragraph 3).

For offences as defined in Article 1 Items 1, 4 and 5 the protective measure of a ban on the performance of the activity may be imposed on a legal entity.

#### Article 107

For each foreigner, a natural entity shall be fined from 5,000 to 10,000 kuna or imprisoned for 60 days, and for each foreigner, a legal entity shall be fined between 50,000 and 100,000 kuna:

1. if it employs a foreigner in contravention of the provisions of Article 85 Paragraph 1 and Article 94 of this Law,
2. that makes contract about employment for a limited period of time with a foreigner for seasonal jobs (Article 91 Paragraph 3),
3. with which a foreigner has been employed, for which foreigner a work permit was issued pursuant to untruthful data about the worker or the employer and cancelled (Article 96 Paragraph 2 Item 1),
4. that employs a foreigner exempted from the obligation to obtain a work permit as defined in Article 95, Items 9, 10, 14, 15, 17, 18 and 20 of this Law, if it has not made a valid contract with the foreigner.

The responsible person in a legal person as defined in Paragraph 1 of this Article shall be fined between 8,000 kuna and 10,000 kuna.

For offences defined in Paragraph 1 of this Article, the protective measure of the ban on the performance of the activity may be imposed on a legal entity.

#### Article 108

An employer shall be fined between 20,000 kuna and 50,000 kuna, and a natural person shall be fined between 300 and 3000 kuna if it/he does not return a work permit in the period as defined in Article 96 Paragraph 3 of this Law.

For an offence defined in Paragraph 1 of this Article, the protective measure of a ban on the performance of the activity may be imposed on a legal entity.

#### Article 109

A foreigner shall be fined between 3000 and 10,000 kuna:

1. if he carries out some activity without a business permit (Article 85 Paragraph 1 and Article 97)
2. if he goes on working, and yet his business permit has ceased to be valid (Article 99 Paragraph 1)
3. if he carries out some activity other than the activity for which his business permit was issued (Article 99 Paragraph 2 Item 2).

For offences as defined in Paragraph 1 of this Article, the foreigner can have the protective measure of deportation imposed on him alone or in conjunction with a fine.

#### Article 110

A foreigner shall be fined between 5000 kuna and 10,000 kuna if:

1. in the performance of his activity he is in breach of regulations in line with which that industry must be carried on, regulations about employment, work and social insurance (Article 99 Paragraph 2 Item 3)
2. in the regulation time he does not inform the competent body about the occurrence of circumstances that constitute a reason for the cessation of the business permit (Article 99 Paragraph 3).

### XV. RECORDS

#### Article 111

Records shall be kept about travel documents and visas issued, about foreigners with temporary residence, with permanent residence, about business permits issued, about foreigners who have had their residence cancelled, about foreigners who have had measures taken against them, foreigners remaining temporarily, about border passes that have been issued, about bans on the entry and exits of foreigners, about personal identity papers for foreigners that have been issued, about travel and other documents that have been reported missing, the registering and deregistering of temporary and permanent residences, changes of address of abode, temporarily retained foreign travel documents and work permits issued.

The records as defined in Paragraph 1 of this Article are kept, within the sphere of competence of its work, by the competent body or by a diplomatic mission or consular

office of the Republic of Croatia abroad.

## XVI. TRANSITIONAL AND CONCLUDING PROVISIONS

### Article 112

The Minister of Internal Affairs shall adopt regulations concerning:

1. the manner of issuing travel documents and visas, the manner of giving temporary and permanent residence permits, the registering and deregistering of temporary and permanent residences and the manner of keeping the records about foreigners,
2. forms for travel documents, visas, border passes, personal identity cards for foreigners, temporary and permanent residence permits, business permits and application forms for the issue of the same and the price of them, forms for the protective or security measure of deportation, cancellation of residence, documents about the temporary remaining of a foreigner, receipts about monetary resources confiscated, receipts about the collection of the costs of forcible expulsion, receipts about the temporary confiscation of documents and items for the security of forcible expulsion,
3. forms on which a permanent or temporary residence is registered or deregistered and forms for records that according to the provisions of this law are kept by legal and natural persons who provide the service of accommodation to foreigners,
4. the contents of and manner of keeping records and reporting prescribed by Article 111 of this Law,
5. forcible expulsion, accommodation in the Centre and the temporary remaining of a foreigner,
6. the conditions and manner of issuing work permits,
7. the form of an application for the issue of a work permit,
8. the manner of keeping records about work permits that have been issued.

The head of the competent security service shall adopt the regulations about the manner of carrying out the security check as defined in Article 5 of this Law.

### Article 113

The Minister of Foreign Affairs with the agreement of the Minister of Internal Affairs shall adopt regulations about:

1. the manner for issuing travel documents and visas for foreigners in diplomatic and consular offices of the Republic of Croatia abroad,
2. the manner of keeping records and reporting about travel and other documents and visas to foreigners issued in diplomatic and consular offices of the Republic of Croatia abroad,
3. the manner of issuing and the form for the special personal identity cards, the form for the application for the issue of one and the manner of keeping the records about visas and personal identity cards issued and the price of them.

### Article 114

Procedures started before the beginning of this Law shall be completed according to the provisions of this Law, unless by the Law about the Movement and Sojourn of

Foreigners (*Official Gazette* no. 53/91, 22/92, 26/93 and 29/94) or by the Employment of Foreigners Law (*Official Gazette* 19/92, 33/92, 89/92, 26/93 and 52/94) the defined right of the foreigner is handled in some more favourable way [i.e., to the foreigner]. Documents issued pursuant to the provisions of the Movement and Sojourn of Foreigners Law shall be valid for one year from the day of the beginning of the implementation of this Law.

#### Article 115

Persons defined in Article 79 Paragraph 1 of the Movement and Sojourn of Foreigners Law who have not regulated their status in the Republic of Croatia according to the provisions of that Law shall cease to have permanent residence after the lapse of a year from the beginning of the implementation of this Law.

Persons defined in Paragraph 1 of this Article do not have to satisfy the conditions prescribed in Article 49 Paragraph 1 Items 2 and 3 of this Law.

#### Article 116

A foreigner who according to the provisions of the Law on the Movement and Sojourn of Foreigners has achieved the status of:

1. permanently settled foreigner shall on the day of the beginning of the application of this Law be deemed a foreigner with permanent residence
2. foreigner with approved extended residence shall on the day of the beginning of the application of this Law be deemed a foreigner with temporary residence,
3. foreigner with a business visa that has been issued shall on the day of the beginning of the application of this Law be deemed a foreigner with an issued business permit,
4. refugee shall on the day of the beginning of the application of this Law be deemed a person to whom asylum has been granted.

#### Article 117

On the day of the beginning of the application of this Law, the following shall cease to be valid: the Law concerning the Movement and Sojourn of Foreigners (*Official Gazette* no. 53/91, 22/92, 26/93 and 29/94) except for the provisions of Articles 22 and 59, in the part that refers to the status of the refugee,, articles 31 to 38, 43, 48, Article 72 Paragraph 1 and Article 73, the Employment of Foreigners Law (*Official Gazette* no. 19/92, 33/92, 89/92, 26/93 and 52/94), the Instruction for the issue of a work permit for foreigners (*Official Gazette*, no. 82/96), Articles 32 and 56 of the Law on the Control of the State Border (*Official Gazette* no. 34/95, revised text) and Chapter 19 of the Law about the enforcement of sanctions imposed for crimes, economic offences and misdemeanours (*Official Gazette* no. 21.74, 39/74, 55/88, 19/90).

Detail regulations adopted pursuant to the Movement and Sojourn of Foreigners Law and the Employment of Foreigners Law shall remain in force until detailed regulations adopted pursuant to authorities from this Law come into force, unless they are in opposition with the provisions of this Law.

The competent ministries shall adopt the detailed regulations pursuant to authorities from this Law within a period of 90 days from the day this Law comes into force.



Article 118

This Law shall come into force on the eighth day after its publication in the *Official Gazette*, and shall start to be applied from 1 January 2004.