DRAFT PROPOSAL

MIGRATION POLICY

OF THE REPUBLIC OF CROATIA
FOR THE PERIOD 2013-2015

Zagreb, January 2013
Pursuant to Article 10 and 81 of the Constitution of the Republic of Croatia (Official Gazette, no. 85/2010 – consolidated version), the Croatian Parliament hereby adopts

THE MIGRATION POLICY
of the Republic of Croatia for the period 2013 – 2015

I. INTRODUCTION

At its session held on July 13, 2007, the Croatian Parliament adopted the Migration Policy of the Republic of Croatia for 2007/2008 (Official Gazette, no. 83/07), in order that Croatia may have an active migration policy, based on the principles of freedom of movement, solidarity and humanity, while simultaneously taking care of the economic, social and cultural development of the community.

Among the implemented measures, the following can be highlighted: amendments to the Croatian Citizenship Act, prescribing an obligation to deregister Croatian citizens when exiting the country for a period longer than a year, co-ordination between diplomatic missions or consular offices, the Ministry of the Interior and other government bodies in issuing visas, alignment of the Asylum Act and Aliens Act with the EU acquis, modification and adjustment of the agreement on readmission of persons illegally residing in the state territory (readmission) in accordance with the European standardized form of contract.

The most important measures, which were not fully carried out or which because of their importance should be implemented continuously are: development of a comprehensive analysis of the situation on the labor market and multi-annual trends of supply and demand for certain professions with a proposal of appropriate measures to meet the workforce demand as well as measures, by which, in order to prevent discriminatory practices and attitudes towards immigrants, in the economic, social and cultural life, the right to an equal status in relation to Croatian citizens is provided, with a focus on acquiring citizenship.

After the period for which the previously mentioned Migration Policy was adopted, further amendments were made to Croatian legislation related to the area of migration. On 22 July 2010, the Act on Amendments to the Asylum Act (Official Gazette, No. 88/2010) entered into force, and on 1 January 2012, the new Aliens Act (Official Gazette, No. 130/2011) and the Act on Amendments to the Croatian Citizenship Act (Official Gazette, No. 130/2011), also entered into force.

The new Aliens Act revised the provisions on regulating the residence and work of aliens. In accordance with one of the goals of the migration policy - compliance of the legal regulation of migration with the acquis- the Act is aligned, to the fullest extent possible, with the provisions of 22 legal acts of the European Union relating to entry, residence and employment of aliens. Special attention was given to the freedom of movement of workers and the provisions relating to entry, residence and work permits of nationals of Member States of the European Economic Area and members of their families and to the stay and work of highly qualified third country nationals (holders of "EU Blue Card"). Provisions of the Act governing the possible purpose of the temporary residence permit introduced residence that relates solely to the work of seconded workers sent by the employer, as part of temporary or occasional cross-border provision of services for a limited period. Furthermore, particular employment rights for the stated category of aliens are prescribed such as, duration of working hours, minimum wage, health and safety at work, non-discrimination,
etc. It is important to emphasize that it is still necessary to start developing biometric ID cards for aliens that will include all the required protective elements.

In line with the basic principles of the migration policy, based in constitutional norms and international conventions to which the Republic of Croatia is a party, standards that protect the rights of aliens to stay and work in the Republic of Croatia, if their actions do not jeopardize the public order of the Republic of Croatia and national security, were incorporated into the Aliens Act. Following the principles of humanity and solidarity, international sharing of the burden and responsibility, as well as the basic principles of the migration policy, special protection is intended for vulnerable categories of persons, who are not obliged to fulfill the regular requirements for a temporary residence permit, except those relating to the safety aspect of the stay of aliens. These are the victims of trafficking, abandoned minors, left without parental care, custody or escort or victims of organized crime, aliens illegally employed by employers who use their work, and persons covered by the reconstruction, return or housing program. Also, protection is provided by the institute of temporary stay for good humanitarian reasons, which is granted to persons who for various reasons have a difficult social status.

The new Aliens Act expanded the range of aliens who may be granted permanent residence, although they do not meet the legally required conditions for permanent residence. In addition to refugees, who also previously were able to obtain permanent residence under more favorable conditions, the status of permanent resident aliens can be acquired under milder conditions by persons who had permanent residence in the Republic of Croatia on 10 October 1991, and who are beneficiaries of the return, reconstruction or housing program, and who are found to have returned to the Republic of Croatia with the intention of living there permanently. The Act does not require prior regulation of temporary residence for the latter category of aliens, as was required by the earlier regulations in force. Also, more favorable conditions for approval are applied to children whose parents / single parent have been granted permanent residence in the Republic of Croatia.

The new Act expands the categories of aliens who do not need a permit to work and reside in the Republic of Croatia, in order to ensure the protection of migrants and to promote their integration into Croatian society that cannot be achieved without allowing access to the labor market. Besides the aliens who have been granted permanent residence or asylum, subsidiary or temporary protection, without permission to stay and work, aliens who have been granted temporary residence for the purpose of family reunification with Croatian citizens, permanent resident aliens, asylees, and aliens who have been granted subsidiary or temporary protection, aliens who have been granted a temporary residence permit for humanitarian reasons or who have been granted an autonomous residence or the status of regular pupils or students when performing tasks through an authorized intermediary, without employment, as well as aliens who have been granted temporary residence for the purpose of scientific research, can also work without a residence and work permit. Taking into account the needs of the labor market, i.e. the needs of employers in the Republic of Croatia for persons who possess specialized knowledge or educational qualifications in specific occupations for work involving a shorter period of time, categories of persons who can work on the basis of a certificate on the registration of work have been defined and expanded.

The Aliens Act also lays down the rights of aliens with permanent residence, for example: the right to work and self-employment, vocational training, education and student scholarships, social welfare, rights under pension and health insurance, the right to child benefit and maternity and parental support, tax benefits, freedom of association and connection and membership in organizations that represent workers or employers, or organizations whose members carry on a particular profession.
In the area of dealing with the status issues of aliens, the Migration Policy emphasizes as a priority the issuing of biometric identity cards for aliens that will contain all the required protective elements, as well as updating the analysis of the labour market, with a proposal of adequate measures to meet the demand for workforce, based on which the quotas for the employment of aliens will continue to be determined.

In the area of visas, the following EU legal instruments, among others, have been transposed into the said Act: Regulation (EC) No. 810/2009 of 13 July 2009 - Visa Code and Regulation (EC) No. 767/2008 of 9 July 2008 on Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation). The Mentioned Act, introduced novelties in the visa area:
- redefining the types of visas,
- the possibility for a visa for the Republic of Croatia to be issued by diplomatic missions/consular offices of other countries with which the Republic of Croatia has signed an agreement on representation,
- the introduction of the institute of appeal against the refusal of a visa, which is delivered to the alien in writing on the prescribed form,
- a legal basis has been created for the storage and processing of data on requests, as well as the personal data of aliens and the persons from the Republic of Croatia inviting them in the Croatian Visa Information System.

Pursuant to the authority provided for by the Act, the Government of the Republic of Croatia, at a session held on 10 May 2012, adopted the new Regulation on the visa system (Official Gazette, no. 54/2012), which entered into force on 1 June 2012. In relation to the Regulation on the visa system (Official Gazette, Nos. 41/2008, 56/2009, 153/2009 and 148/2010) in force previously, the following was carried out:
- conceptual alignment with the Aliens Act regarding allowable short stay for aliens for three months, and alignment of the names of states (Hungary, Libya),
- holders of passports issued in the area of Taiwan do not need a visa if the identity card number is entered into the passport, which represents a further approximation of Croatian visa policy with the common EU visa policy,
- Republic of South Sudan was introduced into the Croatian visa system, since the Republic of Croatia recognized the Republic of South Sudan as a sovereign and independent state on 27 July 2011, and the requirement of visas for its citizens has been established,
- travel documents issued by the Interim Administration of the United Nations Mission in Kosovo (UNMIK) have been deleted from the list of travel documents because these documents are no longer issued.

Besides the Regulation on the visa regime, the area of visas is regulated by three other implementing regulations, on the basis of the Aliens Act:
- Regulation on the Croatian Visa Information System: adopted by the Government of the Republic of Croatia upon the proposal of the ministry responsible for foreign affairs. The regulation is in the final stages of adoption, and should enter into force on 1 March 2013.
- Ordinance on Visas (Official Gazette, No. 7/13) sets out the procedure for issuing visas in diplomatic missions/consular offices and at the border, and the procedure for visa extension in police administrations/police stations,
- Ordinance on visa forms (Official Gazette, No. 111/2012) stipulates the visa form and the form for entering the visas.

The Plan for the full harmonization of the Croatian visa system with the EU visa system from December 2006 and the implementing Plan of preparations of the foreign and interior affairs services for the alignment of the visa system from July 2008, are being carried out systematically, in
order to fully align the Croatian visa system no later than three months before the date of accession to the EU. At the same time, changes in the EU visa policy are taken into account.

The work on the further development of HVIS (Croatian Visa Information System) and the incorporation of new functionalities to enable better connectivity of the visa authorities in the Ministry of the Interior is underway, as is also the work on further facilitating the processing of applications (on-line completion of visa applications).

With regard to the visa policy, the Migration Policy emphasizes full compliance with the EU visa policy as the main purpose and ultimate goal of the Croatian visa policy. The visa policy of the Republic of Croatia is implemented:
- by transposing the acquis into Croatian national legislation;
- by implementing and monitoring of the set plans.

The Act on Amendments to the Croatian Citizenship Act (Official Gazette, No. 130/2011) amends the conditions for the regular acquisition of Croatian citizenship by naturalization, it prolongs the necessary duration of the alien's stay in the Republic of Croatia from 5 to 8 years. Furthermore, it introduces the definition of a member of the Croat nation, and for expatriates it introduced a generation limit by prescribing the 3rd degree of kinship with the original Croatian immigrant. It also lays down the requirement for verification of the knowledge of the Croatian language and script, culture and social order. The acquisition of Croatian citizenship has been facilitated for persons who held residence in the Republic of Croatia on 8 October 1991, and have a permanent residence permit, and who have thus far not acquired Croatian citizenship.

In the field of asylum, the legal framework has been fully aligned with the acquis, by the adoption of the Act on Amendments to the Asylum Act (Official Gazette, No. 88/2010). These amendments harmonised the provisions of Article 2 and Article 7 of the Act defining subsidiary protection, and subsidiary protection is thus granted for a period of three years. The definition of a particular social group is aligned with Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection. Also, provisions on the exclusion of asylum and subsidiary protection have also been aligned with Directive 2004/83/EC. It is stipulated that an alien under subsidiary protection has the right to integrate into Croatian society, and the scope of the health care rights of aliens under subsidiary protection has been expanded. The period for which asylum seekers and aliens under subsidiary protection are provided accommodation at the expense of the Republic of Croatia has been extended, from 12 months to two years, since the implementation of the previous Asylum Act showed that the period of 12 months is not enough for an asylum seeker, or an alien under subsidiary protection, to integrate into Croatian society. The right to an effective remedy under Article 13 of the European Convention on Human Rights and Fundamental Freedoms, which implies a decision within a reasonable time by an independent body, has been secured by a provision stipulating that the administrative court becomes an appellate body in asylum proceedings, and the filing period for the appeal has been extended to 15 days and has been aligned with the provisions of the General Administrative Procedure Act (Official Gazette, No. 47/09), except where it is possible to make a decision in summary proceedings or in proceedings at the border.

Given that the area of asylum in the European Union is one of the areas where the acquis is most frequently amended, this migration policy identifies further alignment with the acquis in the field of asylum as a priority, in accordance with how the acquis will be amended, as well as resolving the issue of finding an adequate location as a permanent solution to accommodate the growing number of asylum seekers that are waiting for the proceedings as per their application for asylum in the Republic of Croatia to be completed.
One of the major problems identified in the migration system, is the problem of integration of aliens into Croatian society. Given that this problem can be solved only by means of an inter-departmental approach, the migration policy envisages the establishment of an inter-departmental body, where the high level of appointed representatives will guarantee adequate progress in addressing these issues, and the effectiveness of this body will be achieved by appointing smaller working groups, made up of experts who will act at the operational level.

Irregular migration, as a global issue, is also one of the most serious challenges the Republic of Croatia faces already, and it will be particularly intensified after accession to the European Union. The overall status of irregular migration on Croatian territory may be divided into four basic types of offenses committed by aliens: illegal crossing of the state border, illegal residence, illegal work and the lack of travel documents. In recent years the number of illegal border crossings ranged from about 5,500 illegal crossings in 2006, up to 1,500 illegal crossings in 2009. Since 2009 a growing trend of illegal crossings of the state border was again reported, and of irregular migration in general (in 2010 1,948 illegal border crossings were recorded, and in 2011 3,641, which is an increase of 77.67% compared to 2010). This trend continued in 2012. Consequently, it is clear that it is necessary to devote special attention to the challenges in the management of the state border.

The state of irregular migration in this part of Europe has been directly affected by the war and post-war events in Central Asia (Iraq and Afghanistan) and the conflicts in the countries of North Africa (Libya, Tunisia, Egypt). Also, the reasons for the large increase in irregular migration should be sought in the problems faced by migration management systems in Turkey and Greece. The consequence is a large increase of illegal stay and, consequently, a large increase in the number of asylum seekers, or persons largely abusing the asylum system. Often abuse is evident from the statistics on the number of dismissed proceedings pursuant to applications for asylum, as these asylum seekers leave the Republic of Croatia before the proceedings regarding their application have been conducted.

Estimates and available data do not point to the possibility of a quick stabilization of irregular migration in Southeast Europe and the European Union. On the contrary, it is more likely that they will grow significantly.

As part of a comprehensive approach to the migration policy of the Republic of Croatia it is necessary to take into account the Act on the relations of the Republic of Croatia with Croats outside the Republic of Croatia (OG 124/11, 16/12). This Act regulates the relations of the Republic of Croatia with the Croats outside the Republic of Croatia, it sets up the State Office for Croats outside the Republic of Croatia and the Croatian Government Council for Croats outside the Republic of Croatia, it introduces the status of Croats without Croatian citizenship, regulates the relations between the authorities which have in their remit issues related to Croats outside the Republic of Croatia, and the protection of the rights and interests of Croats outside the Republic of Croatia and strengthening their communities, the modes of cooperation with Croats outside the Republic of Croatia, it prescribes measures and activities in return and immigration and other issues of importance to Croats outside the Republic of Croatia.

II. THE PURPOSE AND OBJECTIVE OF THE MIGRATION POLICY

This Migration policy devotes special attention to the desired effects of migratory movements and the manner in which these effects will be achieved.
The purpose to be achieved by adopting this Migration Policy is to ensure that migratory movements in the Republic of Croatia are beneficial to the economic and social development of the country and society.

The goal of the Migration Policy is that all state bodies and other stakeholders work, in a timely and coordinated manner, on finding effective responses to the positive and negative effects of migratory movements.

In order to achieve the purpose and the set goal, the Migration Policy sets the framework which creates the preconditions for such migratory movements that will encourage those types and forms of migration which stimulate economic growth and progress of the Republic of Croatia and which give full contribution to an agreed common policy of the European Union in the field of migration. Consequently, the Migration policy establishes measures to be implemented in the following areas: visa policy, the status of foreign nationals, the acquisition of Croatian citizenship, asylum, integration policy, irregular migration and Croatian diaspora.

The Aliens Act, as stated, contains provisions regulating the work and stay of regular migrants in the Republic of Croatia, aligned with the following acts of the European Union:

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261, 6.8.2004),

These provisions will be fully implemented in the Republic of Croatia. However, other rights and the policy regarding labor migration from third countries will be defined by national law, in accordance with the requirements and needs of the Croatian labor market.

The goal of this Migration Policy, in line with the Stockholm Programme, is also to identify common interests with third countries and the development of the migration profiles of third countries with the aim of developing a cooperative immigration policy, particularly in the fight against irregular migration (through developing the border management policy and through supplementing the readmission and visa agreements). In the area of irregular migration, return remains a central issue. The need for a policy of sustainable return supplemented by encouraging voluntary return is emphasized. Also, the need for signing new readmission agreements with
countries of origin and transit, in accordance with the changes related to the immigration area and directions movement of irregular migrants.

In this Migration Policy certain nouns appear in their masculine form and are used as neutral for both the male and female genders.

III. AREAS OF IMPLEMENTATION OF THE MIGRATION POLICY

1. VISA POLICY

In the area of visa policy, the European Union fully defines the area related to the issuance of visas to nationals of third countries. Consequently, the Croatian visa policy will continue to be continuously adjusted with the EU visa policy, by:

- transpose the acquis into national legislation of the Republic of Croatia,
- monitoring and implementing of set plans.

**Plans**

In 2006, the Croatian Government adopted a Conclusion on adopting the Plan of full alignment of the Croatian visa system with the EU visa system. According to this Plan, the Ministry of Foreign and European Affairs and the Ministry of the Interior are responsible for:

- measures relating to the IT structure and other equipment,
- adequate staffing with civil servants,
- adequate preparation and training of staff,
- drafting a Plan of preparation of the foreign and internal affairs services for harmonizing the visa system,
- assessment of the financial impact on the state budget.

The Plan of full alignment of the Croatian visa system with the EU visa system and the Plan of preparation of the foreign and internal affairs services for harmonizing the visa system from July 2008, are carried out systematically, in order for the Croatian visa system to be fully aligned no later than three months before the date of accession to the EU. At the same time, changes are monitored in the EU visa policy related to EU legal instruments:

- Council Regulation (EC) No 767/2008 of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), as well as other relevant EU regulations, etc. that have been transposed into the national legislation.

In relation to the visa system of the European Union, in order to achieve full alignment, it is necessary to introduce a classic visa regime for the citizens of the Russian Federation and the Republic of Turkey.

The Republic of Turkey was informed about the obligations of the Republic of Croatia in respect of harmonizing the Croatian visa system and the introduction of visas for Turkish citizens as of 1 April 2013. This implies the abrogation of the Agreement between the Government of Yugoslavia and the Republic of Turkey on the abolition of visas, taken over by succession, signed on 3 July 1967, in Ankara. On 24 January 2013, the Government of the Republic of Croatia adopted the Decision on granting consent for repealing this Agreement.

The project of future implementation of the visa regime in Russia and Turkey is extremely complex, and extensive preparations are underway (only at the Embassy of the Republic of Croatia in Moscow there are plans to issue up to 150,000 visas per year, this figure being several times higher than in all other Croatian diplomatic mission / consulates together).

It has been agreed with the Russian side to use a new space for the Consular Section of the Embassy of the Republic of Croatia in Moscow and the required modifications have been requested, and the start of works on the reorganization of space is expected. The search for a new space for the Embassy of the Republic of Croatia in Ankara is underway, and the extension and furnishing of the space of the Consulate General of the Republic of Croatia in Istanbul has been agreed.

Continued cooperation is envisaged with accredited travel agencies at the Embassy in Moscow, which mediate in the visa application process, but there are plans to establish cooperation with other commercial brokers and/or external service providers in Russia and Turkey, which may mediate in the visa application and issuing process (outsourcing). In early 2013, a tender will be announced for visa centers in these countries.

Additional consular officers have been selected and the timetable of their deployment to work in the DM/CO in these countries defined. Preparations for the first group of officers were conducted in December 2012.

**Croatian Visa Information System (HVIS)**

The unified national system for visas, the Croatian Visa Database, has been operational as of 16 December 2009. This system is the basis for the establishment of the Croatian Visa Information System (HVIS).

The HVIS provides the basis for the rapid and effective exchange of information and data in the area of visas between the visa authorities. The Croatian visa information system significantly contributed to the uniformity of the process of issuing visas in diplomatic missions/consular offices, at the border, and in police administrations/police stations for extension of visas. On-line control of the process of issuing visas in diplomatic missions/consular offices has also been facilitated and timely corrective action enabled in the event of detected irregularities in the issuing of visas.

Work is underway on the further development of HVIS and the incorporation of new functionalities to enable better connectivity between visa authorities in the Ministry of Interior. The system has been upgraded with functionalities that enable the collection of biometric data from visa applicants. System testing will be conducted in 2013 and in certain diplomatic missions/consular offices the collection of biometric data from applicants will start.

Development of the Croatian Visa Information System should be conducted continuously, and the ultimate goal is to connect with the EU Visa Information System upon Croatia’s accession to the Schengen area.
Measures:

1.1 Alignment of national legislation with the changes in the *acquis*

Principal body: the ministry responsible for foreign affairs  
Stakeholders: the ministry responsible for internal affairs  
Deadline: ongoing, as needed  
Funding: line ministries from the state budget, within their regular activities.

1.2 Monitoring and implementation of set plans

Principal body: the ministry responsible for foreign affairs  
Stakeholders: the ministry responsible for internal affairs  
Deadline: ongoing, as needed  
Funding: line ministries from the state budget, within their regular activities.

1.3 Development of the Croatian Visa Information System

Principal body: the ministry responsible for foreign affairs  
Stakeholders: the ministry responsible for internal affairs  
Deadline: ongoing, as needed  
Funding: line ministries from the state budget.

2 STATUS ISSUES OF ALIENS

The provisions of the Aliens Act (Official Gazette, No. 130/2011) are aligned with 22 legal acts of the European Union relating to the entry, stay and employment of aliens. However, the *acquis* is continuously changing, as new regulations are passed and therefore in the upcoming period it is necessary to further align the provisions of the Aliens Act. Consequently, in 2013, further alignment with the Regulation laying down a uniform format for residence permits for third-country nationals, as well as the Directive concerning the status of third-country nationals who are long-term residents, bearing in mind the extension of the right to long-term residence to persons who are under international protection.

One of the priorities in this area is to start issuing, by 1 July 2013, biometric identity cards for aliens, which will contain all the required protective elements.

In the next four-year period it is not possible to predict at what pace economic recession will come to an end, if at all, i.e. when economic recovery and growth will start. Also, for now it is still not possible to predict the impact of full membership of the Republic of Croatia on the migratory movements of Croatian citizens to other countries of the European Union, or the immigration of citizens of the European Union to the area of the Republic of Croatia and how this will affect the economic trends and the demand for employment. In the coming period, therefore, the annual quota for the employment of aliens in the territory of the Republic of Croatia will continue to be determined each year, as has been the case so far. In line with the conditions on the labor market, the annual quota will identify the industries and occupations in which employment is permitted for aliens – third-country nationals (which does not apply to employment via the "blue card"), based on the proposal and opinion of the Croatian Employment Service, the Croatian Chamber of Economy, Croatian Chamber of Trades and Crafts and representatives of social partners. Therefore, during the period 2013 to 2015 the Croatian Employment Service will continue to update the analysis of labor...
market conditions, i.e. multi-annual trends of supply and demand for certain professions with a proposal of appropriate measures to meet the demand for workforce.

Furthermore, under the Act on the relations of the Republic of Croatia with Croats outside the Republic of Croatia, it is envisaged to attract Croats outside the Republic of Croatia to the Republic of Croatia, in order to fill job shortages.

Measures:

2.1 Alignment of national legislation with the changes in the *acquis*

Principal body: the ministry responsible for internal affairs
Stakeholders: the ministry responsible for foreign affairs, the ministry responsible for labor and the ministry responsible for science
Deadline: ongoing, as needed
Funding: the competent authorities from the state budget, within their regular activities

2.2 Issuance of a unique form of residence permit, or biometric ID cards for aliens

Principal body: the ministry responsible for internal affairs
Stakeholders: the ministry responsible for foreign affairs
Deadline: 1 July 2013
Funding: line ministries from the state budget

2.3 Updating the analysis of the situation on the labor market, with a proposal of appropriate measures to meet the demand for workforce

Principal body: Croatian Employment Service
Stakeholders: Ministry responsible for labor and the ministry responsible for the economy, the Croatian Chamber of Economy, Croatian Chamber of Trades and Crafts, the social partners
Deadline: ongoing
Funding: State Budget, the competent authorities in their budget items within their regular activities

2.4 Drafting proposals of the annual quota for the employment of aliens and potential employment of Croats from outside the Republic of Croatia

Principal body: the ministry responsible for labor
Stakeholders: the ministry responsible for the economy, the Croatian Employment Service, the Croatian Chamber of Economy, Croatian Chamber of Trades and Crafts, State Office for Croats outside the Republic of Croatia, the social partners
Deadline: ongoing
Funding: State Budget, the competent authorities in budget items within their regular activities and within the regular activities of the mentioned institutions

3 CROATIAN CITIZENSHIP

The largest number of Croatian citizens acquired Croatian citizenship by origin, according to the rule that a child at the time of its birth shall acquire the citizenship of its parents. Admission to
Croatian citizenship by naturalization always implies an application to the competent authority of the Republic of Croatia, administrative proceedings and the issuing of an administrative act deciding on the alien’s application for admission to Croatian citizenship.

As no generational limits have existed thus far, persons whose distant ancestors had lived in Croatia were admitted to Croatian citizenship based on emigration (for example, they emigrated to South America more than 100 years ago). In addition, spouses of Croatian immigrants who live in distant continents can gain Croatian citizenship under privileged conditions without residence in Croatia, while persons living in the Republic of Croatia and married to a Croatian citizen can acquire it only after they have obtained permanent residence for which they need 5 years of continuous residence permits in the Republic of Croatia.

In the procedures for the acquisition of Croatian citizenship, it is evident that the applicants are using the following legal grounds: emigration from the Republic of Croatia (Article 11 of the Act) and belonging to the Croatian nation (Article 16 of the Act). These legal options place these persons in a more favourable position compared to the aliens who live, work and receive education in the Republic of Croatia. A comparative analysis of European legislation revealed that certain countries enable the acquisition of the domicile citizenship for the one or the other category of persons (Italy, Slovenia, Germany, Hungary), but not on both of these grounds.

By 2014, amendments to Articles 11 and 16 of the Act will be considered so as to examine the actual effects of these provisions. The basis for naturalization in developed European countries is a real (effective) connection between the individual and the state based on residency, and requesting release from foreign citizenship confirms the individual’s belonging to a particular country.

Based on the notification of the succession of former state, the Republic of Croatia is a party to the Convention Relating to the Status of Stateless Persons from 1954, and the Convention on the Rights of the Child from 1989. The Convention on Reduction of Statelessness from 1961 aims at reducing statelessness from an early age and requests the party states to adopt the stipulated standards for the acquisition or termination of citizenship in the national legislature.

The Croatian Parliament ratified this Convention on 27 May 2011, and the Convention entered into force in the Republic of Croatia on 21 December 2011. By ratifying the said Convention the Republic of Croatia joined the circle of advanced countries that promote its humane and civilized values. In the period relevant to this Migration Policy, the Republic of Croatia will, by consistent application of the Convention, take progressive steps to combat individual cases of statelessness.

Measure:

3.1 Performance test and the need for amendments to Articles 11 and 16 of the Act on Croatian Citizenship

Principal body: the ministry responsible for internal affairs
Stakeholders: the ministry responsible for foreign affairs
Deadline: 2nd quarter of 2014
Funding: State Budget, according to budget items of line ministries within their regular activities.
4 ASYLUM

A priority in the field of asylum is the implementation of full access to international protection, and supplementing national legislation in accordance with the amendments of the European asylum law. With regard to the division of responsibility and solidarity between Member States, the Republic of Croatia is ready, within its capabilities, to give its contribution to countries that bear the biggest burden, which could be achieved through additional own capacities and by providing technical assistance for capacity building of effective asylum systems in third countries.

During 2013 and 2014, the capacity for implementing the asylum procedure will be further strengthened. For this purpose, the body responsible for the implementation of the asylum procedure will assess the need for additional employment in posts related to asylum procedures, after which, at the end of 2013 and the beginning of 2014, recruitment tenders will be announced, after which additional training will be organised for work in the asylum system, and different kinds of additional training will be implemented for all employees working on asylum matters.

In the period of this Migration Policy, in the area of asylum, i.e. international protection, it will be necessary to amend the legislation in the field of asylum, in accordance to the changes of the acquis in the field of international protection. During 2011, amendments were made to:

2. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

In addition to these amendments of European legislation, negotiations are ongoing on amendments to:

3 Council Regulation (EC) No 343/2003 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

After the institutions of the European Union amend these legal acts, the Republic of Croatia will amend its legislation accordingly.

The Ministry of the Interior will conduct the alignment of the Croatian asylum legislation with the amendments of the acquis in the field of asylum. Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) was adopted within the acquis. The deadline for transposing this Directive into national legislation is 21 December 2013. Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 on amendments to Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection will be transposed through amendments to the Aliens Act, and the deadline is 20 May 2013.
The problems faced in securing accommodation for persons under international protection by renting apartments from natural persons will be resolved by the Ministry of Social Affairs and Youth by means of establishing a system of accommodation for asylum seekers and aliens under subsidiary protection. The current practice, which involves the following procedures: finding appropriate accommodation, concluding a lease contract between the competent social welfare center and the lessor, including the problem of the price of rent, will be replaced in accordance with the best practices of countries with a long tradition of refugee migration. Based on these experiences, for the accommodation of persons granted protection it is the best to ensure integration houses or apartments owned by the state or local communities. The competent ministry and state agencies that manage state-owned assets or are in a position to provide housing for the accommodation of asylum seekers and aliens under subsidiary protection, as well as local authorities will establish an appropriate system of accommodation in the Republic of Croatia.

CENTRE FOR ASYLUM SEEKERS

The Republic of Croatia has an international obligation to adequately care for all aliens who seek asylum in the Republic of Croatia for the duration of their asylum application procedure. By the end of 2013, the Government of the Republic of Croatia will select a permanent location for the Reception Centre for Asylum Seekers. Depending on the location and on whether there is an existing facility at the selected location that requires adjustments or a new facility needs to be built, the preparation of implementing documents will start in 2014 and 2015 and the necessary funds will be secured in the State Budget. The Reception Centre for Asylum Seekers will start functioning at a permanent location no later than the end of 2015. The conditions of reception will be fully harmonized with the EU acquis.

After the selection of a new location for the Reception Centre for Asylum Seekers, the existing Reception Centre for Asylum Seekers in Kutina will be converted to accommodate vulnerable groups of asylum-seekers. In cooperation with the Croatian Red Cross, psycho-social support will be organized at the Reception Centre, as will all other assistance to vulnerable groups of asylum-seekers. Special emphasis will be placed on the organization of activities and support for children, especially unaccompanied minors, such as organizing help in studying, organizing everyday activities, playgroups. In addition to this, the Croatian Red Cross will continue with preventive and educational activities for potential victims of trafficking in human beings, gender-based violence and domestic violence.

The capacities for creating a list of special guardians are currently being considered. Appropriate training will be secured, with due attention given to specific competences, including the language skills of special guardians.

Measures:

4.1 Alignment of national legislation with the changes in the acquis

Principal body: the ministry responsible for internal affairs
Stakeholders: the ministry responsible for foreign affairs
Deadline: ongoing, as needed
Funding: State Budget, according to budget items of the line ministries within their regular activities
4.2. Strengthening the capacity to implement the asylum procedure

Principal body: the ministry responsible for internal affairs
Deadline: ongoing, as needed
Funding: State Budget, the line ministries according to budget items within regular activities

4.3 Additional training for employees who work in the asylum system

Principal body: the ministry responsible for internal affairs, the ministry responsible for justice - Judicial Academy
Stakeholders: administrative courts, social welfare centers
Deadline: ongoing, as needed
Funding: State Budget, budget items of competent authorities within regular activities

4.4 Providing accommodation for aliens with granted asylum status or subsidiary protection

Principal body: the ministry responsible for social policy
Stakeholders: Agency for State Property Management, Agency for Mediation in Transactions of Certain Real Estate, local government units
Deadline: ongoing
Funding: the competent authorities from the State Budget, EU funds

4.5 Establishment of the Centre for Asylum Seekers at an adequate location

Principal body: the ministry responsible for internal affairs
Stakeholders: Agency for State Property Management, State Office for Central Procurement
Deadline: end of 2015
Funding: the competent ministry from the State Budget

5 INTEGRATION POLICY

For the successful integration of aliens into Croatian society it is very important to continuously implement the measure which secures, with the aim of preventing discriminatory practices and attitudes towards immigrants in the economic, social and cultural life, the right to an equal status in relation to Croatian citizens, with a focus towards acquiring citizenship. For this purpose, the partnership with civil society (non-governmental organizations and social partners) and the private sector will be strengthened in fostering and promoting the diversity of cultural expressions. To prevent discrimination, xenophobia and racism it is not enough to establish a repressive legal framework (which exists in the Republic of Croatia), but it is also necessary to implement a proactive policy in the media, as well as to launch public campaigns for which the partnership of the private sector is expected, primarily employers' associations, as such campaigns cannot be conducted in the working environment without it. Since work is one of the important factors for the integration of aliens into a community, with the help of employers' associations, big companies and especially companies dealing in employment mediation, a campaign should be conducted that would emphasize the importance of the consistent respect for human rights in this area, the right to equal treatment and, ultimately, the right to be different and that these differences should not be cause for discrimination in the workplace or in employment. Consequently, starting from 2014, all government bodies will make provisions for appropriate funding for this purpose in their budget plans.
The integration process is a lengthy process that, in addition to the active participation of the immigrants, also includes an interdepartmental approach of the government bodies, local authorities and civil society. Because of the importance of integration for the successful functioning of the community, in 2013 the Government of the Republic of Croatia will appoint a Standing Committee for the implementation of the integration of aliens into Croatian society. The Chairman of this Committee will be the Head of the Office for Human Rights and National Minorities of the Government of the Republic of Croatia, and members will be assistant ministers in charge of education, health, social policy, labor and employment, culture, housing, internal affairs, foreign affairs, regional development and European Union funds, as well as a representative of the State Office for Croats outside the Republic of Croatia. The Standing Committee will meet regularly twice a year and more often if necessary. Also in 2013, the Committee will appoint a Working Group to deal with the operational implementation of planned tasks and report to the Committee on the implementation and possible difficulties associated with it. The Chairman of the Standing Committee has an obligation to submit a detailed report to the Government of the Republic of Croatia, no later than the end of June and the end of December each year, on the work of the Standing Committee and the problems identified by the Working Group, on the manner of solving these problems, or the reasons why the problems have not been resolved, as well as on the work of the Working Groups.

During 2013, the Working Group will identify problems that appear in the area of the integration of migrants and the possible legal obstacles and will propose an action plan to remove the obstacles that stand in the way of exercising certain rights; it will propose a timetable for introducing the necessary amendments to the legislation for the period 2014 to 2015.

The Standing Committee for the implementation of integration of aliens into Croatian society will appoint, if necessary, ad hoc working groups to solve particular problems related to the integration of aliens, in which representatives of local self-government and civil society will also be appointed.

The European Union also devotes particular attention to issues related to immigration, as a possible response to demographic challenges and labor shortages in EU states. The integration of immigrants in the European Union is approached with the utmost seriousness, and in order to foster European cooperation in that area, the European Integration Fund (EIF) was established for integration of non EU immigrants. This fund disposes, for the period from 2007 to 2013, with a budget of 825 million Euros, which was used to support national, but also common EU initiatives aimed at facilitating the integration of immigrants. The Fund provides support to the state and the civil sector, in order to strengthen their capacities for the development, implementation, monitoring and evaluation of integration strategies, policies and measures, as well as their sharing of information and best practices and cooperation on integration issues. Resources from the Fund have been used by the states to draw up annual programmes based on multi-annual programmes. Upon entry into the EU, the Republic of Croatia will participate in the network of national contact points on integration and will have access to EU funds for integration projects. It is therefore important that the Working Group prepares the multi-annual and annual plans concerning the integration of aliens into Croatian society, so that Croatia may use the EU funds intended for these purposes, within the Asylum and Migration Fund. In the network of national contact points on integration, the national contact point will be the Office of Human Rights and Rights of National Minorities.

The biggest problem in integration has been the learning of the Croatian language for adults with approved protection, especially for those who are located outside the City of Zagreb. Therefore, in 2012, a curriculum and a programme was developed of Croatian language for asylum seekers, asylees and aliens under subsidiary protection above the age of 15, in order to enable access to the secondary school system and the adult education system (Official Gazette, No.
The principal body in implementing Croatian language learning will be the state administration offices in counties, open universities, primary schools and other institutions that are authorized to conduct elementary education programmes for adults. Participants in the implementation are the Ministry of Social Affairs and Youth and the Ministry of Science, Education and Sports. Based on data from the Ministry of the Interior regarding accommodation of asylum seekers and aliens under subsidiary protection, the adult education institutions will provide data on the number of registered participants in the above programme to the Social Services Division of the competent administrative office, according to the location of the institution in question. The Social Services Division will then seek consent from the Ministry of Science, Education and Sport for the co-financing of the programme for a certain number of users. After giving consent, the Ministry will conclude a contract with the adult education institution on co-financing the participants of the programme for Croatian language learning. The implementation of this activity will begin during the school year 2012/2013 and will continue to be carried out continuously.

Measures:

5.1 Drafting proposals for the appointment of the Standing Committee for the implementation of the integration of aliens into Croatian society - appointed by the Government,

Principal body: Office for Human Rights and the Rights of National Minorities
Deadline: first quarter of 2013
Funding: the competent authority from the State Budget, in the budget items of the Office within its regular activities

5.2 The appointment of the Working Group for the operational implementation of the tasks of the Standing Committee for the implementation of the integration of aliens into Croatian society

Principal body: Office for Human Rights and Rights of National Minorities
Stakeholders: ministries responsible for education, health, social affairs, labor, culture, housing, internal affairs, foreign affairs, local self-government units, scientific institutions, the Croatian Red Cross and the civil sector
Deadline: first quarter of 2013
Funding: the State Budget, the competent authorities in budget items within regular activities

5.3 Action plan for removing obstacles to the exercise of rights in the field of integration based on the analysis of the problems encountered in this area

Principal body: Office for Human Rights and the Rights of National Minorities
Stakeholders: ministries responsible for education, health, social affairs, labor, culture, housing, internal affairs, foreign affairs, local self-government units, scientific institutions, the Croatian Red Cross and the civil sector
Deadline: 2nd quarter of 2013
Funding: State Budget, the competent authorities in budget items within regular activities

5.5 Activities aimed at raising public awareness of the various aspects and cause-effect phenomena of migrations, as a precondition for the prevention of xenophobia, prejudice and negative attitudes towards foreigners, through the media, public campaigns and human rights education

Principal body: Office for Human Rights and the Rights of National Minorities
5.6. The implementation of the curriculum of the Croatian language for persons above 15 years of age, at the level of all counties

Principal body: state administration offices in the counties, open universities, primary schools and other institutions authorized to implement programmes of elementary education for adults

Stakeholders: the ministry responsible for social affairs, the ministry responsible for education and the ministry responsible for internal affairs

Deadline: ongoing

Funding: State Budget, in budget items of the ministry responsible for education activities: Development of Adult Education System

6. IRREGULAR MIGRATION

Irregular migrants most frequently enter the Republic of Croatia in the area covered by the Vukovar-Srijem Police Administration. More than 80% of all illegal border crossings are located in this area. In the last three years the Croatian border police has been confronted with mixed migratory flows, in which it is impossible to distinguish the category of pure economic migrants from persons in need of international protection. The challenge which the public authorities are faced with is to achieve security of their own and soon to be the external borders of the European Union. At the same time, it is necessary to provide protection and shelter in its territory to all aliens in need of international protection.

It should be noted that the overall population of irregular migrants in the Republic of Croatia includes the especially vulnerable group of unaccompanied children. The registered number of unaccompanied children is also increasing, especially in 2011 (2009 - 132, 2010 – 271, in 2011-811, and from 1 January to 30 June 2012 - 314).

In the last fifteen years, it has been common practice to accommodate unaccompanied minors in one of the institutions for education of children and juveniles. The several years experience with large numbers of unaccompanied minors from more than 30 countries (mostly from southwestern Europe, Asia and Africa), shows that the conditions of their stay and accommodation in these institutions (whose primary function is the education of children with behavior disorders) are not appropriate to meet their complex needs in the specific life situation in which they find themselves. The best quality of care for this population of children requires good interdepartmental cooperation, primarily between ministries responsible for internal affairs and social policies. To this end, in June 2009, the Ministry of the Interior and the Ministry of Health and Social Welfare signed the Protocol on the treatment of children – aliens separated from their parents. In the shortest possible time, the Government of the Republic of Croatia will adopt a new protocol which will, amongst other things, define the accommodation of unaccompanied children in the appropriate facilities, respecting the needs of the children. In these facilities, international instruments will be fully implemented, with due respect for the four principles of the Convention on the Rights of a Child: non-discrimination, the best interests of the child, right to life, survival and development and the rights of the child to be heard. The provisions of the Protocol will be binding for all stakeholders.
Besides the evident increase of irregular migration in general, in the last three years the structure of irregular migrants in the Republic of Croatia has changed significantly. Nationals of countries from South Eastern Europe (Bosnia and Herzegovina, Serbia, Kosovo, Turkey, Macedonia and Albania), for years the most numerous migrants, were replaced in 2009 by nationals of African and Asian countries, whose percentage increased from 5% to 63% of the total number of irregular migrants. The citizens of Afghanistan used to make up only a negligible percentage, and now make up 40% of the total number of irregular migrants.

The most effective tool and instrument to combat irregular migration is the consistent application of readmission agreements. At the moment, the Republic of Croatia has signed 25 readmission agreements with 27 countries (a joint agreement was signed with the Benelux countries).

In the field of readmission, the priority is the implementation of activities and measures aimed at the successful implementation of readmission agreements with neighboring countries. In readmission proceedings, in 2008, 2009 and 2010 the Croatian police returned more people than it accepted, in accordance with the signed agreements (1,823 returned compared to 1,269 persons admitted). In 2011, on the basis of readmission agreements a total of 1,576 persons were returned, while 461 persons admitted.

The responsibility for the situation of irregular migration on its territory rests with each individual country. However, without the cooperation of neighboring countries and the countries in the region there can be no serious progress in addressing this problem.

In order to prevent and combat irregular migration and ensure border security and stability in this part of Europe, the activities of competent authorities will focus on:
- further development of own administrative, technical, accommodation and other necessary facilities,
- strengthen border enforcement cooperation between the countries of Southeast Europe,
- raise the level of trust between the competent authorities and institutions in the countries of the region and beyond,
- transfer experience and knowledge to other interested states and services.

With the new organization and reallocation of space in the Reception Centre for Aliens Ježević, the existing capacities of this Center have been increased from 96 to 116 beds. Given the lack of existing accommodation, and until such time as measures 6.6. and 6.7. are fully implemented, as a temporary solution until a suitable temporary location is found and new reception centers are completed, the facility of the riot police in Plato – Dubrovnik-Neretva Police Administration will be used as needed.

Measures:

6.1 Developing migration profiles of third countries

Principal body: the ministry responsible for internal affairs
Stakeholders: the ministry responsible for foreign affairs
Deadline: end of 2014
Funding: the competent authorities from the State Budget, as part of their regular activities

6.2 Further development and improvement of border management policies

Principal body: the ministry responsible for internal affairs
Stakeholders: the ministries responsible for finance and agriculture  
Deadline: end of 2014  
Funding: the competent authorities from the state budget, EU funds

### 6.3 Encouraging voluntary return of irregular migrants

Principal body: the ministry responsible for internal affairs  
Deadline: permanent  
Funding: the line ministry from the State Budget, additional financial resources should be used – resources of international organizations and EU funds

### 6.4 Signing readmission agreements with countries of origin and transit of irregular migrants

Principal body: the ministry responsible for internal affairs  
Stakeholders: the ministry responsible for foreign affairs  
Deadline: until full Croatian membership in the EU  
Funding: the line ministry from the State Budget

### 6.5 Proposing a new, legally binding Protocol on the treatment of children – foreign nationals separated from their parents, to be adopted by the Croatian Government

Principal body: the ministry responsible for social affairs, the ministry responsible for internal affairs  
Stakeholders: the ministry responsible for health, social welfare centers  
Deadline: first quarter of 2013  
Funding: the competent authorities from the State Budget, within their regular activities

### 6.6 Construction of the facility to accommodate children and other vulnerable groups of irregular migrants

Principal body: the ministry responsible for internal affairs  
Stakeholders: the ministries responsible for social affairs and health  
Deadline: end of 2014  
Funding: the line ministry from the State Budget, from IPA 2011

### 6.7 Construction of two transit reception centers for aliens in Trilj and Tovarnik

Principal body: the ministry responsible for internal affairs  
Stakeholders: towns of Trilj and Tovarnik  
Deadline: end of 2014  
Funding: the line ministry from the State Budget, from the Schengen Facility Fund

### 7. CROATIAN DIASPORA

There is a long tradition of the emigration of Croats from the territory of today's Croatia and surrounding areas where Croats are the autochthonous population. During the centuries of emigration, in addition to resettling in European countries, Croats have resettled in large numbers also in overseas destinations throughout North and South America, Australia and New Zealand.
According to the estimates of the Ministry of Foreign and European Affairs, there is a population of about 3 million people of Croatian descent in immigration. Although, naturally, some of the descendants assimilated into the countries of immigration, a substantial portion of them remained emotionally and culturally connected to the country of origin of their ancestors and are interested in overall contact with the mother country. The widespread Croat diaspora is therefore a great wealth, but also a natural reservoir of people who are interested in possible return. The task of this Migration Policy is to make return as easy as possible to all interested Croat immigrants.

**Measures:**

**7.1 A poll among the Croat diaspora, on their wishes to return to Croatia**

Principal body: the ministry responsible for foreign affairs  
Stakeholders: the Committee for Croats outside the Republic of Croatia, the Croatian Parliament, Croatian Heritage Foundation, the State Office for Croats outside of the Republic of Croatia  
Deadline: 1st-3rd quarter 2013  
Funding: the competent authorities from the State Budget, within their regular activities

**7.2 Drafting a catalogue of opportunities for employment and investment in Croatia**

Principal body: ministries responsible for the economy, labour and entrepreneurship, the Croatian Employment Service  
Stakeholders: Committee for Croats outside the Republic of Croatia, the Croatian Parliament, the ministry responsible for foreign affairs, the State Office for of Croats outside the Republic of Croatia, the Croatian Heritage Foundation  
Deadline: 4th quarter 2013  
Funding: the competent authorities from the State Budget, within their regular activities

**7.3 Presentation of opportunities for employment and investment in Croatia and promotional activities in the Croat diaspora communities**

Principal body: State Office for Croats outside the Republic of Croatia  
Stakeholders: Committee for Croats outside the Republic of Croatia, the Croatian Parliament, Croatian Heritage Foundation, the ministry responsible for foreign affairs  
Deadline: ongoing  
Funding: the competent authorities from the State Budget, within their regular activities

**7.4 Drafting and implementation of the Action Plan to encourage the return of Croatian emigrants**

Principal body: State Office for Croats outside the Republic of Croatia  
Stakeholders: Croatian Heritage Foundation, the ministry responsible for foreign affairs  
Deadline: ongoing  
Funding: the competent authorities from the state budget, within their regular activities