

**CROATIAN PARLIAMENT**

**2520**

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

**DECISION  
PROMULGATING THE ALIENS ACT**

I hereby promulgate the Aliens Act passed by the Croatian Parliament at its session on 25 November 2020.

Class: 011-01/20-01/100

Reg.No.: 71-10-01/1-20-2

Zagreb, 27 November 2020

President of  
the Republic of Croatia  
**Zoran Milanović, m.p.**

**ALIENS ACT**

**I. GENERAL PROVISIONS**

**Article 1**

(1) This Act shall lay down the conditions of entry, movement, stay, and work of aliens who are third-country nationals (hereinafter: third-country nationals) in the Republic of Croatia.

(2) The provisions of this Act relating to stay and work of third-country nationals shall not apply to members of diplomatic missions, consular posts, members of the missions of the United Nations organisations and other United Nations specialised agencies, employees of the European Union institutions, members of the missions of international organisations accredited in the Republic of Croatia, and members of their families or shared households, to whom the ministry responsible for foreign affairs issues special identity cards, as well as persons who may stay in the Republic of Croatia within the framework of NATO activities and their family members.

(3) The provisions of this Act shall not apply to third-country nationals who are crew members on ships of Croatian nationality engaged on international voyages while navigating beyond the borders of the Republic of Croatia.

(4) Third-country nationals on temporary stay, long-term residence or permanent stay shall regulate their mandatory health insurance in line with the legislation governing mandatory health insurance and healthcare of aliens in the Republic of Croatia, unless this legislation provides for otherwise.

(5) Persons whose status has been determined as that of a Croat without Croatian citizenship shall not be regarded as aliens within the meaning of this Act and shall exercise their status and rights in line with special legislation on the relations between the Republic of Croatia and Croats outside the Republic of Croatia.

## Article 2

(1) By this Act, the following acts of the European Union shall be transposed into Croatian legislation:

- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals (OJ C 304, 14. 10. 1996.)
- Council Resolution 97/C 382/01 of 4 December 1997 on measures to be adopted on the combating of marriages of convenience (OJ C 382, 16. 12. 1997.)
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ L 149, 2. 6. 2001.)
- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187, 10. 7. 2001.)
- Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence (OJ L 328, 5. 12. 2002.)
- Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence (2002/946/JHA) (OJ L 328, 5. 12. 2002.)
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3. 10. 2003.)
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ L 321, 6. 12. 2003.)
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents (OJ L 16, 23. 1. 2004.)
- Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (2004/191/EC) (OJ L 60, 27. 2. 2004.)
- 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.)
- Council Decision of 29 April 2004 on the organization of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (2004/573/EC) (OJ L 261, 6. 8. 2004.)
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24. 12. 2008.)
- Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18. 6. 2009.)
- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30. 6. 2009.)
- Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection (Text with EEA relevance) (OJ L 132, 19.05.2011.)

– 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 (OJ L 337, 20. 12. 2011.)

– Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23. 12. 2011.)

– Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28. 3. 2014.)

– Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27. 5. 2014.)

– Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and *au pairing* (OJ L 132, 21. 5. 2016.).

(2) This Act shall ensure the implementation of the following acts of the European Union:

– Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 29. 5. 1995.), as last amended by Regulation (EU) 2017/1370 of the European Parliament and of the Council of 4 July 2017 amending Council Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 198, 28. 7. 2017.)

– Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23. 2. 2002.)

– Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code); (OJ L 243, 15. 9. 2009.) as last amended by Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23. 3. 2016.)

– Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa (OJ L 85/1, 31. 3. 2010.) as last amended by Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23. 3. 2016.)

– Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23. 3. 2016.)

– Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of

illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 (OJ L 311, 17. 11. 2016.)

– Regulation (EU) No 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 303/39 of 28. 11. 2018.)

– Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816 (OJ L 135 of 22. 5. 2019.)

## *Definitions*

### Article 3

(1) Within the meaning of this Act, the particular terms shall have the meanings as follows:

1) *stateless person* shall mean a person who is not considered as a national by any state under its national legislation

2) *national of a Member State of the European Economic Area* (hereinafter: EEA) shall mean a person who holds a citizenship of one of the EEA Member States

3) *third-country national* shall mean a person who does not have the citizenship of an EEA Member State or of the Swiss Confederation, but who does have the citizenship of a third country or is a stateless person.

4) *third country* shall mean a state other than an EEA Member State or the Swiss Confederation

5) *alien* shall mean a person who does not hold Croatian citizenship

6) *travel document* shall mean a foreign travel document and a travel document for a third-country national

7) *foreign travel document* shall mean a document that a competent authority of another state issues to its citizens or other persons for travelling abroad

8) *travel document for a third-country national* shall mean a *laissez-passer* for a third-country national, a special travel document for a third-country national, a travel document for a stateless person, a travel document for an asylee issued in line with the legislation governing the issuance of documents to asylees, and documents issued pursuant to international treaties.

9) *biometric residence permit* shall mean a document issued to a third-country national who has been granted temporary stay, long-term residence or permanent stay by the Ministry of the Interior (hereinafter: the Ministry) through a police administration or a police station, which allows him to enter into the Republic of Croatia and stay in the Republic of Croatia in line with the purpose stated therein

10) *employer* shall mean a legal or natural person that entered into an employment relationship with a third-country national or that benefits from his work

11) *subcontractor* shall mean an employer – legal or natural person that has concluded a subcontracting agreement with another legal or natural person and that entered into an employment relationship with a third-country national or that benefits from his work

12) *seasonal worker* shall mean a third-country national who retains his permanent residence in a third country while staying legally and temporarily in the Republic of Croatia to carry out an activity dependent on the passing of the seasons, under one or

more fixed-term contracts of employment concluded directly with an employer established in the Republic of Croatia

13) *activity dependent on the passing of the seasons* shall mean an activity that is tied to a certain time of the year by a recurring event or pattern of events linked to seasonal conditions where the labour levels required are significantly above those necessary for normal operations; the activities in which it is permitted to employ seasonal workers are agriculture and forestry as well as tourism and the hospitality industry

14) *intra-corporate transfer* shall mean the temporary posting for occupational or training purposes of a third-country national from a company established outside the EEA, and with which the third-country national has concluded a contract of employment, to an entity established in the Republic of Croatia which belongs to the same company or group of companies, and, where applicable, the mobility between entities established in an EEA Member State

15) *linked companies* shall mean two or more companies linked in the following ways:

– a company, in relation to another company, directly or indirectly holds the majority of that company's subscribed capital

– a company controls the majority of the votes of the other company linked to that company's issued share capital

– a company is entitled to appoint more than half of the members of the administrative, management or supervisory body of the other company, or the companies are under the sole management of the parent company

16) *higher education qualification* shall mean a qualification attesting the successful completion of a higher education institution study programme

17) *highly qualified worker* shall mean a third-country national employed in the Republic of Croatia in line with the special legislation governing labour relations in the Republic of Croatia, who is paid for such work and who has the required or suitable and specific competence gained by the completion of higher education institution study programmes

18) *EU Blue Card* shall mean a stay and work permit entitling its highly qualified holder to temporarily stay and work in the Republic of Croatia; a remark reading "EU Blue Card" shall be entered into the biometric residence permit

19) *long-term residence* shall mean legal stay acquired by a third-country national if, prior to the day of application, he has had granted temporary stay, asylum or subsidiary protection in the Republic of Croatia for an uninterrupted period of five years, and if he meets other conditions laid down in this Act

20) *permanent stay* shall mean legal stay granted to certain categories of third-country nationals staying in the Republic of Croatia for a period shorter than five years

21) *long-term resident* shall mean a third-country national who holds a residence permit issued by a police administration or a police station or another EEA Member State on a prescribed form in which he is recorded as a third-country national with long-term residence

22) *permanent resident* shall mean a third-country national who holds a residence permit issued by a police administration or a police station on a prescribed form in which he is recorded as a third-country national on permanent stay

23) *threat to public health* shall mean any communicable disease with a potential to become an epidemic, which, in line with the legislation of the Republic of Croatia and the relevant documents of the World Health Organisation, requires that certain

counter-epidemic measures and activities be taken with a view to preventing and suppressing its emergence in the population of the Republic of Croatia

24) *return* shall mean voluntary departure or forcible removal of a third-country national staying illegally in the Republic of Croatia to a third country

25) *unaccompanied minor* shall mean a third-country national below the age of 18 entering the territory of the Republic of Croatia unaccompanied by an adult responsible for his care, whether by law or custom, and for as long as he is not effectively taken into the care of such a person, or a minor who is left unaccompanied following his entry into the territory of the Republic of Croatia

26) *carrier* shall mean a natural or legal person registered to provide transport of persons

27) *temporary employment agency* that is registered according to special legislation and entered into records of the ministry responsible for labour shall mean an employer that employs workers for the purpose of hiring them out to clients and that, under the conditions laid down by the general employment legislation and by this Act, may enter into an employment relationship with a third-country national and hire him out to another employer (client) on the basis of a hiring-out contract, for temporary replacement.

28) *researcher* shall mean a third-country national who holds a doctoral degree or an appropriate higher education qualification which gives that third-country national access to doctoral programmes, who is selected by a research organisation and who is admitted for carrying out research activities

29) *student* shall mean a third-country national who is eligible to enrol in a university study programme and who has been granted admission in order to study full-time and obtain a higher education qualification, in line with the legislation governing higher education

30) *pupil* shall mean a third-country national who is admitted to follow a recognised programme of secondary school education in the context of a pupil exchange scheme or educational project operated by an educational establishment in line with the legislation governing secondary school education

31) *trainee* shall mean a third-country national who holds a degree of higher education or is pursuing a course of study in a third country that leads to a higher education degree and who is admitted for a training programme for the purpose of gaining knowledge, practice and experience in a professional environment

32) *volunteer* shall mean a third-country national who is admitted to participate in a voluntary service scheme

33) *voluntary service scheme* shall mean a programme of practical solidarity activities, based on the legislation governing voluntary service or on a Union scheme, pursuing objectives of general interest for a non-profit cause, in which the activities are not remunerated, except for reimbursement of expenses and/or pocket money

34) *research* shall mean creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications

35) *research organisation* shall mean any public or private organisation which conducts research

36) *educational establishment* shall mean a public or private secondary-level educational establishment recognised in line with the legislation governing secondary school education or whose courses of study are recognised in line with the legislation governing education, on the basis of transparent criteria and which participates in a pupil exchange scheme or educational project

37) *educational project* shall mean a set of educational activities developed by an educational establishment in cooperation with similar establishments in a third country, with the purpose of sharing cultures and knowledge

38) *higher education institution* shall mean any type of higher education institution which, in line with the legislation governing higher education, offers recognised higher education qualifications or other recognised tertiary level qualifications

39) *host entity* shall mean a research organisation, a higher education institution, an educational establishment, an organisation responsible for a voluntary service scheme or a natural or legal person hosting a trainee

40) *Union or multilateral programmes that comprise mobility measures* shall mean programmes funded by the Union or by Member States promoting mobility of third-country nationals in the Union or in the Member States participating in the respective programmes

41) *international protection* shall mean protection granted to a third-country national or a stateless person, which includes asylum and subsidiary protection in line with the legislation governing international protection

42) *seafarer* shall mean any person who is employed, or engaged or works in any capacity on board any ship in maritime navigation or inland navigation

43) *digital nomad* shall mean a third-country national who is employed or performs work through communication technology for a company or his own company that is not registered in the Republic of Croatia and does not perform work or provide services to employers in the territory of the Republic of Croatia.

(2) The expressions used in this Act which have gender-specific meaning shall refer equally to masculine and feminine gender.

#### *Using a foreign travel document and issuing special identity cards*

##### Article 4

(1) A third-country national holding multiple citizenships shall, while staying in and when exiting the Republic of Croatia, use the travel document on the basis of which he entered the Republic of Croatia.

(2) The ministry responsible for foreign affairs shall be responsible for issuing special identity cards to members of diplomatic missions and consular posts, members of the missions of the United Nations organisations and other United Nations specialised agencies, employees of the European Union institutions, members of the missions of international organisations accredited in the Republic of Croatia, and members of their families or shared households and staff referred to in Article 1, paragraph 2 of this Act.

(3) The minister responsible for foreign affairs shall, subject to a prior approval of the minister responsible for the interior (hereinafter: the Minister), adopt an ordinance concerning the type, conditions, method of issuing, and forms of special identity cards and the application forms for the issuing thereof, as well as the method of keeping records of applications received and special identity cards issued.

#### *Security checks of third-country nationals and compliance with the legislation in force in the Republic of Croatia*

##### Article 5

(1) Security checks of third-country nationals for reasons of national security shall be carried out by the Security and Intelligence Agency in line with the legislation governing security check procedures.

(2) The decisions issued pursuant to the provisions of this Act, on the basis of the security check for reasons of national security, shall contain the legal provision and the data whose disclosure could not jeopardise the national security interests.

(3) During his movement and stay in the Republic of Croatia, a third-country national shall comply with the laws and regulations as well as the decisions issued by national authorities of the Republic of Croatia.

(4) A third-country national whose movement is restricted to a particular area within a particular period of time by a bilateral international treaty may move only within that area within the designated period of time.

## II. TRAVEL DOCUMENTS FOR THIRD-COUNTRY NATIONALS

### *Types of travel documents for third-country nationals*

#### Article 6

(1) Within the meaning of the provisions of this Act, travel documents for third-country nationals shall be the following:

1. *laissez-passer* for a third-country national
2. special travel document for a third-country national
3. travel document for stateless persons
4. documents issued pursuant to international treaties.

(2) A *laissez-passer* for a third-country national shall be issued with a period of validity of up to 30 days.

(3) A special travel document for a third-country national shall be issued with a period of validity of up to two years.

(4) A travel document for stateless persons shall be issued with a period of validity of up to five years.

(5) Documents issued pursuant to international treaties shall be issued under the conditions laid down by the said international treaties.

(6) The Minister shall prescribe the documentation to be enclosed to the application for the issuance of a travel document for a third-country national, the layout and content of the application forms, as well as the cost of production of travel documents referred to in paragraph 1 of this Article in the ordinance governing the stay and work of third-country nationals in the Republic of Croatia.

### *Issuing a laissez-passer for a third-country national*

#### Article 7

(1) A *laissez-passer* shall be issued to a third-country national who is not in possession of a foreign travel document.

(2) The application for the issuance of a *laissez-passer* shall be submitted at a police administration or a police station according to the third-country national's temporary or permanent residence, or at a diplomatic mission or a consular post of the Republic of Croatia.

(3) A *laissez-passer* for travelling abroad shall be issued by the Ministry through a police administration or a police station according to the third-country national's permanent or temporary residence if:

1. a third-country national has lost his Croatian citizenship



2. the state of his citizenship does not have its diplomatic mission or consular post in the Republic of Croatia and its interests are not represented by another state, or
3. there are other justified reasons for doing so.

(4) A *laissez-passer* for returning to the Republic of Croatia shall be issued by a diplomatic mission or a consular post of the Republic of Croatia, with a prior approval of the Ministry, if:

1. a third-country national has lost abroad his travel document for an asylee, special travel document for a third-country national or travel document for stateless persons issued by the Ministry, or

2. there are other justified reasons for doing so.

(5) A *laissez-passer* for a third-country national may be issued for:

1. one exit from the Republic of Croatia

2. one entry into the Republic of Croatia

3. one exit from the Republic of Croatia and one entry into the Republic of Croatia.

(6) No appeal shall be admissible against the decision referred to in paragraphs 3 and 4 of this Article. However, an administrative dispute may be instituted.

#### *Special travel document for a third-country national*

##### Article 8

(1) A special travel document for a third-country national may be issued to a third-country national who has been granted subsidiary protection in the Republic of Croatia in line with the legislation governing international protection and who, through no fault of his own, is not able to obtain a foreign travel document.

(2) By way of derogation from paragraph 1 of this Article, a travel document may also be issued to a third-country national who has been granted temporary stay, long-term residence or permanent stay and whose travel document has expired, for the purpose of visiting a diplomatic mission or a consular post abroad and obtaining a new foreign travel document, or who has lost his third-country citizenship on the basis of an issued guarantee granting admission to Croatian citizenship.

(3) A third-country national who has obtained a valid foreign travel document, or who has been admitted to Croatian citizenship, or whose subsidiary protection has ceased, or whose stay referred to in paragraph 2 of this Article has ceased shall return his special travel document for a third-country national to the competent police administration or station within 30 days from the day on which such circumstances occurred.

(4) The application for the issuance of a special travel document shall be submitted at a police administration or a police station according to the third-country national's temporary or permanent residence, which shall decide on the application.

(5) No appeal shall be admissible against the decision referred to in paragraph 4 of this Article. However, an administrative dispute may be instituted.

#### *Travel document for stateless persons*

##### Article 9

(1) A travel document for stateless persons may be issued to a stateless person under the conditions provided for by the Convention Relating to the Status of Stateless Persons of 28 September 1954 if he has been granted temporary stay, long-term residence or permanent stay.

(2) The application for the issuance of a travel document for stateless persons shall be submitted at a police administration or a police station according to the third-country national's permanent or temporary residence.

(3) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(4) A third-country national who has obtained a valid foreign travel document, or who has been admitted to Croatian citizenship, or whose stay referred to in paragraph 1 of this Article has ceased shall return his travel document for stateless persons to the competent police administration or station within 30 days from the day on which such circumstances occurred.

*Refusing the application for the issuance of a travel document for a third-country national*

Article 10

(1) The Ministry shall refuse an application for the issuance of a travel document submitted by a third-country national, through a police administration or a police station if:

1. criminal or misdemeanour proceedings are pending against him, unless the public law body conducting the proceedings has given its approval

2. he has been sentenced to imprisonment or fined in criminal or misdemeanour proceedings, until he serves the sentence or pays the fine

3. he has failed to regulate his proprietary obligations for which there is an enforcement order

4. this is required in order to protect public policy, national security or public health.

(2) A *laissez-passer* may be issued to a third-country national in the procedure of forcible removal, regardless of the existence of circumstances referred to in paragraph 1, items 1, 2 and 3 of this Article.

(3) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

*Seizing a travel document for a third-country national*

Article 11

(1) The Ministry shall seize, *ex officio*, a travel document for a third-country national through a police administration or a police station:

1. for any of the reasons referred to in Article 10, paragraph 1 of this Act

2. if a third-country national moves outside a certain area or outside a certain time frame designated by the international treaty pursuant to which the document was issued.

(2) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

(3) A travel document for a third-country national may be returned to the third-country national upon his request if the reasons referred to in paragraph 1 of this Article cease to exist.

III. VISAS

## *Short-stay visa*

### Article 12

(1) A short-stay visa shall mean the approval of the following:

1. transit through the territory of the Republic of Croatia or stay in the territory of the Republic of Croatia in the maximum duration of 90 days in any 180-day period
2. transit through the international transit area of an airport.

(2) A third-country national cannot work in the territory of the Republic of Croatia on the basis of a short-stay visa.

(3) The Government of the Republic of Croatia (hereinafter: the Government) shall, at the proposal of the ministry responsible for foreign affairs, adopt an ordinance on the visa regime of the Republic of Croatia, pursuant to Article 4 of Council Regulation (EU) 2018/1806 of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 303/39 of 28. 11. 2018.).

(4) The ministry responsible for foreign affairs shall be the central state administration authority for visa issues.

## *Types of short-stay visas*

### Article 13

The types of short-stay visas shall be the following:

1. airport transit visa (Visa A)
2. short-term visa (Visa C).

## *Airport transit visa (Visa A)*

### Article 14

(1) A third-country national who does not leave the international transit area during a stop-over at an airport in the Republic of Croatia or at international flights shall not be required to hold a visa.

(2) By way of derogation from paragraph 1 of this Article, the Government may order that citizens of certain states and holders of travel documents issued by the competent authorities of those states are required to hold airport transit visas, pursuant to Article 3, paragraphs 2 and 3 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15. 9. 2009.).

(3) An airport transit visa shall be issued for one, two or multiple passes through the international transit area of an airport.

(4) The period of validity of an airport transit visa shall also cover an additional 15-day period.

(5) By way of derogation from paragraph 4 of this Article, the additional period shall not be granted if this is required in order to protect public policy.

(6) A multiple airport transit visa shall be issued with a period of validity of up to six months.

## *Short-term visa (Visa C)*

### Article 15

(1) A short-term visa shall be issued for transit through the Republic of Croatia or stay in the territory of the Republic of Croatia.

(2) A short-term visa shall be issued for one, two or multiple entries into the Republic of Croatia.

(3) The period of validity of a short-term visa shall not exceed five years.

(4) A short-term visa for multiple entries shall be issued with a period of validity ranging from six months to five years if a third-country national proves the following:

1. the need or justified intention to travel frequently and/or regularly, in particular as a result of business or family reasons, and

2. his integrity and reliability, in particular the lawful use of previously issued visas, his financial situation in the country of origin and his genuine intention to leave the territory of the Republic of Croatia before the expiry of the visa he applied for.

(5) In the case of transit, the duration of authorised stay shall correspond to the time necessary for the transit.

(6) The period of validity of a short-term visa for one entry shall also cover an additional 15-day period.

(7) By way of derogation from paragraph 6 of this Article, the additional period shall not be granted if this is required in order to protect public policy of the Republic of Croatia.

(8) A visa issued to a third-country national is not a guarantee that he will be granted entry into the Republic of Croatia.

#### *Cooperation with a commercial intermediary and an external service provider*

##### Article 16

(1) A commercial intermediary and/or an external service provider may take part in the collection of visa applications, as prescribed by the ordinance governing the issuance of visas, which is issued by the minister responsible for foreign affairs.

(2) An external service provider may also collect biometric data from visa applicants, as prescribed by the ordinance referred to in paragraph 1 of this Article.

#### *Competence for the issuance of a short-stay visa*

##### Article 17

(1) A third-country national who is required to hold a visa to enter the Republic of Croatia shall obtain a visa prior to his entry into the Republic of Croatia.

(2) A short-stay visa shall be issued by a diplomatic mission or a consular post of the Republic of Croatia and it may also be issued by a diplomatic mission or a consular post of another state which has concluded an agreement with the Republic of Croatia on representation in the issuance of visas.

(3) Prior to issuing a short-stay visa, a diplomatic mission or a consular post shall seek a prior approval from the ministry responsible for foreign affairs, in cases prescribed by secondary legislation.

(4) Prior to granting the approval referred to in paragraph 3 of this Article, and in cases prescribed by implementing regulations, the ministry responsible for foreign affairs shall request an opinion from the Ministry and from the Security and Intelligence Agency. This opinion shall be binding.

(5) By way of derogation from paragraph 2 of this Article, a short-stay visa may be issued by a police station competent for controlling the crossing of the state border, pursuant to Article 26 of this Act.

### *Applying for a short-stay visa*

#### Article 18

(1) A third-country national shall apply for a short-stay visa on a prescribed form.

(2) A third-country national entered into a travel document of another third-country national who is applying for a short-stay visa shall submit a visa application on a separate form referred to in paragraph 1 of this Article.

(3) The application for the issuance of a short-stay visa shall be submitted no sooner than six months, or in cases of seafarers who are carrying out their duties no sooner than nine months prior to the beginning of the intended travel, and generally no later than 15 calendar days prior to the beginning of the intended travel. Exceptionally, in individual justified cases of emergency, submission of applications may be allowed less than 15 calendar days prior to the beginning of the intended travel.

(4) Documents concerning the purpose and conditions of transit or stay in the Republic of Croatia shall be enclosed to the application for a short-stay visa.

(5) A third-country national arriving for a private or business visit to a natural or legal person in the Republic of Croatia may be asked to enclose a letter of guarantee and/or other proof that this natural or legal person shall bear the costs of his stay in the Republic of Croatia, including the costs of accommodation and subsistence, and the costs covering the departure from the Republic of Croatia.

(6) The procedure for the recovery of costs referred to in paragraph 5 of this Article shall fall within the competence of the Ministry.

(7) The form referred to in paragraph 1 of this Article, the documents referred to in paragraph 4 of this Article, and the letter of guarantee and other proof referred to in paragraph 5 of this Article shall be prescribed by the ordinance referred to in Article 16, paragraph 1 of this Act.

### *Affixing a visa*

#### Article 19

(1) A visa shall be affixed in a valid travel document in the form of a sticker, as prescribed by Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 29. 5. 1995.).

(2) By way of derogation from paragraph 1 of this Article, if a travel document is not considered to be valid for crossing the state border and for affixing a visa and this is required on humanitarian grounds or for reasons of national interest of the Republic of Croatia, a short-stay visa shall be affixed in the form for affixing the visa, as prescribed by Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53 of 23. 2. 2002.).

(3) The form referred to in paragraph 2 of this Article shall be issued by a diplomatic mission or a consular post of the Republic of Croatia, or by a police station competent for controlling the crossing of the state border.

## *Travel health insurance*

### Article 20

(1) A third-country national submitting an application for the issuance of a short-term visa for one or two entries shall prove that he has adequate and valid travel health insurance to cover the expenses which might arise during his stay in the Republic of Croatia due to:

1. urgent medical attention and/or emergency hospital treatment, or
2. return to the country of permanent stay for medical reasons, or
3. transport in the event of death.

(2) A third-country national submitting an application for the issuance of a short-term visa for multiple entries shall prove that he has adequate and valid travel health insurance covering the period of his first intended visit, and shall sign a statement concerning the obligation to have travel health insurance for any subsequent visits.

(3) By way of derogation from paragraphs 1 and 2 of this Article, proof of travel health insurance shall not be enclosed by the following persons:

1. holders of diplomatic passports
2. seafarers and other professional groups, who are already covered by travel health insurance as a result of their professional activities.

## *Croatian Visa Information System*

### Article 21

(1) Applications for the issuance of a short-stay visa and data collected from third-country nationals and natural or legal persons referred to in Article 18, paragraph 4 of this Act shall be stored and processed in the Croatian Visa Information System (hereinafter: the Croatian VIS), in line with the Government regulation governing the Croatian VIS and the legislation governing personal data protection.

(2) Should a third-country national abandon the application referred to in paragraph 1 of this Article before the relevant decision is reached, the information on the suspension of the procedure shall be entered into the Croatian VIS in line with the regulation governing the Croatian VIS.

(3) The data on visas that have been issued, extended, refused, annulled and revoked shall be entered into the Croatian VIS in line with the regulation governing the Croatian VIS.

## *Biometric data collection*

### Article 22

(1) A third-country national applying for a short-term visa for the first time shall appear in person at a diplomatic mission or a consular post of the Republic of Croatia, so that the following biometric data may be collected:

1. photographs, scanned or taken at the time of the application in line with the ordinance governing the issuance of visas, and
2. fingerprints of ten fingers taken flat and stored digitally, in line with the regulation governing the Croatian VIS.

(2) The biometric data referred to in paragraph 1 of this Article shall be entered into the Croatian VIS.

(3) For applications submitted within the period of 59 months from the day the biometric data were first entered into the Croatian VIS, fingerprints of a third-country national referred to in paragraph 1 of this Article shall be copied into the said applications, unless there are justified reasons for doubting the identity of the applicant. If it is not possible, at the time when the new application is submitted, to immediately confirm that the fingerprints were taken no more than 59 months before the day of the new application, a third-country national may request to be fingerprinted.

(4) By way of derogation from paragraph 1 of this Article, fingerprints shall not be taken from the following persons:

1. children below the age of 12
2. persons for whom fingerprinting is physically impossible, and if it is not possible to take all ten fingerprints, the largest possible number of fingerprints shall be taken, and in case this is only temporarily impossible, a third-country national shall be fingerprinted when submitting his next application
3. heads of state and members of national governments and spouses accompanying them, and members of delegations when they are invited for an official visit by the Government or by an international organisation
4. state sovereigns and other high ranking members of the royal family if they have been invited for an official visit by the Government or by an international organisation.

#### *Admissibility of short-stay visa applications*

##### Article 23

(1) A short-stay visa application shall be considered admissible if:

1. it was submitted within the deadline referred to in Article 18, paragraph 3 of this Act
2. it was submitted on the form referred to in Article 18, paragraph 1 of this Act
3. a travel document is presented along with the application pursuant to Article 25, paragraph 1 of this Act
4. it includes a photograph
5. biometric data have been collected
6. the prescribed administrative fee has been paid.

(2) If the conditions referred to in paragraph 1 of this Article are not met, the visa application shall be considered inadmissible, the application form, as well as all the documents enclosed shall be returned to the third-country national without delay, the collected biometric data shall be destroyed, the amount of administrative fee paid shall be refunded, and the application shall not be considered.

(3) By way of derogation from paragraph 2 of this Article, an application which fails to meet the conditions referred to in paragraph 1 of this Article may be considered admissible on humanitarian grounds, for reasons of national interest of the Republic of Croatia, or international obligations of the Republic of Croatia.

#### *Deadline for deciding on short-stay visa applications*

##### Article 24

(1) A decision on an admissible short-stay visa application shall be reached within 15 days from the day of application.

(2) The deadline referred to in paragraph 1 of this Article may be extended for up to a maximum of 45 days if there are justified reasons to do so.

(3) By way of derogation from paragraph 1 of this Article, in individual justified cases of emergency the application shall be decided upon without delay.

#### *Travel document*

##### Article 25

(1) A visa shall be affixed in a travel document which meets the following criteria:

1. it is valid for at least three months beyond the intended day of departure from the Republic of Croatia or, in the case of multiple visits, after the last intended day of departure from the Republic of Croatia
2. it contains at least two blank pages
3. it was issued within the last ten years.

(2) By way of derogation from paragraph 1, item 1 of this Article, in justified cases of urgency, a visa may be affixed in a travel document whose period of validity is shorter.

#### *Issuing a short-term visa at a border crossing point*

##### Article 26

A short-term visa may be issued at a border crossing point upon a third-country national's request:

1. for a stay of up to 15 days
2. for the purpose of transit
3. to a seafarer for the purpose of transit.

#### *Conditions for issuing a short-term visa at a border crossing point*

##### Article 27

A short-term visa may be issued at a border crossing point, provided that a third-country national meets the following conditions:

1. he holds a valid travel document or another document prescribed for crossing the state border
2. he justifies the purpose of his stay and has sufficient means of subsistence during his stay in the Republic of Croatia and for returning to the country from which he came or for travelling to a third country
3. his return to the country of origin or country of residence or his transit is considered to be safe
4. he has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, and no alert has been issued in the Schengen Information System (hereinafter: SIS) for the purpose of forbidding his entry, and he is not covered by international measures of restricted entry binding on the Republic of Croatia
5. he does not pose threat to public policy, national security or public health of the Republic of Croatia.

#### *Reasons for issuing a short-term visa at a border crossing point*

##### Article 28

The visa referred to in Article 27 of this Act may be issued if a third-country national was not in a position to submit a visa application at a diplomatic mission or a consular post of the Republic of Croatia beforehand and if he has enclosed, where necessary,



documents proving the existence of unforeseeable and pressing reasons for entry into the Republic of Croatia.

*Issuing a short-term visa at a border crossing point to a seafarer*

Article 29

A short-term transit visa shall be issued at a border crossing point upon a seafarer's request if he:

1. holds the seafarer's book or another document recognised as a seafarer's identification document pursuant to the provisions of international treaties
2. meets the conditions referred to in Articles 27 and 28 of this Act and crosses the state border in order to embark on, re-embark on or disembark from a vessel on which he works, will work or has worked as a seafarer.

*Refusing to issue a short-term visa at a border crossing point*

Article 30

(1) The issuance of a short-term visa at a border crossing point shall be refused if the conditions referred to in Articles 27 and 28 of this Act are not met, or on grounds referred to in Article 32, paragraph 1 of this Act.

(2) A visa refusal decision shall be issued to a third-country national on a prescribed form.

(3) A third-country national shall be entitled to lodge an appeal against the decision referred to in paragraph 2 of this Article through the competent diplomatic mission or consular post of the Republic of Croatia. The ministry responsible for foreign affairs shall decide on the appeal.

*Short-term visa extension*

Article 31

(1) An extended short-term visa shall be issued by the Ministry through a police administration or a police station upon the request of a third-country national.

(2) Before extending a short-term visa, a police administration or a police station shall seek prior approval from the Ministry, which shall decide thereupon within seven days.

(3) Prior to granting the approval referred to in paragraph 2 of this Article, the Ministry shall request an opinion from the ministry responsible for foreign affairs and from the Security and Intelligence Agency. This opinion shall be binding.

(4) The period of validity of the short-term visa and/or the duration of stay granted on the basis of the short-term visa issued may be extended if the Ministry believes that the short-term visa holder has submitted proof of the following:

1. *force majeure* or humanitarian grounds which prevent him from leaving the territory of the Republic of Croatia prior to the expiration of the period of validity or the duration of stay granted by the visa
2. serious personal reasons that justify the extension of the period of validity or the duration of stay.

(5) An application for the extension of the period of validity of a short-term visa and/or the duration of stay shall be submitted at a police administration or a police station prior to the expiration of the period of validity of the short-term visa and/or the duration of stay granted on the basis of the short-term visa issued.

(6) A third-country national may stay in the territory of the Republic of Croatia until the decision on the extension of the short-term visa is reached.

(7) A short-term visa shall be extended by issuing a new visa sticker.

(8) The extension of a short-term visa shall be refused pursuant to the provision of Article 32, paragraph 1 of this Act.

(9) A decision on the refusal to extend the short-term visa shall be issued to a third-country national on a prescribed form and it shall include the reasons for refusal.

(10) A third-country national shall be entitled to lodge an appeal against the decision on the refusal to extend the short-term visa within 15 days from the day of delivery of the decision through the competent diplomatic mission or consular post of the Republic of Croatia.

(11) The ministry responsible for foreign affairs shall decide on the appeal referred to in paragraph 10 of this Article.

(12) The appeal shall not postpone the enforcement of the decision referred to in paragraph 9 of this Article.

(13) The data on the extended short-term visa and/or the duration of stay, on the refused application for the extension of the short-term visa and/or the duration of stay, and on the applicant's abandonment of the application for the extension (suspension of the procedure) shall be entered into the Croatian VIS in line with the regulation governing the Croatian VIS.

*Refusing an application for the issuance of an airport transit visa and short-term visa*  
Article 32

(1) An application for the issuance of an airport transit visa and short-term visa shall be refused:

1. If a third-country national:

– presents a travel document which is damaged, forged, or belongs to another person

– fails to justify the purpose and conditions of the intended stay

– fails to justify the purpose and conditions of the intended airport transit

– does not have sufficient means of subsistence for the duration of the intended stay in the Republic of Croatia, for the return to the country of his origin or residence, or for transit to a third country admitting him, or is not able to legally procure them

– has already exhausted 90 days of the current 180-day period in the Republic of Croatia on the basis of the short-term visa issued

– has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, and an alert has been issued in SIS for the purpose of forbidding his entry, or he is covered by international measures of restricted entry binding on the Republic of Croatia

– poses threat to public policy, national security or public health of the Republic of Croatia

– fails to provide proof of appropriate and valid travel health insurance, where necessary, or

2. If there are justified reasons for doubting the credibility of the supporting documents and their content, or the authenticity of the statements made by a third-country national, or his intention to leave the territory of the Republic of Croatia before the expiration of the period of validity of the visa applied for.

(2) By way of derogation from paragraph 1 of this Article, a short-stay visa may be issued if this is required on humanitarian grounds, for reasons of national interest or international obligations of the Republic of Croatia.

(3) A decision on the refusal to issue a short-stay visa and the reasons thereof shall be issued to a third-country national on a prescribed form.

(4) A third-country national shall be entitled to lodge an appeal against the decision referred to in paragraph 3 of this Article within 15 days from the day of delivery of the decision through the competent diplomatic mission or consular post of the Republic of Croatia.

(5) The ministry responsible for foreign affairs shall decide on the appeal referred to in paragraph 4 of this Article.

(6) The appeal shall not postpone the enforcement of the decision referred to in paragraph 3 of this Article.

#### *Filling in a visa sticker*

##### Article 33

(1) All entries on the visa sticker shall be printed, and no manual corrections shall be made to a printed visa sticker.

(2) The visa sticker shall be filled in manually only in cases of technical difficulties caused by *force majeure*, and no changes shall be made to a manually filled in visa sticker.

#### *Annulment and revocation of a short-stay visa*

##### Article 34

(1) A short-stay visa shall be annulled when it is subsequently established that the conditions for its issuance were not met, or if there are serious grounds to believe that it was fraudulently obtained.

(2) A short-stay visa shall be revoked when it is established that the conditions for its issuance are no longer met.

(3) A short-stay visa may be annulled or revoked by a diplomatic mission or a consular post of the Republic of Croatia on the basis of a decision issued by the Ministry through a police administration or a police station.

(4) A decision on the annulment or revocation of a short-stay visa and the reasons thereof shall be issued to a third-country national on a prescribed form.

(5) A third-country national shall be entitled to lodge an appeal against the decision referred to in paragraph 4 of this Article within 15 days from the day of delivery of the decision through the competent diplomatic mission or consular post of the Republic of Croatia.

(6) The ministry responsible for foreign affairs shall decide on the appeal referred to in paragraph 5 of this Article.

(7) The appeal shall not postpone the enforcement of the decision referred to in paragraph 4 of this Article.

(8) A short-stay visa may also be revoked upon a request of a third-country national to whom it was issued. In such a case, no appeal shall be admissible.

#### *Long-term visa (Visa D)*

## Article 35

(1) A long-term visa shall mean the approval to stay in the territory of the Republic of Croatia for up to 30 days if a third-country national has been granted temporary stay for the purposes referred to in Article 57 of this Act, or if he has been issued with a stay and work permit, and if he is required to hold a short-term visa to enter the Republic of Croatia.

(2) A long-term visa shall be issued to a third-country national for one or more entries.

(3) The period of validity of a long-term visa shall not exceed six months.

(4) A long-term visa shall not become valid prior to the beginning of validity of the granted temporary stay or the issued stay and work permit in the Republic of Croatia.

(5) A long-term visa shall be affixed in a valid travel document in the form of a sticker, as prescribed by Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 29. 5. 1995.), and the letter "D" shall be entered into the category "Type of visa".

(6) The third-country national referred to in paragraph 1 of this Article shall obtain a long-term visa prior to entering the Republic of Croatia.

## *Competence for issuing a long-term visa*

### Article 36

(1) A long-term visa shall be issued by a diplomatic mission or a consular post of the Republic of Croatia.

(2) Before issuing a long-term visa, a diplomatic mission or a consular post shall seek a prior approval from the ministry responsible for foreign affairs.

(3) Prior to granting the approval referred to in paragraph 2 of this Article, the ministry responsible for foreign affairs shall request an opinion from the Ministry and from the Security and Intelligence Agency. This opinion shall be binding.

## *Submitting a long-term visa application*

### Article 37

(1) A third-country national shall apply for the issuance of a long-term visa on a prescribed form.

(2) A third-country national shall submit the application for the issuance of a long-term visa in person, at a diplomatic mission or a consular post of the Republic of Croatia for the purpose of collecting biometric data pursuant to Article 22 of this Act.

(3) An application for the issuance of a long-term visa shall be submitted no sooner than two months before and no later than two months after the beginning of validity of temporary stay or the issued stay and work permit in the Republic of Croatia.

(4) Once temporary stay is granted or a stay and work permit issued, the competent police administration or police station shall inform thereof the diplomatic mission or the consular post where the third-country national will apply for the issuance of a long-term visa.

(5) The form referred to in paragraph 1 of this Article shall be laid down in the ordinance referred to in Article 16, paragraph 1 of this Act.

## *Admissibility of long-term visa applications*

#### Article 38

(1) A long-term visa application shall be considered admissible if:

1. it was submitted within the deadline referred to in Article 37, paragraph 3 of this Act
2. it was submitted on a prescribed form
3. a travel document is presented along with the application pursuant to Article 61, paragraph 2 of this Act
4. it includes a photograph
5. the third-country national has been granted temporary stay or issued with a stay and work permit in the Republic of Croatia
6. the prescribed administrative fee has been paid
7. biometric data have been collected.

(2) If the conditions referred to in paragraph 1 of this Article are not fulfilled, a long-term visa application shall be considered inadmissible, all documents enclosed shall be returned to the third-country national, the collected biometric data shall be destroyed and the amount of administrative fee paid shall be refunded.

#### *Storing data for the issuance of long-term visas*

##### Article 39

(1) Applications for the issuance of long-term visas and data collected from third-country nationals shall be stored and processed in line with the regulation governing the Croatian VIS and the legislation governing personal data protection.

(2) Should a third-country national abandon the application referred to in paragraph 1 of this Article before the relevant decision is reached, the information on the suspension of the procedure shall be entered into the Croatian VIS in line with the regulation governing the Croatian VIS.

(3) The data on long-term visas that have been issued, refused, annulled and revoked shall be entered into the Croatian VIS in line with the regulation governing the Croatian VIS.

#### *Issuing a long-term visa*

##### Article 40

(1) A long-term visa may be issued if a third-country national:

1. has been granted temporary stay or issued with a stay and work permit in the Republic of Croatia
2. has appropriate travel health insurance
3. has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if no alert has been issued in SIS for the purpose of forbidding his entry
4. does not pose threat to public policy, national security or public health.

(2) A third-country national who has been issued with a long-term visa shall contact the competent police administration or police station within 30 days from the beginning of validity of the visa to register his temporary residence and obtain a biometric residence permit.

#### *Refusing long-term visa applications*

#### Article 41

(1) A diplomatic mission or a consular post of the Republic of Croatia shall refuse an application for the issuance of a long-term visa if:

- the conditions referred to in Article 40 of this Act have not been met
- the documents enclosed have been fraudulently obtained or falsified.

(2) A decision on the refusal of the long-term visa application and the reasons thereof shall be issued to the third-country national on a form prescribed by the ordinance governing the issuance of visas.

#### *Annulment and revocation of long-term visas*

#### Article 42

(1) A long-term visa shall be annulled if it is subsequently established that:

- the conditions for its issuance were not met
- there are serious grounds to believe that it was fraudulently obtained
- the documents enclosed have been fraudulently obtained or falsified.

(2) A long-term visa shall be revoked when it is established that the conditions for its issuance are no longer met.

(3) A long-term visa may also be revoked upon the request of a third-country national to whom it was issued. In such a case, no appeal shall be admissible.

(4) A long-term visa may be annulled or revoked by a diplomatic mission or a consular post of the Republic of Croatia or by the Ministry through a police administration or a police station.

(5) A decision on the annulment or revocation of the visa and the reasons thereof shall be issued to the third-country national on a form prescribed by the ordinance governing the issuance of visas.

#### *Remedy*

#### Article 43

(1) A third-country national who has not entered into the Republic of Croatia may lodge an appeal against the decision on the refusal, annulment or revocation of a long-term visa within 15 days from the day of delivery of the decision through the competent diplomatic mission or consular post of the Republic of Croatia.

(2) The ministry responsible for foreign affairs shall decide on the appeal referred to in paragraph 1 of this Article.

(3) The appeal shall not postpone the enforcement of the decision referred to in paragraph 1 of this Article.

(4) The competent police administration or police station may annul or revoke a long-term visa of a third-country national who has entered into the Republic of Croatia on the basis of the issued long-term visa.

(5) No appeal shall be admissible against the decision referred to in paragraph 4 of this Article. However, an administrative dispute may be instituted.

## IV. ENTRY AND EXIT OF THIRD-COUNTRY NATIONALS

### *Entry of third-country nationals into the Republic of Croatia*

#### Article 44

A third-country national shall be deemed to have entered the Republic of Croatia when he crosses the state border.

### *Illegal entry of third-country nationals into the Republic of Croatia*

#### Article 45

A third-country national shall be deemed to have entered the Republic of Croatia illegally if he:

1. crosses the state border outside the place or time designated for crossing the state border
2. avoids border checks
3. enters before the expiry of an entry ban prohibiting entry into the Republic of Croatia and stay in the Republic of Croatia or in the EEA
4. enters on the basis of a forged or another person's travel or other document for crossing the state border, or a visa or a residence permit.

### *Travel document of a third-country national*

#### Article 46

A third-country national entered into a travel document of another person may enter and leave the Republic of Croatia only if accompanied by the person into whose travel document he is entered.

### *Granting entry into the Republic of Croatia to third-country nationals*

#### Article 47

A third-country national who meets the entry conditions laid down in the Schengen Borders Code shall be granted entry into the Republic of Croatia.

### *Granting entry on the basis of special circumstances*

#### Article 48

(1) A third-country national who does not meet the entry conditions laid down in the Schengen Borders Code may be granted entry into the Republic of Croatia at a specific border crossing point if this is required on serious humanitarian grounds, by international obligations or interests of the Republic of Croatia.

(2) The Ministry shall issue a decision granting the entry referred to in paragraph 1 of this Article, through a police station competent for controlling the crossing of the state border.

(3) The following shall be set out in the decision referred to in paragraph 2 of this Article: the purpose of stay, place and address of accommodation, the time frame during which stay in the Republic of Croatia is legally permissible, a border crossing point designated for obligatory exit from the Republic of Croatia, and the obligation to hand over the decision to a police officer performing border checks when exiting the Republic of Croatia.

(4) The decision referred to in paragraph 2 of this Article shall be issued without interviewing a third-country national, unless he is an unaccompanied minor.

(5) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(6) In the case referred to in Article 205, paragraph 7 of this Act, a third-country national shall be granted entry on the basis of a request of an EEA Member State or the Swiss Confederation.

#### *Entry and exit of third-country nationals on the basis of the Government decision*

##### Article 49

(1) The Government may determine in a decision that nationals of certain states may enter and exit the Republic of Croatia even on the basis of a valid identity card, or some other document used to prove their identity and citizenship if they meet the conditions prescribed by the Schengen Borders Code.

(2) The Government may determine in a decision that, under certain conditions, third-country nationals may enter and exit the Republic of Croatia if they hold:

1. a valid travel document and a residence permit issued by one of the signatory states to the Schengen Implementing Agreement

2. a valid travel document with an affixed valid uniform or long-term visa (Visa D) issued by one of the signatory states to the Schengen Implementing Agreement

3. a valid travel document and a residence permit issued by one of the European Union Member States that does not yet fully apply the Schengen *acquis*

4. a valid travel document with an affixed national visa issued by one of the European Union Member States that does not yet fully apply the Schengen *acquis*.

#### *Refusing entry into the Republic of Croatia to third-country nationals*

##### Article 50

(1) A third-country national who does not meet the entry conditions laid down in the Schengen Borders Code shall be refused entry into the Republic of Croatia. The Ministry shall issue a decision thereof through a police station competent for controlling the crossing of the state border.

(2) The decision referred to in paragraph 1 of this Article shall be issued without interviewing a third-country national, unless he is an unaccompanied minor.

(3) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

(4) If the departure of the third-country national referred to in paragraph 1 of this Article from a border crossing point to a third country is not possible even after eight days have passed from his arrival at the border crossing point, measures for ensuring his return shall be applied.

(5) The Minister shall prescribe in an ordinance actions to be taken against third-country nationals, as well as the layout and content of the decision form on the refusal of entry and the technical conditions for staying on a border crossing point.

#### *Exit of third-country nationals from the Republic of Croatia*

##### Article 51

(1) A third-country national shall be free to exit the Republic of Croatia.



- (2) A third-country national shall be refused exit from the Republic of Croatia if:
1. he does not hold a valid travel or other document for crossing the state border, unless he will be granted entry into a neighbouring country
  2. when exiting the Republic of Croatia, he uses another person's, or forged travel or other document for crossing the state border
  3. there are justified reasons to suspect that he intends to avoid prosecution for a criminal or misdemeanour offence, arrest, detention, summons or a prison sentence
  4. this is required by the court.

### *Obligations of carriers*

#### Article 52

(1) A carrier may take a third-country national to a border crossing point or to the Republic of Croatia if a third-country national is in possession of a valid travel document or other document for crossing the state border, a valid visa, if required, or a residence permit.

(2) If a third-country national is refused entry, the carrier referred to in paragraph 1 of this Article that brought him shall immediately take him from the border crossing point or from the Republic of Croatia and bear the costs of the transport. If this is not possible, the carrier shall find another way of transportation and bear the costs thereof. If another way of transportation is not possible immediately, the carrier shall assume the costs incurred during the third-country national's stay and return.

(3) The provision of paragraph 1 of this Article shall also refer to a carrier who has transported a third-country national in transit if:

1. a carrier that should have taken him to a country of destination has refused to do so, or if
2. he has been prohibited entry into the country of destination.

(4) The provisions of this Article shall also apply to a commanding officer of a vessel for sports and entertainment.

### *Prohibition to assist a third-country national in illegal crossing, transit and stay*

#### Article 53

(1) It is prohibited to assist and attempt to assist a third-country national in illegal crossing of the state border, in transiting across the state territory if a third-country national has entered the Republic of Croatia illegally, and in his illegal stay.

(2) Assistance within the meaning of paragraph 1 of this Act shall not include the following:

- assistance referred to in Articles 197 and 198 of this Act
- assistance in illegal crossing of the state border for the purpose of saving a life, preventing injury, providing emergency medical assistance, and providing humanitarian aid in line with the laws governing humanitarian aid and air traffic, regulation laying down the conditions and manner of conducting search and rescue of aircraft, and international conventions on search and rescue at sea and on international civil aviation
- assistance in illegal stay on humanitarian grounds without the intention of preventing or postponing measures which are to be taken for ensuring return.

## V. STAY OF THIRD-COUNTRY NATIONALS

### *Types of stay*

#### Article 54

A third-country national may stay in the Republic of Croatia on short-term stay, temporary stay, long-term residence, or permanent stay.

### *Short-term stay*

#### Article 55

(1) Short-term stay shall mean stay of a third-country national laid down in Article 6 of the Schengen Borders Code.

(2) The stay of a third-country national shall not be considered short-term stay if he:

1. has entered the Republic of Croatia illegally
2. does not hold a visa, and is required to hold it
3. has already used his visa, or the period of validity of the visa has expired
4. has stayed for more than 90 days within the previous 180 days, or has been staying illegally
5. has been returned to the Republic of Croatia under a readmission agreement
6. has been extradited to the Republic of Croatia under an international extradition agreement
7. has been taken to the premises of the court from a border crossing point for the purpose of criminal or misdemeanour proceedings to be conducted, and has not been granted entry into the Republic of Croatia
8. has been forbidden to enter the EEA and stay in the EEA or in the Republic of Croatia.

(3) Paragraph 2, item 4 of this Article shall not apply to third-country nationals who were granted temporary stay, long-term residence, or permanent stay.

### *Cancellation of short-term stay*

#### Article 56

(1) The Ministry shall cancel, *ex officio*, a short-term stay of a third-country national through a police administration or a police station if:

1. he does not hold a valid travel document or other document for crossing the state border
2. he fails to justify the purpose and conditions of his entry and short-term stay
3. he does not possess funds to support himself during his short-term stay in the Republic of Croatia, and to return to the state from which he came, or to travel to a third country, and there is no guarantee referred to in Article 18, paragraph 5 of this Act to cover those costs
4. he fails to settle his outstanding financial obligations in the Republic of Croatia
5. there are justified reasons to suspect that he has not used his short-term stay for the intended purpose.

(2) Entry into the Republic of Croatia and stay in the Republic of Croatia shall be forbidden in the duration of one to three months by the decision referred to in paragraph 1 of this Article.

(3) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

### *Temporary stay*

#### Article 57

(1) Temporary stay shall be granted to a third-country national who intends to stay or is already staying in the Republic of Croatia for the following purposes:

1. family reunification
2. secondary school education
3. university studies
4. research
5. humanitarian grounds
6. life partnership
7. work
8. work of a posted worker
9. stay of long-term residents in another EEA Member State
10. other purposes
11. stay of digital nomads.

(2) Temporary stay for the purpose of work referred to in paragraph 1, item 7 of this Article shall be granted as a stay and work permit.

(3) Temporary stay for the purpose of work of a posted worker may be granted to a third-country national if he meets the conditions referred to in Article 59 of this Act and if he meets the conditions for the work of a posted worker.

(4) A third-country national may submit an application to be granted temporary stay for other purposes or stay of digital nomads upon the expiration of a six-month period from the expiry of his temporary stay granted for other purposes or for stay of digital nomads.

(5) Temporary stay may also be granted as autonomous stay for up to one year, pursuant to Article 69 of this Act.

(6) The Minister shall prescribe technical conditions for the issuance of residence permits to third-country nationals referred to in paragraph 1 of this Article, and the documentation to be enclosed to the application in the ordinance referred to in Article 6, paragraph 6 of this Act.

### *Submitting an application for the issuance of a temporary stay permit*

#### Article 58

(1) The application for the issuance of a temporary stay permit shall be submitted at a diplomatic mission or a consular post of the Republic of Croatia.

(2) The application for a temporary stay permit for a third-country national who is not required to hold a visa to enter the Republic of Croatia may also be submitted at a police administration or a police station according to the third-country national's intended place of stay.

(3) By way of derogation from paragraph 1 of this Article, a third-country national who is required to hold a visa to enter the Republic of Croatia may also apply for a temporary stay permit at a police administration or a police station if:

1. he is a close family member of a Croatian citizen
2. he is a life partner or an informal life partner of a Croatian citizen
3. the purpose of his stay is to attend studies at a higher education institution at pre-graduate, graduate and post-graduate level
4. he is a researcher arriving on the basis of a hosting agreement
5. he is a close family member of a third-country national referred to in items 3 and 4 of this paragraph
6. he is submitting an application for a temporary stay permit on humanitarian grounds referred to in Article 79 of this Act
7. he is a family member of an EU Blue Card holder.

(4) The third-country national referred to in paragraphs 2 and 3 of this Article who applies for a temporary stay permit at a police administration or a police station before the expiration of his short-term stay may stay in the Republic of Croatia until the decision on his application becomes enforceable.

(5) If an application for a temporary stay permit of the third-country national referred to in paragraphs 2 and 3 of this Article has been refused, and the third-country national intends to re-enter and stay in the Republic of Croatia on short-term stay, the period during which the application is processed shall be regarded as short-term stay.

(6) The application for the issuance of a temporary stay permit submitted at a police administration or a police station shall be rejected if it was submitted by a third-country national who is required to hold a visa to enter the Republic of Croatia contrary to paragraphs 2 and 3 of this Article.

(7) A third-country national shall not be entitled to submit an application for a temporary stay permit for the purpose of secondary school education, university studies, research, or for the issuance of a stay and work permit as a volunteer or a trainee if he has been imposed a time limit for voluntary departure, extended a time limit for voluntary departure, imposed a forcible removal, or if a decision on temporary suspension of forcible removal has been issued.

### *Conditions for granting temporary stay*

#### Article 59

(1) A third-country national shall be granted temporary stay if he:

1. justifies the purpose of temporary stay
2. holds a valid foreign travel document
3. has means of subsistence
4. has health insurance
5. when applying for temporary stay for the first time, provides a document proving that he has not been convicted of criminal offences by a final ruling, which has been issued by his home country or a country in which he has resided for more than a year immediately prior to arriving in the Republic of Croatia, unless he is a posted worker, or a student, a researcher or an intra-corporate transferee utilising mobility, arriving from another EEA Member State

6. has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if no alert has been issued in SIS for the purpose of forbidding his entry

7. does not pose threat to public policy, national security or public health.

(2) An application for a temporary stay permit shall be refused if the conditions referred to in paragraph 1 of this Article have not been met, or if:

1. the documents enclosed have been fraudulently obtained, or falsified, or

2. there is evidence or there are serious and objective reasons to believe that the third-country national would be staying in the Republic of Croatia for the purpose other than the one stated when applying for a temporary stay permit.

(3) Proof of health insurance does not have to be enclosed to the application for a temporary stay permit for the purpose of work based on a contract of employment concluded with an employer in the Republic of Croatia.

(4) Third-country nationals participating in the Erasmus+ Programme for Education, Training, Youth and Sport do not have to enclose proof of health insurance, unless prescribed otherwise by Programme rules.

(5) The Government shall prescribe in a regulation the manner of calculating and the amount of means of subsistence that third-country nationals and their family members are required to have in order to be granted temporary stay.

#### *Deciding on an application for a temporary stay permit*

##### Article 60

(1) A decision on the application for a temporary stay permit shall be made by the Ministry through a police administration or a police station according to the location of temporary residence or place of intended stay of a third-country national.

(2) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

#### *Period of validity of a temporary stay permit*

##### Article 61

(1) A temporary stay permit shall be issued with a period of validity of up to one year.

(2) The foreign travel document shall be valid for three months beyond the period of validity of the temporary stay permit.

(3) A third-country national who is not a holder of a valid foreign travel document and who applies for a temporary stay permit in the Republic of Croatia shall be issued with a decision granting his temporary stay.

(4) When applying for the extension of temporary stay, the third-country national referred to in paragraph 3 of this Article shall enclose a valid foreign travel document.

(5) A temporary stay permit for the purpose of family reunification shall be issued with a period of validity of up to one year, or until the expiration of the period of validity of a temporary stay permit issued to a third-country national with whom family reunification is requested.

(6) A temporary stay permit for the purpose of family reunification with a Croatian citizen or life partnership with a Croatian citizen shall be issued to a third-country national with a period of validity of up to two years.

### *Extension of temporary stay*

#### Article 62

(1) An application for the extension of a temporary stay permit shall be submitted no later than 60 days before the expiry of the period of validity of the valid temporary stay permit, at a police administration or a police station according to the location of temporary residence of the third-country national.

(2) A third-country national who has applied for the extension of a temporary stay permit before the expiry of the valid temporary stay permit may remain in the Republic of Croatia until the decision on his application becomes enforceable.

(3) The Ministry shall decide on the application for the extension of temporary stay through a police administration or a police station before the expiry of a valid temporary stay permit.

(4) No appeal shall be admissible against the decision referred to in paragraph 3 of this Article. However, an administrative dispute may be instituted.

### *Temporary stay for the purpose of family reunification*

#### Article 63

(1) Temporary stay for the purpose of family reunification may be granted to a third-country national who meets the conditions referred to in Article 59 of this Act and who is a close family member of:

1. a Croatian citizen
2. a third-country national who has been granted long-term residence
3. a third-country national who has been granted permanent stay
4. a third-country national who has been granted temporary stay
5. a third-country national who has been granted asylum or subsidiary protection in line with the regulation governing international protection.

(2) By way of derogation from paragraph 1, item 4 of this Article, a family member of a third-country national who has been staying in the Republic of Croatia on the basis of a valid stay and work permit issued pursuant to Article 97 of this Act for a period of one year may be granted temporary stay for the purpose of family reunification only if the third-country national with whom family reunification is requested in the Republic of Croatia has already been granted temporary stay for an uninterrupted period of at least one year.

(3) Temporary stay for the purpose of family reunification shall not be granted to a family member of a third-country national who has been issued with a stay and work permit for seasonal work as a service provider, posted worker, or who has been granted temporary stay for other purposes.

(4) The decision on refusing the application for the extension of temporary stay and the decision on the expulsion from the Republic of Croatia shall not be issued to a family member of a third-country national exclusively on the basis of reasons occurring due to illness or disability of the family member suffered after being granted temporary stay.

### *Family members*

#### Article 64

(1) Within the meaning of this Act, the following persons shall be considered as close family members:

1. a spouse
2. a common law partner
3. a minor child common to spouses and common law partners, life partners or informal life partners, and a minor child of each of them, their minor jointly adopted child, or a minor child adopted by either of them who is not married, as well as a minor child of a life or informal life partner or his minor adopted child who is not married
4. parents or adoptive parents of a minor child who is a Croatian citizen, third-country national who has been granted long-term residence or permanent stay, asylum or subsidiary protection.

(2) Any other relative may also be regarded as a family member of a Croatian citizen, of a third-country national who has been granted temporary stay, long-term residence, permanent stay, asylum or subsidiary protection if there are special personal or serious humanitarian reasons for family reunification in the Republic of Croatia.

(3) When deciding on the application for granting temporary stay through a police administration or a police station, the Ministry shall take into account the best interest of the children referred to in paragraph 1, items 3 and 4 of this Article.

(4) In the event of a polygamous marriage, family reunification in the territory of the Republic of Croatia shall be permitted to only one spouse.

(5) Temporary stay for the purpose of family reunification shall not be granted if a spouse or a common law partner is already married or is in a long-term relationship with another person, or if they do not live in a real marital or common law relationship.

(6) A common law partner referred to in paragraph 1, item 2 of this Article shall mean a person who lives in a common law partnership in line with the special legislation governing family relations.

#### *Regulating temporary stay of a close family member of a Croatian citizen*

##### Article 65

(1) The close family member of a Croatian citizen referred to in Article 64, paragraph 1 of this Act does not have to prove sufficient means of subsistence in order to be granted temporary stay for the purpose of family reunification.

(2) Exceptionally, the third-country national referred to in paragraph 1 of this Article does not have to provide a valid foreign travel document if he cannot obtain it at a diplomatic mission or a consular post of a foreign state in the Republic of Croatia and his identity can be established beyond any doubt in another way.

#### *Regulating temporary stay of family members of a third-country national who has been granted protection in line with the legislation governing international protection*

##### Article 66

(1) A close family member of a third-country national who has been granted asylum or subsidiary protection in line with the legislation governing international protection does not have to provide proof of health insurance and proof of means of subsistence in order to be granted temporary stay for the purpose of family reunification.

(2) If, during the procedure for granting temporary stay, the close family member referred to in paragraph 1 of this Article cannot provide proof of the existence of a certain familial relationship with a third-country national who has been granted protection in line with the legislation governing international protection, other proof of

the existence of such relationship can also be taken into account, which is assessed in line with the legislation governing the general administrative procedure.

### *Regulating temporary stay of children born in the Republic of Croatia*

#### Article 67

(1) A parent or a guardian of a child born in the territory of the Republic of Croatia shall apply for the child's temporary stay permit before the child turns three months of age.

(2) The child's valid travel document and proof of health insurance do not need to be enclosed to the application referred to in paragraph 1 of this Article.

(3) Temporary stay referred to in paragraph 1 of this Article may be granted for the same period for which temporary stay has been granted to one of the parents or the child's guardian, or for up to one year if one of the parents or the guardian is a third-country national on long-term residence or permanent stay.

### *Marriage of convenience*

#### Article 68

(1) A temporary stay permit for the purpose of family reunification shall not be granted if the marriage concluded is a marriage of convenience.

(2) Within the meaning of this Act, a marriage of convenience shall mean a marriage concluded in order to avoid the conditions required for entry and stay of a third-country national.

(3) The following circumstances may indicate to a marriage of convenience:

1. spouses do not maintain their marital relationship
2. spouses do not fulfil their marital commitments
3. spouses have never met before their marriage
4. spouses fail to provide consistent personal data
5. spouses do not speak a language that they both understand
6. spouses handed over material resources in order for the marriage to be contracted, unless they were given as a dowry and the spouses come from countries with the tradition of giving a dowry
7. there is evidence of previous marriages of convenience by either of the spouses in the Republic of Croatia or abroad.

(4) The provisions of this Article shall apply accordingly both to common law partnership, and life partnership, or informal life partnership, as well as the procedures for granting long-term residence, permanent stay and autonomous stay.

### *Autonomous stay*

#### Article 69

(1) Autonomous stay may be granted to a third-country national who has been granted temporary stay for the purpose of family reunification for an uninterrupted period of three years, as a spouse, common law partner, life partner or informal life partner, as well as a child who has reached the age of majority if he meets the conditions referred to in Article 59, paragraph 1, items 2 to 4, as well as items 6 and 7 of this Act.



(2) By way of derogation from paragraph 1 of this Article, a third-country national may be granted autonomous stay if he meets the conditions referred to in Article 59, paragraph 1, items 2 to 4, as well as items 6 and 7 of this Act and if he has been granted temporary stay for the purpose of family reunification, or for the purpose of life partnership for an uninterrupted period of three years, in case the person, on the basis of whom he was granted temporary stay for the purpose of family reunification, has died.

*Regulating temporary stay for the purpose of life partnership*

Article 70

(1) Temporary stay for the purpose of life partnership may be granted to a third-country national who meets the conditions referred to in Article 59 of this Act, who is a life partner or an informal life partner of a Croatian citizen, a third-country national who has been granted long-term residence, permanent stay or temporary stay, or who has been granted asylum or subsidiary protection in line with the legislation governing international protection.

(2) A life partner or an informal partner of the Croatian citizen referred to in paragraph 1 of this Article does not have to prove sufficient means of subsistence in order to be granted temporary stay for the purpose of life partnership.

(3) Articles 69 and 71 of this Act shall apply accordingly to a third-country national who has been granted temporary stay for the purpose of life partnership.

(4) Temporary stay for the purpose of life partnership shall not be granted if a life partner or an informal life partner is already in a life partnership or an informal life partnership with another person, i.e. they are not in a genuine life partnership or informal life partnership.

*Rights of third-country nationals on temporary stay for the purpose of family reunification and autonomous stay*

Article 71

A third-country national who has been granted temporary stay for the purpose of family reunification or autonomous stay referred to in Article 69 of this Act shall exercise his right to education, professional development, work and self-employment pursuant to the provisions of this Act.

*Temporary stay for the purpose of secondary school education*

Article 72

(1) Temporary stay for the purpose of secondary school education shall be granted to a third-country national who, along with the conditions referred to in Article 59 of this Act, also meets the following conditions:

1. he is not over 18 years of age if enrolling the final year of education
2. he is enrolled in a secondary-level educational establishment
3. he participates in a recognized state or regional educational pupil exchange scheme authorised by the ministry responsible for education, or in an educational project operated by an educational establishment
4. he encloses the parental consent or the legal guardian's consent for the intended stay for the purpose of secondary school education in the Republic of Croatia

5. the educational establishment or organisation implementing the pupil exchange scheme shall accept responsibility for a third-country national throughout his stay in the Republic of Croatia, in particular as regards study costs, and

6. throughout his stay, the third-country national will be accommodated with a family, in an accommodation facility within the educational establishment or, insofar as provided for by special legislation, in any other facility selected in accordance with the rules of the pupil exchange scheme or educational project in which the third-country national is participating.

(2) A temporary stay permit for the purpose of secondary school education shall be issued with a period of validity of up to one year.

(3) By way of derogation from paragraph 1 of this Article, temporary stay for the purpose of secondary school education shall be granted to a third-country national who meets the conditions referred to in Article 59 of this Act, and who has obtained approval from the ministry responsible for science and education to attend a secondary-level educational establishment in the Republic of Croatia.

(4) The parental consent or the legal guardian's consent, as well as the information about the person who provides care for the minor while he attends a secondary-level educational establishment in the Republic of Croatia shall be enclosed to the application for temporary stay for the purpose of secondary school education referred to in paragraph 3 of this Article.

(5) Temporary stay for the purpose of family reunification cannot be granted to family members of the third-country national referred to in paragraph 3 of this Article on the basis of temporary stay granted to that third-country national.

(6) The minister responsible for science and education shall adopt an ordinance on the conditions for allowing pupils to attend secondary school education through pupil exchange schemes, with a prior approval of the Minister.

(7) The Government shall prescribe in a regulation the manner of calculating and the amount of means of subsistence for a pupil.

### *Temporary stay for the purpose of university studies*

#### Article 73

(1) Temporary stay for the purpose of university studies shall be granted to a third-country national who meets the conditions referred to in Article 59 of this Act, who is studying at a higher education institution in the Republic of Croatia and who has sufficient means for return.

(2) A temporary stay permit for the purpose of university studies shall be issued with a period of validity of up to one year, i.e. until the end of the academic year.

(3) As regards students covered by Union or multilateral programmes that comprise mobility measures or by an agreement between two or more higher education institutions, a temporary stay permit for the purpose of university studies shall be issued with a period of validity of up to two years or for the duration of the studies, if the latter is shorter.

(4) A student arriving for internship for up to 90 days through an authorised organisation or in the framework of a Union programme or multilateral programmes that comprise mobility measures or inter-university programmes does not have to regulate his temporary stay for the purpose of university studies and can work without a stay and work permit or a work registration certificate. In case the internship exceeds

90 days, a student has to regulate his temporary stay pursuant to paragraph 1 of this Article.

(5) A student who has a valid authorisation issued by another EEA Member State and who is covered by a Union programme or a multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions may spend a part of his studies at a higher education institution in the Republic of Croatia in a period of up to 360 days without an obligation to regulate his temporary stay for the purpose of university studies if he does not pose threat to public policy, national security and public health. When registering his short-term stay, the student shall inform the competent police administration or police station according to his place of stay about his intention of stay.

(6) A student who has a valid authorisation issued by another EEA Member State and who is not covered by a Union programme or a multilateral programme that comprises mobility measures or by an agreement between two or more higher education institutions shall submit the application referred to in paragraph 1 of this Article in order to spend a part of his studies at a higher education institution in the Republic of Croatia.

(7) The competent authority of another EEA Member State in which a student has been granted a valid residence permit shall be informed that his temporary stay permit has been authorised or extended, or that a decision has been reached according to which the student has to leave the Republic of Croatia, pursuant to Article 78 of this Act.

(8) Upon the request of another EEA Member State, re-entry of a student who has been granted temporary stay in the Republic of Croatia shall be allowed without delay if:

- his stay in another EEA Member State granted on the basis of mobility has ceased
- his temporary stay in the Republic of Croatia has expired and the student was staying in another EEA Member State during the period of mobility.

(9) The Government shall prescribe in a regulation the manner of calculating and the amount of means of subsistence for a student, as well as of means for return.

### *Temporary stay for the purpose of research*

#### Article 74

(1) Temporary stay for the purpose of research shall be granted to:

1. a third-country national who has a hosting agreement and meets the conditions referred to in Article 59 of this Act

2. a third-country national who has a hosting agreement concluded with a legal entity accredited for hosting researchers in the duration of five years and meets the conditions referred to in Article 59, paragraph 1, items 1 to 3, items 5 to 7, and Article 59, paragraph 2 of this Act.

(2) A temporary stay permit for the purpose of research shall be issued with a period of validity of up to one year, and a temporary stay permit for researchers covered by Union programmes or multilateral programmes that comprise mobility measures shall be issued with a period of validity of up to two years.

(3) A researcher who has concluded a hosting agreement in an EEA Member State on the basis of which he has been granted a residence permit in that state may, for the purpose of research, work in the Republic of Croatia on the basis of short-term

mobility without a temporary stay permit for the purpose of research, a stay and work permit, or a work registration certificate for up to 180 days in any 360-day period, provided that he does not pose threat to public policy, national security and public health.

(4) When registering his short-term stay, the researcher referred to in paragraph 3 of this Article shall inform the competent police administration or police station according to his place of stay about his intention to stay in the country.

(5) If a researcher who has concluded a hosting agreement in another EEA Member State, on the basis of which he has been granted a residence permit in that state, wishes to work in the Republic of Croatia on the basis of long-term mobility for the purpose of research for more than 180 days, he shall regulate temporary stay for the purpose of research on the basis of long-term mobility pursuant to paragraph 1 of this Article and enclose a valid residence permit issued by another EEA Member State and a hosting agreement concluded with a research organisation in the Republic of Croatia.

(6) A temporary stay permit for the purpose of research on the basis of long-term mobility shall be issued with a period of validity of up to one year, or until the day of expiry of a residence permit issued by another EEA Member State if its period of validity is shorter than one year.

(7) A researcher may carry out research in the Republic of Croatia until the issuance of a decision on temporary stay referred to in paragraph 5 of this Article if neither the period of up to 180 days in any 360-day period nor the validity of a residence permit issued by another EEA Member State have expired.

(8) The application of a third-country national referred to in paragraph 5 of this Article shall be refused if a residence permit issued in another EEA Member State has expired during the procedure.

(9) A researcher who has been granted temporary stay for the purpose of research and a researcher referred to in paragraphs 3 and 5 of this Article may teach at a research establishment hosting them. This establishment may determine a maximum number of hours or days of teaching.

(10) A family member of the researcher referred to in paragraph 1 of this Article may regulate temporary stay for the purpose of family reunification pursuant to Article 63, paragraph 1, item 4 of this Act.

(11) The Ministry shall decide on the researcher's application for temporary stay through a police administration or a police station simultaneously with the application for temporary stay for the purpose of family reunification referred to in paragraph 10 of this Article if those applications were submitted at the same time.

(12) Family members of the researcher referred to in paragraph 3 of this Article may accompany the researcher during his stay for a maximum of 180 days in any 360-day period without a temporary stay permit if they themselves have a valid residence permit issued in another EEA Member State and if they do not pose threat to public policy, national security and public health.

(13) Family members referred to in paragraph 12 of this Article shall inform the competent police administration or police station according to their place of stay about their intention to stay in the country when registering their short-term stay.

(14) Family members of the researcher referred to in paragraph 5 of this Article may regulate their temporary stay for the purpose of family reunification for long-term mobility pursuant to Article 63, paragraph 1, item 4 of this Act if they themselves have

a valid residence permit issued in another EEA Member State and if they provide proof that they have been staying with the researcher in another EEA Member State.

(15) If a researcher has regulated his temporary stay pursuant to Article 76 of this Act, his family member may regulate temporary stay for other purposes pursuant to Article 57, paragraph 1, item 10 of this Act.

(16) The competent authority of another EEA Member State in which a researcher has been granted a valid residence permit shall be notified that his temporary stay permit has been authorised or extended, or that a decision has been reached according to which the researcher has to leave the Republic of Croatia, pursuant to Article 78 of this Act.

(17) Upon the request of another EEA Member State, the Republic of Croatia shall allow, without delay, a re-entry of a researcher who has been granted temporary stay in the Republic of Croatia, as well as of his family members if:

- his stay in another EEA Member State granted on the basis of mobility has ceased
- his temporary stay in the Republic of Croatia has expired and the researcher was staying in another EEA Member State during the period of mobility.

(18) The minister responsible for science and education shall, with a prior approval of the Minister, adopt an ordinance prescribing the manner of concluding hosting agreements.

### *Rights of researchers, students, trainees, volunteers and pupils*

#### Article 75

(1) Researchers shall have the rights equivalent to those of Croatian citizens with regard to the following:

1. working conditions, including the salary and termination of a contract of employment, as well as safety requirements at the workplace
2. freedom to organise in trade unions and be members of trade unions or any other professional organisation, as well as the rights and benefits conferred by those organisations, including the right to collective bargaining and to conclude collective agreements
3. general and vocational education
4. recognition of educational and professional qualifications
5. branches of social security, as defined in Regulation (EC) No 883/2004
6. tax benefits, in so far as the worker is deemed to be resident for tax purposes in the Republic of Croatia
7. access to goods and services and the supply of goods and services made available to the public, including the procedures for granting subsidized accommodation in line with the special legislation governing these areas, without prejudice to the freedom of contract in accordance with Union law and the law of the Republic of Croatia
8. advice services afforded by public employment offices.

(2) Researchers moving to a third country or their surviving dependant family members staying in a third country on whom those rights are transferred shall receive, in respect of their age, disability and death, pensions on the basis of the previous employment of those persons acquired in line with the legislation referred to in Article

3 of Regulation (EC) No 883/2004 under the same conditions as those applicable to the citizens of the Republic of Croatia when moving to a third country.

(3) Third-country nationals who are studying in the Republic of Croatia shall exercise the rights referred to in this Article in line with the special legislation of the Republic of Croatia governing the rights of students in accordance with the living standards set for students.

(4) Trainees, volunteers and pupils shall be entitled to the same treatment with regard to the access to goods and services and the supply of products and services made available to the public, in line with special legislation, as well as, where applicable, with regard to the recognition of foreign educational and professional qualifications.

(5) Third-country nationals referred to in this Article shall exercise their rights in line with the legislation of the Republic of Croatia governing relevant areas.

#### *Temporary stay of researchers and students for other purposes*

##### Article 76

(1) Temporary stay for other purposes for the purpose of seeking employment or establishing a company or registering a sole trade may be granted to researchers and third-country nationals with higher education qualifications who, in addition to meeting the conditions referred to in Article 59 of this Act, also enclose proof of having completed research activities in the Republic of Croatia or proof of higher education qualifications acquired in the Republic of Croatia.

(2) By way of derogation from Article 57, paragraph 4 of this Act, an application for the extension of temporary stay referred to in paragraph 1 of this Article shall be submitted no later than 60 days before the expiry of the valid temporary stay permit.

(3) Temporary stay referred to in paragraph 2 of this Article may be granted for up to one year and cannot be extended.

(4) By way of derogation from Article 63, paragraph 3 of this Act, family members of third-country nationals who have regulated their temporary stay for other purposes, pursuant to the provision of this Article, may be granted temporary stay for the purpose of family reunification.

#### *Entry and stay of third-country nationals, holders of permits issued in another EEA Member State*

##### Article 77

(1) When students and researchers who are holders of valid permits issued by an EEA Member State which does not fully apply the Schengen *acquis* enter the Republic of Croatia in the framework of mobility, they shall submit to a police administration or a police station a valid residence permit issued by another EEA Member State. Students shall also submit proof that they are carrying out part of their studies in the Republic of Croatia within the framework of a Union or multilateral programme that comprises mobility measures or an agreement between two or more higher education institutions. Researchers shall also submit a hosting agreement specifying the details of the mobility of the researcher or, if those details are not specified in the hosting agreement, a letter from a research organisation in another EEA Member State specifying the duration of mobility and the location of the research organisation in the Republic of Croatia.

(2) In the case of family members of the researcher, a police administration or a police station shall require, as proof of mobility, a valid residence permit issued by another EEA Member State and proof that they are accompanying the researcher.

(3) Researchers and students who are holders of residence permits issued in another EEA Member State and who are staying in the Republic of Croatia within the framework of mobility, shall inform a police administration or a police station that the conditions on the basis of which the mobility was allowed ceased to exist, within eight days from the occurrence of those circumstances.

(4) Third-country nationals referred to in paragraph 1 of this Article shall be checked against SIS when crossing the border, and entry shall be refused or objection raised to the mobility of the third-country national for whom an alert has been issued in SIS for the purpose of refusing his entry.

#### *Appointment of a contact point and delivery of statistical information*

##### Article 78

(1) The Ministry shall appoint a contact point responsible for receiving and forwarding information referred to in Articles 73 and 74 of this Act by electronic means.

(2) The contact point referred to in paragraph 1 of this Article shall inform other EEA Member States through their national contact points about the following:

1. procedures that apply to the mobility referred to in Articles 73 and 74 of this Act
2. admissibility of students and researchers through approved research organisations or higher education institutions
3. multilateral programmes for students and researchers that comprise mobility measures and agreements between two or more higher education institutions.

(3) The Ministry shall deliver to the European Commission the statistics on the number of temporary stay permits granted for the first time to students, researchers and family members of researchers, as well as on the number of temporary stay permits that have been extended, withdrawn or annulled.

(4) The statistics referred to in paragraph 3 of this Article shall be disseminated according to citizenship and the period of validity of temporary stay.

#### *Temporary stay on humanitarian grounds*

##### Article 79

(1) Temporary stay on humanitarian grounds shall be granted to a third-country national in the following cases:

1. if he has accepted, as a human trafficking victim (hereinafter: the victim), to be part of the assistance and protection programme
2. if he is a minor who has been abandoned or is a victim of organised crime or is otherwise left without parental protection, guardianship or company
3. if he is a member of the Croatian people with a foreign citizenship or is stateless and has a certificate issued by the state administration authority for Croats abroad
4. if he has had a refugee status or has been included in the reconstruction or return or housing programme for refugees from the Republic of Croatia for at least ten years prior to the day of application, which shall be substantiated by a certificate issued by the state administration authority competent for housing

5. if he cooperates with the competent authorities and it is indispensable that he participates in criminal proceedings brought against the employer who had employed him illegally

6. if there are serious justified reasons of humanitarian nature.

(2) The third-country national referred to in paragraph 1 of this Article does not have to enclose proof of means of subsistence and proof of health insurance to the application for temporary stay.

(3) The third-country national referred to in paragraph 1, item 3 of this Article may be granted temporary stay without providing a foreign travel document, with the approval from the state administration authority for Croats abroad.

(4) Prior to granting the temporary stay permit referred to in paragraph 1, item 6 of this Article, a police administration or a police station shall request approval from the Ministry.

### *Human trafficking victims*

#### Article 80

(1) The identification of victims shall be carried out by the Ministry in cooperation with civil society organisations, and when it comes to minor victims of trafficking in human beings, the Ministry shall cooperate with the ministry responsible for social welfare.

(2) The Operational Team of the National Committee for Combating Trafficking in Human Beings (hereinafter: the Operational Team) shall inform the Ministry about the victim's consent to be included in the assistance and protection programme.

(3) The assistance and protection programme shall include medical and psychosocial care, safe accommodation, translation and interpretation services, legal assistance and safe return to the country of origin.

(4) The person shall lose the right to assistance and protection if his statement was based on false facts, if the circumstances on which the right to assistance and protection was acquired no longer exist, or if he acts contrary to the rules laid down by the assistance and protection programme. The Operational Team shall inform the Ministry of the loss of right to assistance and protection.

### *Assistance and protection programme*

#### Article 81

(1) A third-country national identified as a victim shall be entitled to decide on his participation in the assistance and protection programme within 60 days.

(2) A guardian of a minor identified as a victim of trafficking in human beings shall be entitled to decide on the participation in the assistance and protection programme within 90 days, with the approval of the social welfare centre, taking into account the best interests of the minor victim of trafficking in human beings, and taking into consideration the minor's opinion.

(3) The deadline referred to in paragraph 1 of this Article shall not be applied if it is established that a third-country national identified as a victim is not the victim, or if he has actively, voluntarily and on his own initiative renewed contacts with the perpetrators of crimes, and if this is required in order to protect public policy and national security, unless the victim of trafficking in human beings is a minor.



### *Rights of human trafficking victims*

#### Article 82

(1) A victim who has been granted temporary stay shall be entitled to safe accommodation, healthcare, rights under the social welfare system, education and work.

(2) Safe accommodation shall mean a place where the victim is protected from the influence of the person suspected of having committed the criminal offence.

(3) Special care shall be taken of pregnant women and the disabled, as particularly vulnerable groups of victims.

(4) A third-country national who has been granted temporary stay on humanitarian grounds pursuant to Article 79, paragraph 1, item 5 of this Act shall exercise the rights referred to in paragraph 1 of this Article.

### *Minor victims of trafficking in human beings*

#### Article 83

(1) All the authorities involved in the assistance and protection programme for minor victims of trafficking in human beings shall bear in mind the best interest of the minor concerned.

(2) The measures necessary to determine the identity and citizenship and locate other family members of the minor victim referred to in paragraph 1 of this Article shall be taken by the Ministry.

(3) The authority competent for social welfare shall appoint a special guardian to the minor victim of trafficking in human beings.

### *Return of human trafficking victims*

#### Article 84

(1) The safe return of a third-country national who has the status of a victim shall be conducted by the Ministry, taking into account his rights, safety and dignity. Whenever possible, the return should be voluntary.

(2) Minor victims of trafficking in human beings shall not be returned to any state if, after evaluating risks and safety, there are indications that such a return would not be in the best interest of the minor concerned.

### *Withdrawing a temporary stay permit granted to a human trafficking victim on humanitarian grounds*

#### Article 85

(1) The Ministry shall issue a decision through a police administration or a police station on withdrawing a temporary stay permit granted to a victim on humanitarian grounds if:

1. the victim has lost the status of a victim
2. it is established that the victim has been abusing the status of a victim
3. this is required in order to protect public policy, national security or public health.

(2) When deciding on the termination of temporary stay of a minor victim of trafficking in human beings, an opinion shall be requested from the competent social welfare centre.

(3) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

*Rights of third-country nationals who have been granted temporary stay on humanitarian grounds*

Article 86

A third-country national who has been granted temporary stay on humanitarian grounds pursuant to the provision of Article 79 of this Act shall have a right to work without a stay and work permit or a work registration certificate, a right to attend courses, vocational training, a right to education and university studies.

*Withdrawing a temporary stay permit*

Article 87

(1) The Ministry shall withdraw a temporary stay permit for a third-country national through a police administration or a police station if:

1. the conditions for granting temporary stay cease to exist
2. he has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if an alert has been issued in SIS for the purpose of forbidding his entry
3. he fails to register his temporary residence with a police administration or a police station within 30 days from having been granted temporary stay or issued with a long-term visa
4. he cancels his temporary residence in the Republic of Croatia upon his own request
5. he stays abroad for a total of more than 90 days on multiple occasions or more than 30 days on a single occasion since the day he was granted temporary stay in the duration of up to one year
6. he stays abroad for a total of more than 180 days on multiple occasions or more than 60 days on a single occasion since the day he was granted temporary stay in the duration of up to two years
7. he has been staying in the Republic of Croatia contrary to the purpose of his temporary stay permit
8. spouses or common law partners, or life or informal life partners do not live in a real marital or common law partnership, or a genuine life partnership or informal life partnership, and temporary stay was granted for the purpose of family reunification or life partnership.

(2) Exceptionally, paragraph 1, items 5 and 6 of this Article shall not apply to researchers and students if they are staying in another EEA Member State on the basis of short-term or long-term mobility, or to third-country nationals who have been granted a stay and work permit and who have been posted to work in another EEA Member State.

(3) The Ministry shall not issue a decision on the withdrawal of a temporary stay permit through a police administration or a police station if the entry and stay ban referred to in paragraph 1, item 2 of this Article has been imposed by a decision on expulsion.

(4) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

(5) By way of derogation from paragraph 1, items 5 and 6 of this Article, a temporary stay permit shall not be withdrawn for a third-country national who stays outside of the Republic of Croatia for up to 90 days on a single occasion for justified reasons if, prior to leaving the Republic of Croatia, he notifies the competent police administration or police station thereof. Should exceptional circumstances occur after his departure from the Republic of Croatia, the third-country national shall notify a diplomatic mission or a consular post of the Republic of Croatia within 30 days from the occurrence of these circumstances.

## VI. WORK OF THIRD-COUNTRY NATIONALS

### *General provisions on stay and work permits*

#### Article 88

(1) A third-country national may work in the Republic of Croatia on the basis of an issued stay and work permit or a work registration certificate, unless provided for otherwise by this Act.

(2) Within the meaning of this Act, preliminary activities undertaken for the establishment and registration of a company or sole trade shall not be considered work.

(3) A third-country national may perform in the Republic of Croatia only those activities for which he has been issued with a stay and work permit or a work registration certificate, and only with the employer for whom he was issued a stay and work permit or a work registration certificate and with whom he has entered into an employment relationship, unless provided for otherwise by this Act.

(4) An employer may employ or benefit from the work of a third-country national only for those activities for which he has been issued with a stay and work permit or a work registration certificate, unless provided for otherwise by this Act.

(5) An employer shall not employ a third-country national staying in the Republic of Croatia illegally nor benefit from his work.

(6) Prior to entering into an employment relationship, the employer shall request from the third-country national referred to in Article 89, paragraph 1 of this Act to present his valid residence permit in the Republic of Croatia.

(7) If a third-country national has presented an invalid permit referred to in paragraph 6 of this Article, the employer shall not be deemed responsible for employing a third-country national staying in the Republic of Croatia illegally, unless the employer knew that the document presented as the permit referred to in paragraph 6 of this Article had been falsified.

(8) The provisions of this Article relating to employers shall apply accordingly to subcontractors.

### *Working without a stay and work permit or a work registration certificate*

#### Article 89

(1) A third-country national may work in the Republic of Croatia without a stay and work permit or a work registration certificate if he has been granted:

1. temporary stay for the purpose of family reunification with a Croatian citizen, third-country national who has been granted long-term residence, permanent stay, asylum or subsidiary protection in line with the legislation governing international protection

2. temporary stay for the purpose of life partnership with a Croatian citizen, third-country national who has been granted long-term residence, permanent stay, asylum or subsidiary protection in line with the legislation governing international protection

3. temporary stay for the purpose of family reunification or life partnership with a third-country national who has been issued with an EU Blue Card or a stay and work permit as an intra-corporate transferee

4. temporary stay for the purpose of family reunification or life partnership with a third-country national who has been granted long-term residence in another EEA Member State

5. temporary stay on humanitarian grounds

6. autonomous stay

7. temporary stay as a posted worker

8. temporary stay for the purpose of research referred to in Article 74 of this Act

9. temporary stay for the purpose of family reunification or life partnership with the researcher referred to in Article 74 of this Act

10. temporary stay for the purpose of university studies, if he is employed or self-employed for no more than 20 hours a week, unless the student internship is an integral part of the study programme

11. the status of a full-time pupil when he performs work through authorised agents, without entering into an employment relationship, for no more than 20 hours a week

12. temporary stay as a person with long-term residence in another EEA Member State

13. asylum or subsidiary protection, or if he is an applicant for international protection in line with the legislation governing international protection

14. long-term residence

15. permanent stay.

(2) Third-country nationals who participate in sporting events and competitions in the Republic of Croatia as representatives of foreign teams, clubs or national teams do not have to obtain a stay and work permit or a work registration certificate.

(3) The student referred to in Article 73, paragraphs 5 and 6 of this Act may work or be self-employed without an obligation to obtain a stay and work permit or a work registration certificate, for a maximum of 20 hours a week.

(4) An employer employing the third-country national referred to in paragraph 1 of this Article shall notify thereof the police administration or police station competent according to the location of the third-country national's temporary residence, within eight days from the day the third-country national entered into the employment relationship or started working.

### *Applying for the issuance of a stay and work permit*

#### Article 90

(1) An application for the issuance of a stay and work permit may be submitted by a third-country national pursuant to Article 58 of this Act or by the employer at a police administration or a police station according to the intended place of stay or work of the third-country national, or the employer's head office.

(2) A temporary employment agency shall enclose the contract for the supply of workers to end-user clients to the application for the issuance of a stay and work permit.

*Deciding on the application for the issuance of a stay and work permit*

Article 91

(1) A decision on the application for the issuance of a stay and work permit shall be made by the Ministry through a police administration or a police station according to the location of the third-country national's temporary residence or intended stay.

(2) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

(3) A stay and work permit shall be issued to a third-country national for the time period required to carry out work, or the period of validity of the contract of employment, but for no longer than one year.

(4) By way of derogation from paragraph 3 of this Article, a stay and work permit shall be issued to a third-country national who is coming to work as essential personnel pursuant to the Protocol of accession of the Republic of Croatia to the Marrakesh Agreement establishing the World Trade Organisation with a period of validity of two years, unless it is requested that a stay and work permit be issued with a shorter period of validity.

(5) A police administration or a police station shall decide on the application for the issuance of a stay and work permit pursuant to Article 97 of this Act within fifteen days from the day of submitting a complete application.

(6) In case the application referred to in paragraph 1 of this Article is abandoned, the procedure shall be suspended and note thereof shall be made in the file.

*Extending a stay and work permit*

Article 92

(1) An application for the extension of a stay and work permit shall be submitted no later than 30 days before the expiry of the valid temporary stay permit, at a police administration or a police station according to the location of the third-country national's temporary residence, which shall decide on the extension.

(2) The Ministry shall decide on the application for the extension referred to in paragraph 1 of this Article before the expiry of a valid stay and work permit, through a police administration or a police station.

(3) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(4) In case the application referred to in paragraph 1 of this Article is abandoned, the procedure shall be suspended and note thereof shall be made in the file.

*Refusing the issuance of a stay and work permit*

Article 93

(1) The Ministry may refuse an application for a stay and work permit through a police administration or a police station if:

1. the employer or host entity fails to meet the obligations related to social security, employees' rights, working conditions and terms of employment, and tax obligations or the collective agreement binding on the employer

2. bankruptcy proceedings or liquidation proceedings have been opened against the employer or host entity in line with the legislation governing bankruptcy or liquidation

3. the employer or host entity does not perform economic activities in a sector registered in the Republic of Croatia

4. the employer or host entity has been convicted of criminal offences by a final ruling in the area of labour relations and social insurance

5. the main purpose of establishment or work of the employer or host entity is to facilitate the entry of third-country nationals

6. the third-country national has failed to pay the fine imposed

7. the third-country national is in breach of the provisions of this Act relating to entry, stay or work

8. the employer has been sanctioned for undeclared work and/or illegal employment

9. it is established during the procedure for the extension of a stay and work permit for intra-corporate transfer that the third-country national is staying contrary to the granted permit.

(2) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

#### *Withdrawing a stay and work permit*

##### Article 94

(1) The Ministry shall withdraw a stay and work permit, *ex officio*, through a police administration or a police station if:

1. the conditions referred to in Article 87, paragraph 1 of this Act have been met

2. the conditions on the basis of which the permit was issued have ceased to exist

3. the employer no longer meets the conditions referred to in Article 99, paragraph 1 of this Act

4. the third-country national performs activities other than those for which his stay and work permit was issued

5. the third-country national works for an employer other than the one for whom his stay and work permit was issued

6. it is established upon inquiring with the Tax Administration or checking the Central Registry of Affiliates that the employer has not been paying salaries and/or contributions

7. the third-country national or the employer does not comply with the labour, compulsory health and pension insurance legislation, as well as other regulations governing the performance of their activity

8. the employer or the third-country national submitted a proposal for the withdrawal of the permit

9. the employer has been sanctioned for undeclared work and/or illegal employment.

(2) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

(3) The Ministry shall not issue a decision on the withdrawal of a stay and work permit through a police administration or a police station if the entry and stay ban referred to in Article 87, paragraph 1, item 2 of this Act has been imposed by a decision on expulsion.

(4) The procedure for withdrawing a stay and work permit referred to in paragraph 1, item 8 of this Article shall be concluded and note thereof shall be made in the file if the parties agree accordingly.

*Obligations of the employer and third-country national if the conditions cease to exist during the period of validity of the stay and work permit*

Article 95

If the contract of employment terminates or if other conditions on the basis of which the stay and work permit was issued cease to exist, the employer and the third-country national shall notify a police administration or a police station thereof within 15 days from the occurrence of those circumstances.

*Delivering a stay and work permit*

Article 96

(1) A police administration or a police station shall deliver a stay and work permit to:

1. the third-country national
2. the employer.

(2) A police administration or a police station shall deliver electronically a notice about an issued stay and work permit to:

1. a local service or office of the Croatian Employment Service according to the place of work of the third-country national
2. a local office or branch office of the Tax Administration competent according to the place of work of the third-country national
3. a local service or local office or branch office of the Croatian Pension Insurance Institute according to the place of work of the third-country national
4. a regional office or local service or branch office of the Croatian Health Insurance Fund according to the place of work of the third-country national, and
5. a local office of the State Inspectorate according to the place of work of the third-country national.

(3) The competent authorities referred to in paragraph 2 of this Article shall inform without delay the competent police administration or police station about any discovered violations of the legislation in force within their scope of competence.

*Issuing a stay and work permit on the basis of the opinion provided by the Croatian Employment Service*

Article 97

(1) The Ministry may issue a stay and work permit, through a police administration or a police station, to a third-country national who meets the conditions referred to in Article 59 of this Act, on the basis of a positive opinion provided by the Croatian Employment Service (hereinafter: local service or office of the Croatian Employment Service).

(2) The Ministry shall request, *ex officio*, the opinion referred to in paragraph 1 of this Article from a local service or office of the Croatian Employment Service, through a police administration or a police station.

(3) The following shall be enclosed to the application for the issuance of a stay and work permit referred to in paragraph 1 of this Article:

1. contract of employment
2. proof of meeting the employer's requirements in the labour market test relating to the level of education, educational qualifications, work experience and all other conditions requested by the employer.

(4) In addition to the evidence referred to in paragraph 3 of this Article, the application shall be accompanied by a decision on the recognition of foreign professional qualifications in line with special legislation in case of employment of a third-country national who will be working in a regulated profession in accordance with a list of regulated professions in the Republic of Croatia.

(5) By way of derogation from paragraph 1 of this Article, a stay and work permit may be issued without a labour market test and the opinion of the local service or office of the Croatian Employment Service in case of employment of a seasonal worker in agriculture, forestry, hospitality industry, and tourism in the territory of the Republic of Croatia in the duration of up to 90 days during a calendar year, or in case of extension of a stay and work permit for the same employer and the same third-country national.

#### *Labour market test*

##### Article 98

(1) Prior to submitting an application for the issuance of a stay and work permit, the employer shall request a labour market test from the local service or office of the Croatian Employment Service, except in cases referred to in Article 92 of this Act when the stay and work permit is extended for the same employer and the same third-country national, Article 101, Article 104, paragraph 2 and Article 110 of this Act.

(2) The labour market test referred to in paragraph 1 of this Article consists of checking the unemployment records and of the job placement services for recruiting workers from the national labour market.

(3) The local service or office of the Croatian Employment Service shall carry out job placement services if the unemployment records show that there are persons who meet the employer's recruitment requirements.

(4) The local service or office of the Croatian Employment Service shall inform the employer about the labour market test results at the latest within 15 days from the day the employer made the request.

(5) If the labour market test shows that there are no available persons in the unemployment records who meet the employer's recruitment requirements or if the requirements cannot be met by the unemployed persons migrating within the country, the employer may apply for a stay and work permit within 90 days from the day of receipt of a notification on the labour market test results.

(6) The minister responsible for labour shall prescribe in the ordinance governing keeping of records of the Croatian Employment Service the manner, content and procedure for the issuance of a notification on the labour market test results.

#### *Opinion of the Croatian Employment Service*

##### Article 99

(1) A positive opinion of the local service or office of the Croatian Employment Service referred to in Article 97, paragraph 1 of this Act shall be delivered to the



competent police administration or police station if the conditions referred to in Article 97, paragraph 3 of this Act have been met, and if the employer:

1. performs economic activities in a sector registered in the Republic of Croatia
2. has paid all due public contributions of which official records are kept by the ministry responsible for finance
3. has employed at least one citizen of the Republic of Croatia, or EEA national, or citizen of the Swiss Confederation to a permanent and full time position in the territory of the Republic of Croatia in the last six months, and
4. has not been convicted of criminal offences by a final ruling in the area of labour relations and social insurance.

(2) Within the meaning of the provision of paragraph 1, item 2 of this Article, it shall be considered that the employer has paid all due public contributions if he has no outstanding income tax payments and mandatory insurance contributions.

(3) By way of derogation from the provision of paragraph 1, item 3 of this Article, the employer – natural person whose sole trade operates on a seasonal basis needs to have at least one citizen of the Republic of Croatia or an EEA national or a citizen of the Swiss Confederation employed in the territory of the Republic of Croatia in the previous season.

(4) Within the meaning of this Act, the employer – natural person shall be included in the number of the employed persons referred to in paragraph 1, item 3 and paragraph 3 of this Article.

(5) The evidence referred to in paragraph 1 of this Article shall be obtained by the local service or office of the Croatian Employment Service *ex officio* and/or from the employer.

(6) The evidence of no outstanding payments referred to in paragraph 1, item 2 of this Article shall be established on the basis of the debt status certificate on public contributions, the official records of which are kept by the Ministry of Finance, Tax Administration.

(7) Upon the request of the local service or office of the Croatian Employment Service, the ministry responsible for justice shall deliver the evidence on facts referred to in paragraph 1, item 4 of this Article.

(8) A local service or office of the Croatian Employment Service shall not issue a positive opinion if the number of citizens of the Republic of Croatia, or EEA nationals, or citizens of the Swiss Confederation employed by the employer is less than 1/4 of the total number of employed workers.

(9) The minister responsible for labour shall prescribe in the ordinance governing keeping of records of the Croatian Employment Service the manner, content and procedure for the issuance of the opinion referred to in paragraph 1 of this Article.

### *Temporary employment agencies*

#### Article 100

(1) If the employer is a temporary employment agency in line with the general labour legislation, the agency shall also provide a contract for the supply of workers concluded between the agency and the user, in addition to the evidence referred to in Article 97, paragraph 3 of this Act.

(2) If the user meets the conditions referred to in Article 99, paragraph 1 of this Act, the temporary employment agency referred to in paragraph 1 of this Article shall be issued with the stay and work permit referred to in Article 97, paragraph 1 of this Act.

(3) If the user referred to in paragraph 1 of this Article changes, the temporary employment agency shall deliver a new contract for the supply of workers to the competent police administration or station.

(4) If the user referred to in paragraph 3 of this Article meets the conditions referred to in Article 99, paragraph 1 of this Act, the temporary employment agency referred to in paragraph 1 of this Article shall be issued with the stay and work permit referred to in Article 97, paragraph 1 of this Act.

### *Exemptions from the labour market test*

#### Article 101

(1) The Management Board of the Croatian Employment Service shall issue a decision on professions for which the employer is not required to request the labour market test referred to in Article 98, paragraph 1 of this Act or meet the condition referred to in Article 99, paragraph 8 of this Act, on the basis of the situation on the national, regional and local labour market with respect to the number and the profiles of unemployed persons, as well as the needs of particular economic activities.

(2) The assessment of the situation and needs referred to in paragraph 1 of this Article shall be carried out on the basis of the criteria relating to the following:

1. professions with shortages on the national, regional and local labour market, which cannot be solved by domestic migration
2. implementation of strategic and investment projects, and
3. other circumstances relevant to economic growth and sustainable development.

(3) The Management Board of the Croatian Employment Service shall monitor the situation and needs referred to in paragraph 1 of this Article and make amendments to the Decision referred to in paragraph 1 of this Article accordingly and without delay.

(4) The Decision referred to in paragraph 1 of this Article shall be published on the website of the Croatian Employment Service.

### *Notice on non-compliance with the conditions*

#### Article 102

The local service or office of the Croatian Employment Service shall notify, without delay, the competent police administration or police station which issued the stay and work permit if:

1. a third-country national does not perform the activities for which his contract of employment was concluded, or
2. an employer no longer meets the conditions referred to in Article 99, paragraph 1 of this Act.

### *Recognising non-compliance with the conditions*

#### Article 103

The circumstances referred to in Article 102 of this Act may be established through the inspection carried out by the state administration authority competent for inspection, or within the framework of regular activities of the local service or office of the Croatian Employment Service, or some other appropriate manner.

## *Stay and work permit for seasonal workers*

### Article 104

(1) A third-country national may be granted a stay and work permit as a seasonal worker if he meets the conditions referred to in Articles 59 and 97 of this Act.

(2) By way of derogation from paragraph 1 of this Article, the labour market test and the opinion provided by the local service or office of the Croatian Employment Service shall not be required in agriculture, forestry, hospitality industry and tourism of up to 90 days.

(3) A seasonal worker may work on the basis of a stay and work permit for seasonal work for up to 90 days or up to six months.

(4) A third-country national who is coming to work as a seasonal worker for up to 90 days shall not be required to obtain a residence permit pursuant to Article 168 of this Act.

(5) A stay and work permit for seasonal work may be granted to a seasonal worker if he:

1. holds a foreign travel document which is valid for the entire duration of his stay and work permit
2. has a valid contract of employment
3. has adequate accommodation
4. does not pose threat to public policy, national security and public health
5. has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if no alert has been issued in SIS for the purpose of forbidding his entry.

(6) Mandatory health insurance for a seasonal worker shall be proven with a contract of employment on the basis of which the employer registers him with the regional offices or local services or branch offices of the Croatian Health Insurance Fund for the purpose of exercising his rights under the mandatory health insurance in line with the legislation governing mandatory health insurance in the Republic of Croatia.

(7) The conditions for granting a stay and work permit for seasonal work referred to in paragraph 5, items 2 and 3 of this Article must be in line with the legislation of the Republic of Croatia and the collective agreement that binds the employer.

(8) A seasonal worker who has been granted a stay and work permit for seasonal work at least once in the preceding five years, and who has not acted contrary to the provisions of this Act relating to seasonal workers, does not have to fulfil the condition referred to in paragraph 5, item 3 of this Article to be granted a stay and work permit for seasonal work.

(9) Adequate accommodation for granting a stay and work permit for seasonal work shall mean the accommodation which ensures an adequate living standard of the seasonal worker throughout his stay. The seasonal worker and the employer referred to in paragraph 10 of this Article shall notify a police administration or a police station of any changes of accommodation within eight days from the day of change.

(10) Where the employer has provided accommodation or where the employer is an intermediary in providing accommodation:

1. the seasonal worker may be required to pay rent in an amount that is not too high in comparison to his net remuneration and in comparison to the quality of

accommodation. This rent shall not be automatically deducted from the seasonal worker's salary

2. the employer shall provide a seasonal worker with a lease contract or an equivalent document clearly indicating the conditions of lease of accommodation

3. the employer shall ensure that the accommodation is in conformity with the general health and safety standards applicable in the Republic of Croatia.

(11) No appeal shall be admissible against the decision referred to in paragraph 5 of this Article. However, an administrative dispute may be instituted.

(12) The Minister shall prescribe in the ordinance referred to in Article 6, paragraph 6 of this Act the technical conditions for adequate accommodation, the terms of payment of rent for the accommodation of seasonal workers, and the documents to be enclosed to the application referred to in this Article.

### *Refusing a stay and work permit for seasonal work*

#### Article 105

(1) The application for a stay and work permit for seasonal work shall be refused if:

1. the documents enclosed have been fraudulently obtained or falsified
2. it is established that the seasonal worker will become a burden for the social welfare system, pose risk in terms of illegal immigration, or that he does not intend to leave the Republic of Croatia at the latest on the day of expiry of his permit.

(2) The application for a stay and work permit for seasonal work may be refused if:

1. the seasonal worker has not respected the obligations set out in the previous stay and work permit for seasonal work
2. in the 12-month period directly preceding the day of application for a stay and work permit for seasonal work, the employer dismissed as redundant a worker who was employed to perform the same activities as the ones that will be performed by the seasonal worker for whom the application for a stay and work permit for seasonal work is submitted.

(3) No appeal shall be admissible against the decision referred to in paragraphs 1 and 2 of this Article. However, an administrative dispute may be instituted.

### *Extending a stay and work permit for seasonal work*

#### Article 106

(1) A seasonal worker may work in the Republic of Croatia on the basis of a stay and work permit for seasonal work for the maximum period of six months a year, after which he must leave the Republic of Croatia.

(2) During the period of six months a year, a seasonal worker may extend a stay and work permit for seasonal work with the same or with another employer only once.

(3) The seasonal worker referred to in paragraph 2 of this Article who holds a valid stay and work permit and for whom an application for extending the stay and work permit for the same employer has been submitted at the competent police

administration or police station shall be allowed to stay and work until the procedure is finalised.

(4) The seasonal worker referred to in paragraph 2 of this Article who holds a valid stay and work permit and for whom the new employer has submitted an application for a stay and work permit at the competent police administration or police station shall be allowed to stay and work for the new employer until the procedure is finalised.

(5) The application for extending a stay and work permit for seasonal work shall be submitted at a police administration or a police station at least 15 days before the expiration of the valid permit.

(6) The Ministry shall decide on the application referred to in paragraph 5 of this Article by issuing a decision through a police administration or a police station within three days from the day of submitting a complete application.

(7) No appeal shall be admissible against the decision referred to in paragraph 6 of this Article. However, an administrative dispute may be instituted.

### *Withdrawing a stay and work permit for seasonal work*

#### Article 107

(1) The Ministry shall withdraw a stay and work permit for seasonal work through a police administration or a police station if:

1. a seasonal worker performs activities other than those for which his stay and work permit for seasonal work was issued
2. a seasonal worker works for an employer other than the one for whom his stay and work permit for seasonal work was issued
3. the conditions for the issuance of a stay and work permit for seasonal work cease to exist.

(2) The Ministry may withdraw a stay and work permit for seasonal work through a police administration or a police station if:

1. the employer fails to meet the obligations related to social security, employees' rights, working conditions and terms of employment, and tax obligations, which have to be fulfilled in line with the legislation of the Republic of Croatia and the collective agreement binding on the employer, if any
2. bankruptcy proceedings or liquidation proceedings have been opened against the employer, or the employer was subject to bankruptcy proceedings in line with the legislation governing bankruptcy or liquidation, or the employer is not performing economic activities.

(3) The Ministry shall withdraw a stay and work permit for seasonal work through a police administration or a police station if the seasonal worker has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if an alert has been issued in SIS for the purpose of forbidding his entry.

(4) The provisions on the withdrawal of a stay and work permit for seasonal work shall not apply to a seasonal worker who submits an application for the issuance of a stay and work permit for seasonal work with another employer if:

- the employer acts contrary to the provisions of the Labour Act and bylaws adopted pursuant to that Act, or the provisions of this Act relating to labour
- bankruptcy proceedings or liquidation proceedings have been opened against the employer in line with the legislation governing bankruptcy or liquidation
- the employer was subject to bankruptcy or liquidation proceedings

– the employer is not performing economic activities.

(5) No appeal shall be admissible against the decision referred to in paragraphs 1, 2 and 3 of this Article. However, an administrative dispute may be instituted.

(6) If a stay and work permit for seasonal work has been withdrawn pursuant to paragraph 2 of this Article, the employer shall pay remuneration and all outstanding liabilities to the seasonal worker in line with the legislation governing labour relations.

(7) A stay and work permit for seasonal work shall not be issued to an employer who failed to meet his obligations arising from paragraph 2, item 1 of this Article on more than two occasions in the past year.

(8) When an employer breaches the obligations referred to in paragraph 2, item 1 of this Article as a subcontractor, and a main contractor and intermediate subcontractor have failed to meet obligations of due diligence as prescribed by the legislation governing the relevant activity, the provision of paragraph 7 of this Article may apply to the main contractor and potentially also to the intermediate subcontractor.

(9) In the case referred to in paragraph 8 of this Article, the main contractor and the potential intermediate subcontractor may, together with the employer or instead of the employer, be responsible for paying a remuneration to the seasonal worker which he is entitled to pursuant to paragraph 6 of this Article, or, together with the employer or instead of the employer, be responsible for paying late payments to the seasonal worker which he is entitled to in line with the legislation governing the payment of salaries.

### *Rights of seasonal workers*

#### Article 108

(1) Seasonal workers shall have the rights equivalent to those of Croatian citizens with regard to the following:

1. terms of employment, including the minimum working age, and working conditions, including salary and termination of a contract of employment, working hours, breaks, leaves, holidays and non-working days, as well as health and safety requirements at the workplace, and the protection of rights arising from the employment relationship in line with the general labour legislation

2. right to participate in strikes and industrial actions, freedom to organise in trade unions and be members of trade unions or any other professional organisation, as well as the rights and benefits conferred by those organisations, including the right to collective bargaining and to conclude collective agreements

3. late payments to be paid by the employer in relation to outstanding remuneration, if any, to a third-country national

4. branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004

5. access to goods and services and the supply of goods and services made available to the public, other than housing, without prejudice to the freedom to conclude agreements in accordance with the Union and national law

6. counselling services on seasonal work provided by the competent public employment service

7. education and vocational training

8. recognition of diplomas, certificates and other professional qualifications in line with the legislation governing the recognition of foreign professional qualifications

9. tax benefits, insofar as the seasonal worker is deemed to have temporary residence in the Republic of Croatia for tax purposes.

(2) Seasonal workers who move to a third country, or survivors of those seasonal workers staying in a third country and who have acquired rights from seasonal workers shall receive pension on the basis of previous employment of a seasonal worker acquired in line with the legislation laid down in Article 3 of Regulation (EC) No 883/2004 under the same conditions as Croatian citizens when they move to a third country.

(3) A seasonal worker shall exercise his rights in line with the legislation of the Republic of Croatia and the collective agreement binding on the employer, if any, governing specific areas referred to in this Article.

### *Protection of rights of seasonal workers*

#### Article 109

(1) A seasonal worker who believes that any of his rights guaranteed by this Act have been violated may, in order to protect and exercise those rights, institute appropriate proceedings against the employer before the competent court, state authorities or legal entities vested with public powers in the Republic of Croatia, in line with the legislation of the Republic of Croatia.

(2) A seasonal worker may institute the proceedings referred to in paragraph 1 of this Article even after the termination of employment with the employer, in line with the legislation of the Republic of Croatia.

(3) A seasonal worker who has instituted the proceedings for the protection of rights referred to in paragraph 1 of this Article must not be treated less favourably than other workers employed by the employer, nor should this circumstance be detrimental to exercising his rights arising from the employment.

(4) In the procedure for protecting the rights referred to in paragraph 1 of this Article, the seasonal worker may also be represented, apart from persons with power of representation if any have been appointed, by persons authorised to provide legal assistance or associations or other organisations vested with that power, provided that he has authorised them to do so.

### *Issuing a stay and work permit without a labour market test and the opinion provided by the Croatian Employment Service*

#### Article 110

Upon the request of a third-country national or an employer, the Ministry may issue a stay and work permit through a police administration or a police station without the labour market test referred to in Article 98 of this Act and without the opinion of the local service or office of the Croatian Employment Service referred to in Article 99 of this Act:

1. to foreign correspondents, accredited in the Republic of Croatia, or foreign media reporters
2. to key personnel in companies, branch offices and representative offices
3. to third-country nationals for self-employment in a company in which they hold an ownership share of at least 51% or in a sole trade in which they hold an ownership share of at least 51%

4. to highly qualified third-country nationals who meet the conditions to be issued an EU Blue Card

5. to third-country nationals who provide services on behalf of or for a foreign employer who is not entitled to establishment in an EEA Member State, and the companies are not linked, as provided for by Article 3, paragraph 1, item 15 of this Act

6. to teachers and lecturers who teach at educational establishments in the language and script of national minorities

7. to professional athletes or sport workers

8. to artists working at cultural institutions, experts in cultural heritage protection, library science and archival science in the Republic of Croatia

9. to third-country nationals who have entered into an employment relationship with foreign associations registered as foreign associations in the Republic of Croatia and in at least three other countries

10. to third-country nationals who are members of trust bodies of representative offices of foreign trusts and foundations registered in the Register of the Representative Offices of Foreign Trusts and Foundations in the Republic of Croatia

11. for the purpose of children and youth mobility programmes carried out by the Republic of Croatia in cooperation with other countries

12. to scientific researchers employed in scientific legal entities to perform scientific work, teach or hold other research positions

13. to university professors – native speakers of foreign languages, foreign language instructors and other lecturers at Croatian higher education institutions or other educational institutions or registered international schools and foreign language schools

14. to third-country nationals for the purpose of implementing international treaties

15. to third-country nationals who are intra-corporate managers, experts or trainees

16. to third-country nationals subject to intra-corporate transfer for the purpose of long-term mobility

17. to third-country nationals arriving for a definite period of time to perform particular activities under the agreements concluded between the Government of the Republic of Croatia and third countries

18. to third-country nationals who are healthcare trainees in the Republic of Croatia in line with the legislation governing healthcare

19. to third-country nationals arriving for the purpose of carrying out strategic investment projects or who are holders of incentive measures in line with the legislation on investment promotion

20. to civilian and military government officials from other countries arriving to work in the Republic of Croatia based on cooperation agreements with the Government

21. to representatives or staff of religious communities who perform exclusively religious or charitable activities

22. to third-country nationals for the purpose of internship in diplomatic missions or consular posts accredited in the Republic of Croatia

23. to volunteers under the international exchange and volunteer cooperation programmes, and if they volunteer outside the international exchange programme, they are required to have an approval from the authority competent for carrying out voluntary service schemes



24. to third-country nationals for the purpose of traineeship in a host entity on the basis of the Training Agreement

25. to third-country nationals for the purpose of carrying out professional practice, professional development or voluntary services under the Union Programme, Erasmus+ Programme for Education, Training, Youth and Sport and its successors, European Solidarity Corps programmes, as well as other international programmes, and other programmes and initiatives carried out by ministries responsible for education, science and voluntary service, who do not have to provide proof that the host entity holds a third party liability insurance policy

26. to third-country nationals for the purpose of working on vessels and who are on the crew list

27. to those who carry out supervision and inspection of overhaul and shipbuilding, or supervision or inspection of production, assembly of equipment, machinery and other plants based on an export contract or order by a foreign buyer in the area of shipbuilding

28. to administrative staff, experts, teachers and lecturers from foreign cultural, educational and scientific establishments who perform their tasks in the Republic of Croatia as part of cultural and educational cooperation programmes, as well as to administrative staff, experts, teachers and lecturers from foreign cultural, educational and scientific establishments with branch offices in the Republic of Croatia, provided that they are coming from their parent institution

29. to artists, authors, technical and other indispensable staff participating in the making of a demanding audiovisual work

30. to other indispensable persons, apart from intra-corporate transferees, as defined by the Protocol of Accession of the Republic of Croatia to the Marrakesh Agreement establishing the World Trade Organisation.

*Conditions for issuing a stay and work permit without a labour market test and the opinion provided by the Croatian Employment Service*

Article 111

(1) The stay and work permit referred to in Article 110 of this Act may be issued to a third-country national who meets the conditions referred to in Article 59 of this Act and who encloses the following:

1. contract of employment
2. proof of educational qualifications acquired.

(2) In addition to the proof of educational qualifications acquired referred to in paragraph 1, item 2 of this Article, the application shall be accompanied by a decision on the recognition of foreign professional qualifications in line with special legislation in case of employment of a third-country national who will be working in a regulated profession in line with the list of regulated professions in the Republic of Croatia.

(3) Proof of the registration of a company, branch office, representative office, sole trade, family farm, cooperative, association or institution registered in the Republic of Croatia shall be obtained by a police administration or a police station *ex officio* either from the employer or from the third-country national.

(4) A third-country national who is self-employed in his own sole trade does not have to provide proof referred to in paragraph 1, item 1 of this Article when applying for the issuance of a stay and work permit.

*Activities of key personnel in companies, branch offices or representative offices in the Republic of Croatia*

Article 112

Within the meaning of Article 110, item 2 of this Act, the following categories of third-country nationals shall be considered as persons holding key positions in companies, branch offices or representative offices of foreign companies:

1. persons holding a senior position in a company, branch office or representative office, persons managing business activities, persons under general supervision or management of the management board or shareholders or members of a company, and persons holding identical positions, including:

- managing the work of the company's divisions or subdivisions
- monitoring and supervising the work of other employees, i.e. carrying out of supervisory or managerial tasks
- authorisation to decide on the employment and dismissal of workers and to give recommendations related to employment, dismissal or other personnel related tasks

2. highly qualified persons working in a company, branch office or representative office who possess special expert knowledge and/or powers indispensable for providing services, for using research equipment, applying technology or carrying out business operations of a company, branch office or representative office.

*Issuing a stay and work permit to key personnel and third-country nationals who are self-employed*

Article 113

(1) A stay and work permit may be issued to the third-country national referred to in Article 110, item 2 of this Act if he meets the conditions referred to in Article 111 of this Act and proves that:

1. the value of the company's share capital, and the assets of a limited partnership or a general partnership exceed the amount of HRK 200,000.00

2. at least three Croatian citizens are employed permanently and full-time in a company, branch office or representative office of a foreign company on jobs other than procurator, member of the management board or supervisory board, and their gross salary corresponds to at least the amount of an average gross salary paid in the Republic of Croatia in the previous year according to the official data published by the state administration authority competent for statistics

3. his gross salary corresponds to at least the amount of 1.5 average gross salary paid in the Republic of Croatia in the previous year according to the official data published by the state administration authority competent for statistics.

(2) If there are several third-country nationals referred to in paragraph 1 of this Article who perform key activities for the same employer, a stay and work permit may be issued provided that:

1. the value of the company's share capital, and the assets of a limited partnership or a general partnership exceed the amount of HRK 200,000.00

2. for each third-country national employed, there are at least three Croatian citizens employed permanently and full-time on jobs other than procurator, member of the management board or supervisory board, and their gross salary corresponds to at least the amount of an average gross salary paid in the Republic of Croatia in the

previous year according to the official data published by the state administration authority competent for statistics

3. their gross salary corresponds to at least the amount of 1.5 average gross salary paid in the Republic of Croatia in the previous year according to the official data published by the state administration authority competent for statistics.

(3) A stay and work permit may be issued to a third-country national referred to in Article 110, item 3 of this Act, who is self-employed in a company or sole trade in which he is the sole owner if he meets the conditions referred to in Article 111 of this Act and if:

1. he has invested at least HRK 200,000.00 in the establishment of his company or sole trade

2. at least three Croatian citizens are employed permanently and full-time, and their gross salary corresponds to at least the amount of an average gross salary paid in the Republic of Croatia in the previous year according to the official data published by the state administration authority competent for statistics

3. his gross monthly salary corresponds to at least the amount of 1.5 average gross monthly salary paid in the Republic of Croatia according to the latest official data published by the state administration authority competent for statistics, whereas a third-country national self-employed in his own sole trade has to prove that the amount of his income from self-employment corresponds to at least the amount of 1.5 average net monthly salary paid in the Republic of Croatia according to the latest official data published by the state administration authority competent for statistics.

(4) A third-country national registered as a person authorised to represent a company, branch office or representative office shall regulate his stay and work permit pursuant to paragraphs 1 and 2 of this Article, and he cannot be issued with a stay and work permit for the same company, branch office or representative office pursuant to Article 97 of this Act.

(5) A third-country national registered as a founder of a company, or who holds an ownership share of at least 51% in a company, or who holds an ownership share of at least 51% in a sole trade shall regulate his stay and work permit pursuant to paragraph 3 of this Article, and he cannot be issued with a stay and work permit for the same company or sole trade pursuant to Article 97 of this Act.

#### *Stay and work permit for the provision of services*

##### Article 114

A stay and work permit may be issued to the third-country national referred to in Article 110, item 5 of this Act if he meets the conditions referred to in Article 59 of this Act and if:

1. he is a provider of services employed with a foreign employer and he has appropriate qualifications, and

2. a foreign employer has concluded a contract with a company or sole trader registered in the Republic of Croatia, provided that this involves the provision of specific services in the area of high technology.

#### *Stay and work permit for implementing strategic investment projects*

##### Article 115

(1) A stay and work permit may be issued to the third-country national referred to in Article 110, item 19 of this Act if he meets the conditions referred to in Article 59 of this Act and if:

1. he performs key activities in a company pursuant to Article 112 of this Act or holds an ownership share in this company of at least 51%, and the company is a holder of incentive measures in line with the legislation on investment promotion, or implements strategic investment projects in line with the legislation on strategic investment projects of the Republic of Croatia

2. he performs activities or implements projects in the Republic of Croatia pursuant to international treaties on professional and technical assistance that the Republic of Croatia has concluded with an international organisation.

(2) The Ministry shall decide, through a police administration or a police station, on the application for the issuance of a stay and work permit to the third-country national referred to in this Article within fifteen days from the day of submitting a complete application.

### *Intra-corporate transfer*

#### Article 116

(1) An intra-corporate transferee is a third-country national who performs the activities of a manager, expert or trainee and has concluded a contract of employment with a company, branch office or representative office established in a third country which temporarily transfers him for professional purposes or for training purposes to a company, branch office or representative office established in the Republic of Croatia (hereinafter: host entity) which belongs to the same company or linked companies.

(2) An intra-corporate transferee shall mean:

1. a manager – a person holding a senior position who directs the management of the host entity established in the Republic of Croatia, receiving general supervision or guidelines from the board of directors or shareholders of the company or a person performing an equivalent duty, where that position includes: directing the host entity or its part, supervising and controlling the work of the other supervisory, professional or managerial personnel, and the authority to decide on the rights and obligations of employees arising from their employment

2. an expert – a person possessing competences essential to the areas of activity, techniques or management of the host entity established in the Republic of Croatia. In assessing those competences, account shall be taken not only of the knowledge specific to the host entity, but also of whether the person has necessary skills which shall be proven by professional qualifications, including adequate professional experience for the type of work or activity requiring specific technical knowledge, including possible membership to an accredited professional association

3. a trainee – a person with a higher education institution degree who is transferred to a host entity established in the Republic of Croatia for career development purposes or in order to obtain training in business techniques or methods, and is paid during such transfer.

### *Stay and work permit for intra-corporate transfer*

#### Article 117

(1) The Ministry may issue, through the competent police administration or police station, a stay and work permit for intra-corporate transfer to a third-country national

who is an intra-corporate transferee and who meets the conditions referred to in Article 59 of this Act if:

1. the host entity established in the Republic of Croatia and a company established in a third country belong to the same company or linked companies

2. the manager or expert has been employed within the same company or group of companies for an uninterrupted period of at least nine months immediately preceding the day of intra-corporate transfer or in case of a trainee for an uninterrupted period of at least six months

3. they enclose a contract of employment and a transfer certificate showing the following: the details of the duration of transfer and the location of one or more host entities; proof that they will assume the position of a manager, expert or trainee in one or more host entities; the salary, as well as other terms of employment provided for during the intra-corporate transfer and proof that their transfer back to the company, branch office or representative office established in a third country will be possible upon the completion of the intra-corporate transfer, and the enclosed contract of employment and the transfer certificate must clearly indicate that the following working conditions will be guaranteed:

- the prescribed maximum work periods and minimum rest periods
- minimum paid annual leave
- increased salary for overtime work
- the prescribed protection of health and safety at work
- the prescribed prohibition of discrimination
- the prescribed protection measures for the work of pregnant women, women who have recently given birth and who are breastfeeding, and minor workers, whereby the said working conditions are guaranteed at the level of rights laid down by the legislation of the Republic of Croatia or collective agreements which are expanded to include all employers and workers in a specific area, branch or industry in line with special legislation

4. the manager or the expert have the required professional qualifications and experience necessary to work in the host entity established in the Republic of Croatia to which they have to be transferred, whereas the trainee is required to have a higher education institution diploma

5. their salary is not lower than the salary received by employees in the Republic of Croatia for equivalent positions in line with the existing legislation or collective agreements

6. the main purpose of establishing a host entity in the Republic of Croatia is not to facilitate the regulation of stay of intra-corporate transferees

7. the intra-corporate transfer for managers and experts does not exceed three years, or one year for trainees.

(2) If the conditions on the basis of which the stay and work permit for intra-corporate transfer was issued cease to exist, the employer and the intra-corporate transferee shall notify a police administration or a police station within 15 days from the day of occurrence of such circumstances.

(3) The longest duration of transfer shall be three years for managers and experts, and one year for trainees, upon which they shall leave the Republic of Croatia, unless they regulate their stay on other grounds.

(4) Once the longest duration of the transfer, as laid down in paragraph 3 of this Article, expires, the application for a new stay and work permit for an intra-corporate transferee may be submitted upon the expiry of a six-month period.

(5) A third-country national transferred to work in more than one EEA Member State shall submit an application for the stay and work permit referred to in paragraph 1 of this Article to a police administration or a police station if the duration of transfer in the Republic of Croatia is longer than the duration of transfer in other EEA Member States.

(6) An intra-corporate transferee may, on the basis of a granted stay and work permit, work in any host entity established in the Republic of Croatia belonging to a company or linked companies in a third country.

(7) An intra-corporate transferee shall be entitled to the rights referred to in paragraph 1, item 3 of this Article, as well as to freedom to associate in trade unions and be a member of a trade union or any other vocational organisation, as well as to the rights and benefits conferred by those organisations, including the right to collective bargaining and to conclude collective agreements.

(8) A family member of an intra-corporate transferee may regulate temporary stay for the purpose of family reunification pursuant to Article 57, paragraph 1, item 1 of this Act, and he shall exercise the right to work and self-employment pursuant to the provisions of this Act.

(9) The Ministry shall process the application for a stay and work permit of an intra-corporate transferee through a police administration or a police station at the same time as the application for a temporary stay permit for the purpose of family reunification if those applications were submitted at the same time.

(10) Upon the request of another EEA Member State, the Republic of Croatia shall allow, without delay, the re-entry of an intra-corporate transferee who has been granted the stay and work permit referred to in paragraph 1 of this Article in the Republic of Croatia, and of his family members if:

- his stay in another EEA Member State granted on the basis of mobility has ceased

- his stay and work permit in the Republic of Croatia has expired, and the person was staying in another EEA Member State during the period of mobility.

(11) Intra-corporate transferees shall exercise their rights in line with the legislation of the Republic of Croatia and the collective agreement binding on the employer, if any, governing specific areas referred to in paragraph 1, item 3 and paragraph 7 of this Article.

(12) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

#### *Refusing an application for the issuance of a stay and work permit for intra-corporate transfer*

##### Article 118

(1) The Ministry shall refuse an application for the issuance of the stay and work permit referred to in Article 117 of this Act through a police administration or a police station if the documents enclosed have been fraudulently obtained or falsified.

(2) The Ministry may refuse an application for the issuance of the stay and work permit for intra-corporate transfer referred to in Article 117 of this Act through a police administration or a police station if:

1. the employer fails to meet the obligations related to social security, employees' rights, working conditions and terms of employment, and tax obligations, which have to be fulfilled in line with the legislation of the Republic of Croatia and the collective agreement binding on the employer, if any

2. bankruptcy proceedings or liquidation proceedings have been opened against the employer in line with the legislation governing bankruptcy or liquidation, or the employer is not performing economic activities.

(3) No appeal shall be admissible against the decision referred to in this Article. However, an administrative dispute may be instituted.

#### *Short-term mobility of intra-corporate transferees*

##### Article 119

A third-country national holding a valid permit issued for the purpose of intra-corporate transfer by another EEA Member State may work in a host entity established in the Republic of Croatia belonging to the same company or linked companies for the period of up to 90 days in any 180-day period without the obligation to obtain a stay and work permit or a work registration certificate.

#### *Long-term mobility of intra-corporate transferees*

##### Article 120

(1) A third-country national holding a valid permit issued for the purpose of intra-corporate transfer by another EEA Member State who intends to work for more than 90 days in a host entity established in the Republic of Croatia belonging to the same company or linked companies may be granted a stay and work permit for long-term mobility.

(2) A third-country national referred to in paragraph 1 of this Article shall apply for the issuance of a stay and work permit for long-term mobility at a police administration or a police station according to his place of stay, or at a diplomatic mission or a consular post of the Republic of Croatia.

(3) The Ministry may grant a stay and work permit to a third-country national through a police administration or a police station if:

1. he has a valid travel document and proof of health insurance
2. the host entity established in the Republic of Croatia and a company established in a third country belong to the same company or linked companies
3. he encloses a contract of employment and a transfer certificate as prescribed in Article 117, paragraph 1, item 3 of this Act
4. he provides his residence address in the Republic of Croatia
5. he has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or no alert has been issued in SIS for the purpose of forbidding his entry
6. he does not pose threat to public policy, national security or public health.

(4) No appeal shall be admissible against the decision of the Ministry referred to in paragraph 3 of this Article issued through a police administration or a police station. However, an administrative dispute may be instituted.

(5) A third-country national may work in the Republic of Croatia until a decision on his application for the issuance of the stay and work permit referred to in paragraph 2 of this Article is reached, provided that the application is submitted before his short-

term stay expires and that he has a valid permit issued for the purpose of intra-corporate transfer by another EEA Member State.

(6) If the conditions on the basis of which the stay and work permit for long-term mobility was issued cease to exist, the employer and the third-country national shall notify a police administration or a police station within 15 days from the day of occurrence of such circumstances.

(7) The Ministry shall appoint a contact point responsible for receiving and forwarding electronically information on issued stay and work permits for long-term mobility, their extension and decisions on the basis of which third-country nationals must leave the Republic of Croatia.

(8) The Ministry shall communicate to the European Commission the statistics on the number of stay and work permits issued to intra-corporate transferees and the number of stay and work permits for long-term mobility issued for the first time, as well as the number of stay and work permits that have been extended, withdrawn or annulled.

(9) The statistics referred to in paragraph 8 of this Article shall be disseminated according to citizenship and the period of validity of stay and work permits, and according to the economic sector and positions of intra-corporate transferees.

#### *Refusing an application for the issuance of a stay and work permit for long-term mobility*

##### Article 121

(1) The Ministry shall issue a decision on the refusal of the application for the issuance of a stay and work permit for long-term mobility through a police administration or a police station if:

1. the documents enclosed have been fraudulently obtained or falsified
2. the third-country national does not meet the conditions referred to in Article 117, paragraph 1, item 3 of this Act
3. the intra-corporate transfer lasts more than three years for managers and experts, or more than one year for trainees
4. the permit for intra-corporate transfer issued in another EEA Member State has expired during the procedure.

(2) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

#### *Rights of intra-corporate transferees*

##### Article 122

(1) Intra-corporate transferees shall have the same rights as Croatian citizens in relation to the following:

1. right to participate in strikes and industrial actions, freedom to organise in trade unions and be members of trade unions or any other professional organisation, as well as the rights and benefits conferred by those organisations, including the right to collective bargaining and to conclude collective agreements
2. recognition of diplomas, certificates and other professional qualifications
3. access to goods and services, and supply of goods and services available to the public, other than procedures for obtaining accommodation as provided by special



legislation, without prejudice to the freedom of contract in accordance with the Union and national law, and services provided by public employment offices.

(2) Intra-corporate transferees shall exercise their rights in line with the legislation of the Republic of Croatia and the collective agreement binding on the employer, if any, governing specific areas referred to in paragraph 1 of this Article.

*Withdrawing and annulling a stay and work permit issued for intra-corporate transfer and long-term mobility*

Article 123

(1) The Ministry shall withdraw a stay and work permit for intra-corporate transfer through the competent police administration or police station if:

1. an intra-corporate transferee performs activities other than those for which his stay and work permit for intra-corporate transfer was issued
2. an intra-corporate transferee works for an employer other than the one for whom his stay and work permit for intra-corporate transfer was issued
3. the conditions for the issuance of a stay and work permit for intra-corporate transfer cease to exist
4. the employer has been sanctioned for undeclared work or illegal employment.

(2) The Ministry may withdraw a stay and work permit for intra-corporate transfer through the competent police administration or police station if:

1. the employer fails to meet the obligations related to social security, employees' rights, working conditions and terms of employment, and tax obligations, which have to be fulfilled in line with the legislation of the Republic of Croatia and the collective agreement binding on the employer, if any
2. bankruptcy proceedings or liquidation proceedings have been opened against the employer in line with the legislation governing bankruptcy or liquidation
3. he is not performing economic activities.

(3) The Ministry shall withdraw a stay and work permit for intra-corporate transfer through the competent police administration or police station if the intra-corporate transferee has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if an alert has been issued in SIS for the purpose of forbidding his entry.

(4) The Ministry shall annul, through the competent police administration or police station, a stay and work permit issued pursuant to Articles 117 and 120 of this Act if it is determined that the main purpose of establishment or work of the employer or host entity in the Republic of Croatia is to facilitate the entry of third-country nationals.

(5) The Ministry shall annul a stay and work permit for long-term mobility through the competent police administration or police station if:

1. an intra-corporate transferee performs activities other than those for which his stay and work permit for long-term mobility was issued
2. an intra-corporate transferee works for an employer other than the one for whom his stay and work permit for long-term mobility was issued
3. the conditions on the basis of which the permit was issued cease to exist.

(6) No appeal shall be admissible against the decision referred to in this Article. However, an administrative dispute may be instituted.

*Entry of third-country nationals holding a permit issued in another EEA Member State*

Article 124

(1) A third-country national holding a valid permit for the purpose of intra-corporate transfer issued by an EEA Member State which does not fully implement the Schengen *acquis* shall, upon entering into the Republic of Croatia for the purpose of intra-corporate transfer, submit to a police administration or a police station a certificate issued by a company, branch office or representative office from another EEA Member State indicating the duration of mobility and the location of the host entity or host entities in the Republic of Croatia.

(2) The third-country national referred to in paragraph 1 of this Article shall be checked against SIS when crossing the border, and entry shall be refused or objection raised to the mobility of the third-country national for whom an alert has been issued in SIS for the purpose of refusing his entry.

*Stay and work permit for volunteers and trainees*

Article 125

(1) A stay and work permit may be issued upon the request of the third-country national referred to in Article 110, item 23 of this Act if he meets the conditions referred to in Article 59 of this Act and if he encloses the following:

1. agreement with the host entity registered in the Republic of Croatia, which has to contain the following: a description of the voluntary service scheme; the duration of the voluntary service; the placement and supervision conditions of the voluntary service; the volunteering hours; the resources available to cover the third-country national's subsistence and accommodation costs, a minimum sum of money as pocket money throughout the stay, and the training to work with children and vulnerable groups, as prescribed by the legislation governing voluntary service, and

2. proof that the host entity has subscribed to a third-party insurance policy, unless arriving within the framework of the European Voluntary Service (EVS).

(2) A stay and work permit may be granted to the volunteer referred to in paragraph 1 of this Article with a period of validity of up to one year, and may exceptionally be extended for another 12 months if this is approved by EU work and voluntary service schemes.

(3) By way of derogation from paragraph 1 of this Article, a stay and work permit may be issued to the third-country national referred to in Article 110, item 23 of this Act if he meets the conditions referred to in Article 59 of this Act, provided that he is not covered by the international exchange and volunteer cooperation programme, if he encloses a voluntary service agreement in line with the legislation governing voluntary service and if he obtains approval from the authority responsible for the implementation of voluntary service schemes.

(4) A stay and work permit may be granted to the volunteer referred to in paragraph 3 of this Article with a period of validity of up to one year, and may exceptionally be extended for another six months, if this is required by the voluntary service scheme.

(5) A stay and work permit may be issued upon the request of the third-country national referred to in Article 110, item 24 of this Act if he meets the conditions referred to in Article 59 of this Act and if he encloses the following:

– a training agreement with the host entity registered in the Republic of Croatia which provides for a theoretical and practical training, and which contains the following: a description of the training programme, including the educational objective or learning

components, the duration of the traineeship, the placement and supervision conditions of the traineeship, the traineeship hours, and the legal relationship between the trainee and the host entity, and

– proof of having obtained a higher education degree within the two years preceding the day of application or proof of currently pursuing a course of study that leads to a higher education degree.

(6) A stay and work permit shall be issued to a trainee with a period of validity of up to six months, and it may be extended for a maximum of another six months if this is necessary to complete his traineeship.

### *Issuing a stay and work permit - EU Blue Card*

#### Article 126

(1) A highly qualified third-country national may submit an application for the issuance of a stay and work permit - EU Blue Card at a diplomatic mission or a consular post of the Republic of Croatia or at a police administration or a police station according to his place of stay.

(2) The application referred to in paragraph 1 of this Article may also be submitted by the employer of the highly qualified third-country national at a police administration or a police station according to the employer's head office or the third-country national's place of work.

(3) A stay and work permit - EU Blue Card for a highly qualified third-country national shall at the same time be regarded as a temporary stay and work permit in the territory of the Republic of Croatia.

(4) The permit referred to in paragraph 3 of this Article shall be issued with a period of validity of up to two years.

(5) If a contract of employment has been concluded for less than two years, a stay and work permit shall be issued for the period of validity of the contract of employment, increased by additional three months.

(6) A stay and work permit may be granted to a third-country national who meets the conditions referred to in Article 59 of this Act and who encloses the following:

1. a contract of employment for performing highly qualified jobs for and under the direction of another person, in the duration of at least one year, which has been concluded with a company, branch office, representative office, sole trader, family farm, cooperative, association or institution registered in the Republic of Croatia

2. proof of higher education, that is, a diploma, certificate or other proof of formal qualifications issued by a higher education institution recognised in his home country

3. proof that he meets the conditions to exercise a regulated profession stipulated in the contract of employment in line with special legislation on professional qualifications.

(7) The enclosed contract of employment shall also include the gross annual salary in the amount of at least 1.5 times average gross annual salary according to the official data published by the state administration authority competent for statistics.

(8) Proof of the registration of a company, branch office, representative office, sole trade, family farm, cooperative, association or institution registered in the Republic of Croatia shall be obtained by a police administration or a police station *ex officio* either from the employer or the third-country national.

### *Refusing an application for the issuance of an EU Blue Card*

#### Article 127

(1) The Ministry shall refuse, through a police administration or a police station according to the place of stay of the third-country national, an application for the issuance of an EU Blue Card if the third-country national does not meet the conditions referred to in Article 126, paragraphs 6 and 7 of this Act, or if it is established that the documents enclosed have been fraudulently obtained or falsified.

(2) The Ministry may refuse, through a police administration or a police station, an application for the issuance of a stay and work permit - EU Blue Card if the employer is in breach of employment regulations or if the third-country national is in breach of the provisions of this Act relating to the entry, stay and work of third-country nationals.

(3) No appeal shall be admissible against the decision referred to in this Article. However, an administrative dispute may be instituted.

### *Working on the basis of an EU Blue Card*

#### Article 128

(1) A third-country national to whom an EU Blue Card has been issued (hereinafter: an EU Blue Card holder) may perform in the Republic of Croatia only those activities for which he has been issued with a stay and work permit and only with the employer with whom he has entered into an employment relationship.

(2) An employer may employ an EU Blue Card holder to perform only those activities for which he has been issued with a stay and work permit.

(3) If the contract of employment terminates and if other conditions on the basis of which the stay and work permit was issued cease to exist, the employer and the EU Blue Card holder shall notify a police administration or a police station thereof within eight days from the occurrence of the circumstances which form the grounds for the termination of the stay and work permit.

### *Extending an EU Blue Card*

#### Article 129

(1) An application for the extension of an EU Blue Card shall be submitted at a police administration or a police station according to the location of the EU Blue Card holder's temporary residence no later than 30 days prior to the expiry of the valid permit.

(2) An EU Blue Card holder who has submitted an application for the extension of a stay and work permit prior to its expiry may remain in the Republic of Croatia until the decision on his application becomes enforceable.

### *Change of employer of an EU Blue Card holder*

#### Article 130

(1) An EU Blue Card holder who changes his employer within the first two years of his stay in the Republic of Croatia shall submit an application for the issuance of a stay and work permit - EU Blue Card at the competent police administration or police station within eight days from the day of termination of employment with his initial employer.

(2) After the two-year period, the EU Blue Card holder shall notify the competent police administration or police station about the change of employment within eight

days from the day the change of employment occurred and deliver a new contract of employment with the new employer.

(3) The EU Blue Card referred to in paragraph 2 of this Article shall be valid until its expiry.

### *Rights of EU Blue Card holders*

#### Article 131

(1) An EU Blue Card holder shall be guaranteed rights in the Republic of Croatia pursuant to Article 117, paragraph 1, item 3, and Article 159, paragraph 1, items 2 to 7 and paragraph 2 of this Act.

(2) An EU Blue Card holder shall be entitled to recognition of his diploma and professional qualifications in line with the legislation governing the recognition of foreign qualifications.

### *Withdrawing an EU Blue Card*

#### Article 132

(1) The Ministry shall withdraw an EU Blue Card of a third-country national through a police administration or a police station if:

1. he has failed to notify a police administration or a police station of change of employer

2. he works for an employer other than the one for whom the EU Blue Card has been issued

3. he performs activities other than those for which the EU Blue Card has been issued

4. he performs other activities for which he could not have been issued with an EU Blue Card

5. he does not have means of subsistence and he has applied for social welfare

6. he no longer meets the conditions on the basis of which the EU Blue Card was issued

7. he has been unemployed for an uninterrupted period of more than three months during the validity of the EU Blue Card, or he became unemployed on two or more occasions

8. he poses threat to public policy, national security or public health

9. he has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or an alert has been issued in SIS for the purpose of forbidding his entry.

(2) The validity of an EU Blue Card shall not cease if its holder becomes and stays unemployed for a maximum period of up to three months while his EU Blue Card is still valid.

(3) In the case referred to in paragraph 2 of this Article, the EU Blue Card holder may seek another job and shall notify a police administration or a police station thereof.

(4) No appeal shall be admissible against the decision referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

### *Long-term residence of an EU Blue Card holder*

#### Article 133

(1) Long-term residence may be granted to an EU Blue Card holder who, prior to the submission of the application, has had a granted EU Blue Card in the Republic of Croatia for an uninterrupted period of five years.

(2) By way of derogation from paragraph 1 of this Article, long-term residence may be granted to a third-country national who has resided as an EU Blue Card holder in the territory of other EEA Member States for an uninterrupted period of five years, of which at least two years prior to the submission of the application as an EU Blue Card holder in the Republic of Croatia.

(3) Long-term residence may be granted to an EU Blue Card holder who meets the conditions referred to in paragraph 1 of this Article and Article 153, paragraph 1 of this Act.

(4) Absence from the EEA of up to 12 consecutive months or of up to 18 months on separate occasions shall not affect the uninterrupted period of stay referred to in paragraphs 1 and 2 of this Article.

(5) A third-country national shall submit an application for long-term residence at a police administration or a police station according to the location of his temporary residence. The Ministry shall decide on the application.

(6) No appeal shall be admissible against the decision referred to in paragraph 5 of this Article. However, an administrative dispute may be instituted.

(7) A remark reading "former EU Blue Card holder" shall be entered in the long-term residence permit.

#### *Withdrawing long-term residence of a former EU Blue Card holder*

##### *Article 134*

(1) Long-term residence of a third-country national who is a former EU Blue Card holder shall be withdrawn if:

1. he has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or an alert has been issued in SIS for the purpose of forbidding his entry

2. he has moved or resided outside the EEA for more than 24 consecutive months

3. this is required in order to protect public policy, national security or public health

4. he has made a request for the withdrawal of his long-term residence

5. he has obtained a long-term residence status in another EEA Member State.

(2) A decision on the withdrawal of long-term residence referred to in paragraph 1 of this Article shall be issued by the Ministry upon the proposal of a police administration or a police station according to the location of third-country national's permanent residence.

(3) The Ministry shall not issue a decision on the withdrawal of long-term residence if the entry and stay ban referred to in paragraph 1, item 1 of this Article was imposed by a decision on expulsion.

(4) No appeal shall be admissible against the decision of the Ministry referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(5) By way of derogation from Article 155, paragraph 1, item 2 of this Act, in case the long-term residence of a family member of a former EU Blue Card holder is withdrawn, the provision of paragraph 1, item 2 of this Article shall apply.

## Article 135

(1) A third-country national who has been issued with an EU Blue Card in another EEA Member State may move after 18 months from the day of its issuance and apply for an EU Blue Card at a police administration or a police station according to the place of stay in the Republic of Croatia.

(2) The application referred to in paragraph 1 of this Article shall be submitted pursuant to Article 126 of this Act no later than one month from the day of entry into the Republic of Croatia.

(3) The Republic of Croatia shall grant entry and stay to the EU Blue Card holder referred to in Article 126, paragraph 3 of this Act and to a member of his family if another EEA Member State has refused to issue an EU Blue Card to them or has applied measures against them to ensure that they leave the country.

(4) The provision of paragraph 3 of this Article shall also apply if the EU Blue Card referred to in Article 126 of this Act has expired or ceased to be valid.

(5) An EU Blue Card holder who is returning to the Republic of Croatia together with his family members pursuant to paragraphs 3 and 4 of this Article shall have the right to work provided that he holds a valid EU Blue Card. Pursuant to Article 130 of this Act, he shall notify a police administration or a police station of change of employer, and shall submit a new application for the issuance of an EU Blue Card if it is no longer valid, pursuant to Article 126 of this Act.

(6) The Ministry shall appoint a contact point responsible for receiving and forwarding electronically information on issued stay and work permits referred to in paragraph 1 of this Article, their extension, granted long-term residence and decisions on the basis of which third-country nationals must leave the Republic of Croatia.

(7) The Ministry shall communicate to the European Commission the statistics on the number of third-country nationals:

- who were issued with an EU Blue Card for the first time in the previous calendar year, with an indication of their citizenship and their profession

- who had their EU Blue Card extended, withdrawn or annulled in the previous calendar year, with an indication of their citizenship and their profession

- who are family members whose temporary stay was granted for the first time, or whose temporary stay was extended, withdrawn or annulled in the previous calendar year, with an indication of their citizenship

- who were granted an EU Blue Card for the first time, pursuant to paragraph 1 of this Article, whose EU Blue Card was extended, withdrawn or annulled in the previous calendar year, with an indication of their citizenship and their profession, including the information on the EEA Member State in which the EU Blue Card holder previously resided, and their family members who were granted temporary stay for the first time, or whose temporary stay was extended, withdrawn or annulled in the previous calendar year, with an indication of their citizenship.

## *Temporary stay of a family member of an EU Blue Card holder*

### Article 136

(1) Temporary stay for the purpose of family reunification may be granted to a family member of the EU Blue Card holder referred to in Article 126, paragraph 6 of this Act under the conditions prescribed in this Act.

(2) The application for family reunification may be submitted at a diplomatic mission or a consular post of the Republic of Croatia or at a police administration or a police station according to the place of stay.

(3) Temporary stay shall be granted to a family member for the same period for which the EU Blue Card was issued to a third-country national with whom reunification in the Republic of Croatia is requested.

#### *Reunification of family members with an EU Blue Card holder*

##### Article 137

(1) Family members of the EU Blue Card holder referred to in Article 135 of this Act shall submit an application for temporary stay for the purpose of family reunification at a police administration or a police station according to the place of stay prior to the expiry of a three-month time limit from the day of entry into the Republic of Croatia.

(2) Temporary stay for the purpose of family reunification may be granted to the family member referred to in paragraph 1 of this Article under the conditions prescribed in this Act. The following shall be enclosed to the application:

1. a valid foreign travel document, a residence permit issued in another EEA Member State and a visa, if required
2. proof that they have resided as family members in the territory of the Member State referred to in paragraph 1 of this Article
3. proof of health insurance
4. proof of means of subsistence.

(3) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(4) If the residence permit for family members referred to in paragraph 2, item 1 of this Article expires during the procedure or no longer allows its holder to legally reside in the territory of another EEA Member State, the applicant may stay in the Republic of Croatia until the decision on his application becomes enforceable.

#### *Rights of third-country nationals who have been issued with a stay and work permit*

##### Article 138

(1) A third-country national who has been issued with a stay and work permit on the basis of a contract of employment with a Croatian employer, as well as the third-country national referred to in Article 89, paragraph 1, items 1 to 6, and items 9 and 12 of this Act shall be entitled to the following rights:

1. working conditions, including the salary and termination of a contract of employment, as well as safety requirements for the workplace
2. general and vocational education
3. recognition of educational and professional qualifications in line with the legislation governing the recognition of foreign professional qualifications
4. branches of social security, as defined in Regulation (EC) No 883/2004
5. tax benefits, insofar as the worker is deemed to be resident for tax purposes in the Republic of Croatia
6. access to goods and services and the supply of goods and services made available to the public, including the procedures for granting subsidized accommodation in line with the special legislation governing these areas, without



prejudice to the freedom of contract in accordance with Union law and the law of the Republic of Croatia

7. freedom to associate and affiliate with or to become a member of organisations which represent workers or employers, or organisations whose members perform specific professions, including the remunerations by those organisations

8. advice services afforded by public employment services.

(2) The rights referred to in paragraph 1 of this Article shall be exercised in line with the legislation of the Republic of Croatia governing the specific areas referred to in paragraph 1 of this Article.

(3) The rights referred to in paragraph 1 of this Article shall not apply to seasonal workers and intra-corporate transferees.

#### *Work registration certificate*

##### Article 139

(1) The Ministry may issue a work registration certificate, through a police administration or a police station, to a third-country national for performing contracted work in the territory of the Republic of Croatia over a short period of time.

(2) A work registration certificate for performing contracted work may be issued for up to 90 or 30 days in a calendar year.

#### *Work registration certificate for up to 90 days*

##### Article 140

The following categories of third-country nationals may work for up to 90 days in a calendar year on the basis of a work registration certificate:

1. tourist agents and recreation workers in line with the legislation governing the provision of services in tourism

2. tourist agents from foreign tourist agencies arriving pursuant to an agreement on the provision of services concluded with a tourist agency in the Republic of Croatia

3. scientists undergoing scientific and professional development, scientists – representatives of international organisations and scientists who are to participate in scientific projects important for the Republic of Croatia

4. administrative staff, experts, teachers and lecturers from foreign cultural, educational and scientific establishments who perform their tasks in the Republic of Croatia as part of cultural and educational cooperation programmes, as well as administrative staff, experts, teachers and lecturers from foreign cultural, educational and scientific establishments with branch offices in the Republic of Croatia, provided that they are coming from their parent institution

5. foreign correspondents, accredited in the Republic of Croatia, or foreign media reporters

6. those who carry out supervision and inspection of overhaul and shipbuilding, or supervision or inspection of production, assembly of equipment, machinery and other plants based on an export contract or order by a foreign buyer in the area of shipbuilding

7. for the purpose of working on vessels and those who are on the crew list

8. lecturers participating at organised conferences and seminars

9. artists and technical staff participating in opera, ballet, theatre, concert, visual arts and other cultural events, and authors and performers in film and television industry

10. experts in cultural heritage protection, library science and archival science

11. artists, authors, technical and other staff participating in the making of high-budget films

12. other indispensable persons, apart from intra-corporate transferees, and business visitors as defined by the Protocol of Accession of the Republic of Croatia to the Marrakesh Agreement establishing the World Trade Organisation

13. for the purpose of implementing international treaties.

#### *Work registration certificate for up to 30 days*

##### Article 141

The following categories of third-country nationals may work for up to 30 days in a calendar year on the basis of a work registration certificate:

1. those who carry out professional training, development or education of persons employed with legal and natural persons in the Republic of Croatia

2. those employed with a foreign employer who is a producer of machinery or equipment and who are arriving for the purpose of their delivery, assembly or service, and their work is a condition for exercising warranty rights

3. natural persons and those employed with legal persons from third countries registered for performing undertaking services in line with the legislation governing undertaking activities

4. those participating at fairs or exhibitions where their employer is an exhibitor

5. employees in circuses or amusement parks

6. those participating in shooting of fashion editorials or advertising campaigns

7. accompanying reporting, organisational and technical staff at sports events and competitions

8. authors and performers in musical, stage and dancing arts, as well as the accompanying reporting, organisational and technical staff

9. those attending professional training in a company linked to a foreign employer

10. providers of auditing and consulting services.

#### *Competence for issuing a work registration certificate*

##### Article 142

A third-country national, legal or natural person who will be using the services or work of the third-country national referred to in Articles 140 and 141 of this Act shall submit an application for the issuance of a work registration certificate at the competent police administration or police station according to the location where the activities will be performed or the head office of the legal or natural person, prior to commencing any work.

#### *Issuing a work registration certificate*

##### Article 143

When submitting a written application for the issuance of a work registration certificate, a third-country national or a legal or natural person who will be using the services or work of a third-country national has to enclose the following:

1. relevant contract concluded
2. valid foreign travel document of the third-country national.

*Right to work on the basis of an issued work registration certificate*

Article 144

A third-country national may work for the same employer or service user throughout the territory of the Republic of Croatia on the basis of an issued work registration certificate and he does not have to obtain a stay and work permit.

*Delivery of a work registration certificate*

Article 145

(1) A police administration or a police station shall deliver a work registration certificate to:

1. the third-country national
2. the legal or natural person referred to in Article 142 of this Act.

(2) A police administration or a police station shall deliver electronically a notice about an issued work registration certificate to:

1. a local office of the State Inspectorate according to the place of work of the third-country national
2. a local office or branch office of the Tax Administration competent according to the location where the contracted activities will be performed.

*Actions to be taken by competent authorities*

Article 146

The competent authorities referred to in Article 145, paragraph 2, items 1 and 2 of this Act shall notify without delay the competent police administration or police station about the irregularities established or about the violation of the legislation in force within their competence of work related to legal or natural persons who are using the services or work of the third-country national who has been issued with a work registration certificate.

*Refusing an application for the issuance of a work registration certificate*

Article 147

(1) The Ministry shall refuse in a decision, through a police administration or a police station, an application for the issuance of a work registration certificate if:

1. the conditions referred to in Article 143 of this Act have not been met
2. the legal or natural person fails to meet the obligations related to social security, employees' rights, working conditions and terms of employment, and tax obligations or the collective agreement
3. bankruptcy proceedings or liquidation proceedings have been opened against the legal or natural person in line with the legislation governing bankruptcy or liquidation

4. the legal or natural person has been convicted of criminal offences by a final ruling in the area of labour relations and social insurance

5. the legal or natural person or the third-country national has failed to pay the fine imposed

6. the third-country national is in breach of the provisions of this Act relating to entry, stay or work.

(2) No appeal shall be admissible against the decision referred to in this Article. However, an administrative dispute may be instituted.

#### *Withdrawing a work registration certificate*

##### Article 148

The Ministry shall withdraw a work registration certificate in a decision, through a police administration or a police station if:

1. the conditions on the basis of which it was issued have ceased to exist

2. the third-country national performs activities other than those for which his work registration certificate was issued

3. the third-country national performs activities for a legal or natural person, other than those for which his work registration certificate was issued

4. the third-country national or the legal or natural person do not comply with the regulations governing the performance of their activity

5. there are irregularities or a violation of the legislation in force according to the notice sent by the competent authorities referred to in Article 146 of this Act.

#### *Remedy for the withdrawal of a work registration certificate*

##### Article 149

(1) If the existence of the circumstances referred to in Article 148 of this Act is established, the Ministry shall issue a decision on the withdrawal of the work registration certificate, through a police administration or a police station.

(2) No appeal shall be admissible against the decision referred to in this Article. However, an administrative dispute may be instituted.

## VII. LONG-TERM RESIDENCE AND PERMANENT STAY

#### *Duration of stay for long-term residence*

##### Article 150

(1) Long-term residence may be granted to a third-country national who, prior to the day of submission of his application, has had granted temporary stay, asylum or subsidiary protection in the Republic of Croatia for an uninterrupted period of five years.

(2) It shall be considered that the third-country national has stayed in the Republic of Croatia for an uninterrupted period if, within the period of five years, he was absent from the Republic of Croatia on multiple occasions of up to ten months in total or of up to six months on a single occasion.

(3) A third-country national has to be granted temporary stay, asylum or subsidiary protection in the Republic of Croatia at the time of the decision on his application for long-term residence.

(4) The third-country national referred to in paragraph 1 of this Article shall not be granted long-term residence if his asylum status or subsidiary protection has been annulled.

(5) The Minister shall prescribe technical conditions for the issuance of residence permits to third-country nationals referred to in paragraph 1 of this Article, and the documents to be enclosed to the application in the ordinance referred to in Article 6, paragraph 6 of this Act.

#### *Period of stay not considered for long-term residence*

##### Article 151

(1) The following shall not be included in the time required for granting long-term residence referred to in Article 150, paragraph 1 of this Act:

1. stay on the basis of an issued stay and work permit for seasonal workers
2. stay on the basis of an issued stay and work permit for service providers
3. temporary stay granted to posted workers
4. stay on the basis of an issued stay and work permit for volunteers
5. stay on the basis of an issued stay and work permit for trainees
6. stay on the basis of an issued stay and work permit for intra-corporate transferees and their family members
7. stay on the basis of an issued stay and work permit for other essential personnel, as defined by the Protocol of Accession of the Republic of Croatia to the Marrakesh Agreement establishing the World Trade Organisation, as well as their family members
8. stay on the basis of an issued stay and work permit for frontier workers
9. stay granted for other purposes
10. stay granted for the purpose of secondary school education
11. the time spent serving a prison sentence.

(2) In case of a third-country national who has been granted temporary stay for the purpose of university studies, only half of the time spent on the basis of the granted temporary stay for the purpose of university studies shall be taken into consideration when calculating the time necessary for granting long-term residence referred to in Article 150, paragraph 1 of this Act.

(3) In case of third-country nationals with granted asylum status or subsidiary protection, the time necessary for granting long-term residence referred to in Article 150, paragraph 1 of this Act shall be calculated by taking into account half of the period from the day of lodging the application for international protection on the basis of which their status was granted until the day of granting international protection or the whole period if it exceeds 18 months.

(4) By way of derogation from paragraph 1 of this Article, in case of a third-country national who has been granted long-term residence in another EEA Member State, the time spent in the Republic of Croatia on the basis of granted temporary stay for other purposes shall be taken into consideration when calculating the time necessary for granting long-term residence.

#### *Application for long-term residence*

##### Article 152

(1) A third-country national shall submit an application for long-term residence at a police administration or a police station according to the location of his temporary residence.

(2) The Ministry shall decide on the application for long-term residence.

(3) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

### *Conditions for granting long-term residence*

#### Article 153

(1) Long-term residence shall be granted to a third-country national who, in addition to the conditions referred to in Article 150 of this Act:

1. holds a valid foreign travel document
2. has means of subsistence
3. has health insurance
4. knows the Croatian language and the Latin script
5. does not pose threat to public policy or national security.

(2) Stateless persons and third-country nationals who have been granted asylum or subsidiary protection in line with the legislation governing international protection shall not meet the condition referred to in paragraph 1, item 1 of this Article.

(3) The refusal of an application for long-term residence pursuant to paragraph 1, item 5 of this Article shall not be based on economic grounds.

(4) A third-country national whose long-term residence has ceased pursuant to Article 155, paragraph 1, items 2 and 5 of this Act may reacquire his long-term residence status in the Republic of Croatia if he meets the conditions referred to in Article 150 of this Act and the conditions referred to in paragraph 1, items 1 and 5 of this Article.

(5) The Government shall prescribe in a regulation the manner of calculating and the amount of means of subsistence that a third-country national and his family members are required to have in order to be granted long-term residence.

### *Knowledge of the Croatian language and the Latin script*

#### Article 154

(1) The Croatian language and the Latin script test may be administered by universities or university constituents which run programmes in the Croatian language and administer tests, or by secondary-level educational establishments, the National Centre for External Evaluation of Education and adult education institutions if they are authorised to administer tests in the Croatian language and the Latin script referred to in paragraph 5 of this Article.

(2) The Croatian language and the Latin script test shall not be compulsory for:

1. preschool children
2. students, or persons who have completed primary, secondary or higher education in the Republic of Croatia
3. persons over the age of 65 unless they are employed.

(3) The costs of the test referred to in paragraph 1 of this Article shall be borne by the third-country national.

(4) The Minister shall adopt an ordinance, with a prior approval of the minister responsible for science and education, on the manner of taking the Croatian language and the Latin script test and on the amount of costs to be borne by those taking the test.

(5) The ministry responsible for science and education shall publish on its website a list of institutions which are authorised to administer the Croatian language and the Latin script test.

### *Withdrawing long-term residence*

#### Article 155

(1) Long-term residence of a third-country national shall be withdrawn if:

1. he has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if an alert has been issued in SIS for the purpose of forbidding his entry

2. he has resided outside the EEA for a period of 12 consecutive months

3. he has been absent from the Republic of Croatia for more than six years

4. this is required in order to protect public policy, national security or public health

5. he has obtained a long-term residence status in another EEA Member State

6. his asylum or subsidiary protection has been annulled

7. he has made a request for the withdrawal of his long-term residence.

(2) A decision on the withdrawal of long-term residence referred to in paragraph 1 of this Article shall be issued by the Ministry upon the proposal of a police administration or a police station according to the location of third-country national's permanent residence.

(3) The Ministry shall not issue a decision on the withdrawal of long-term residence if the entry and stay ban referred to in paragraph 1, item 1 of this Article was imposed by a decision on expulsion.

(4) No appeal shall be admissible against the decision on the withdrawal of long-term residence referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(5) A third-country national whose long-term residence referred to in paragraph 1, items 2, 3, 5 and 7 of this Article has ceased may regulate his temporary stay pursuant to Article 57 of this Act.

### *Permanent stay*

#### Article 156

(1) Permanent stay may be granted to a third-country national who:

1. is a family member or a life partner of a Croatian citizen who, prior to the day of submission of his application, has had granted temporary stay for the purpose of family reunification or life partnership for an uninterrupted period of four years

2. is a member of the Croatian people with foreign citizenship or who is stateless and proves his status with a certificate issued by the state administration authority for Croats abroad if it is established that he has returned with the intention of residing permanently in the Republic of Croatia, provided that he has had granted temporary stay for an uninterrupted period of three years prior to the day of submission of his application

3. has had granted temporary stay for an uninterrupted period of three years prior to the day of submission of his application, and has had a refugee status for at least ten years, which shall be proven by a certificate issued by the state administration authority competent for housing care

4. is a minor child who has had granted temporary stay for the purpose of family reunification for an uninterrupted period of three years prior to the day of submission of his application, and one of the parents has had granted permanent stay or long-term residence

5. had permanent residence in the Republic of Croatia on 8 October 1991 and is a beneficiary of the return or reconstruction or housing care programme, which shall be proven by a certificate issued by the state administration authority competent for housing care if it is established that he has returned with the intention of residing permanently in the Republic of Croatia, provided that he encloses proof of no criminal record issued by his home country or a country in which he resided for more than a year immediately prior to arriving in the Republic of Croatia

6. is a minor child living in the Republic of Croatia:

– one of whose parents had granted permanent stay or long-term residence at the time of his birth, with the consent of the other parent

– one of whose parents had granted permanent stay or long-term residence in the Republic of Croatia at the time of his birth while the other parent is unknown, deceased, declared to be deceased, deprived of parental care or fully or partially deprived of legal capacity with regard to parental care

7. was born in the Republic of Croatia and has been residing in the Republic of Croatia since his birth but his stay has not been regulated due to justified reasons beyond his control.

(2) It shall be considered that the third-country national referred to in paragraph 1, items 1 to 4 of this Article has stayed in the Republic of Croatia for an uninterrupted period if he was absent from the Republic of Croatia on multiple occasions of up to six months in total or of up to four months on a single occasion within the period of four or three years respectively.

(3) The third-country national referred to in paragraph 1, items 1 to 4 of this Article shall have granted temporary stay at the moment the decision on his application for permanent stay is made, whereas the third-country national referred to in paragraph 1, items 5 to 7 of this Article may stay in the Republic of Croatia until the decision on his application becomes enforceable.

(4) The Minister shall prescribe technical conditions for the issuance of residence permits to third-country nationals referred to in paragraph 1 of this Article, and the documents to be enclosed to the application in the ordinance referred to in Article 6, paragraph 6 of this Act.

### *Submission of application and the conditions for granting permanent stay*

#### Article 157

(1) A third-country national shall submit an application for permanent stay at a police administration or a police station according to the location of his temporary residence.

(2) The Ministry shall decide on the application for permanent stay.

(3) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.



(4) A third-country national referred to in Article 156, paragraph 1 of this Act shall be granted permanent stay if he holds a valid foreign travel document and does not pose threat to public policy, national security or public health.

(5) A third-country national referred to in Article 156, paragraph 1 of this Act need not hold a valid foreign travel document during the procedure for granting permanent stay if it cannot be obtained at a diplomatic mission or a consular post of a foreign state in the Republic of Croatia and his identity can be established beyond any doubt in some other manner.

#### *Withdrawing permanent stay*

##### Article 158

(1) Permanent stay of a third-country national shall be withdrawn if:

1. he has been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or if an alert has been issued in SIS for the purpose of forbidding his entry

2. he has moved out of the Republic of Croatia or has resided abroad for an uninterrupted period of more than one year

3. this is required in order to protect public policy, national security or public health

4. he has made a request for the withdrawal of his permanent stay.

(2) A decision on the withdrawal of permanent stay shall be issued by the Ministry upon the proposal of a police administration or a police station according to the location of the third-country national's permanent residence.

(3) The Ministry shall not issue a decision on the withdrawal of permanent stay if the entry and stay ban referred to in paragraph 1, item 1 of this Article has been imposed by a decision on expulsion.

(4) No appeal shall be admissible against the decision on the withdrawal of permanent stay referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

#### *Rights of third-country nationals on long-term residence and permanent stay*

##### Article 159

(1) A third-country national who has been granted long-term residence or permanent stay shall be entitled to:

1. work and self-employment

2. professional development

3. education and student scholarship, except for state scholarship

4. social welfare, child benefit

5. tax relief

6. access to goods and services market

7. freedom to associate and affiliate with or to become a member of organisations which represent workers or employers, or organisations whose members perform specific professions including the remunerations by those organisations.

(2) A third-country national shall exercise the rights in line with the legislation of the Republic of Croatia governing the specific areas referred to in paragraph 1 of this Article.

(3) With regard to rights and obligations prescribed by the law governing mandatory health insurance and the law governing maternity and parental pay, a third-country national on long-term residence shall be entitled to the same rights as a third-country national on permanent stay.

#### VIII. STAY AND WORK OF THIRD-COUNTRY NATIONALS WHO HAVE BEEN GRANTED LONG-TERM RESIDENCE IN ANOTHER EEA MEMBER STATE AND OF THEIR FAMILY MEMBERS

##### *Entry and stay of third-country nationals who have been granted long-term residence in another EEA Member State*

###### Article 160

(1) A third-country national who has been granted long-term residence in another EEA Member State may stay in the territory of the Republic of Croatia for a period of up to three months from the day of his entry into the Republic of Croatia, or until the expiry of the period of validity of his visa or residence card issued by another EEA Member State if the period of validity of the visa or residence card issued by another EEA Member State is shorter than three months.

(2) The third-country national referred to in paragraph 1 of this Article who intends to stay in the Republic of Croatia for more than three months shall apply for temporary stay at a police administration or a police station prior to the expiry of the period of validity of his visa or residence card issued by another Member State. A certificate shall be issued thereof.

(3) The third-country national referred to in paragraph 2 of this Article may stay in the Republic of Croatia until the decision concerning his application becomes enforceable, on the basis of the certificate confirming that the temporary stay application has been submitted.

##### *Conditions for granting temporary stay to a third-country national who has been granted long-term residence in another EEA Member State*

###### Article 161

(1) The third-country national referred to in Article 160, paragraph 2 of this Act may be granted temporary stay as a person with long-term residence in another EEA Member State if he is arriving for:

1. work or self-employment
2. university studies or vocational training, or
3. other purposes not subject to the restriction referred to in Article 57, paragraph 4 of this Act.

(2) Temporary stay referred to in paragraph 1 of this Article may be granted to a third-country national if he:

1. holds a valid foreign travel document
2. holds a residence card proving that he has long-term residence in another EEA Member State
3. has funds to support himself and his family members
4. has health insurance

5. meets other conditions for temporary stay depending on its purpose

6. has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or no alert has been issued in SIS for the purpose of forbidding his entry

7. does not pose threat to public policy, national security or public health.

(3) The decision referred to in paragraph 2, item 7 of this Article shall not be based on economic reasons.

(4) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(5) The words “work”, “self-employment”, “university studies”, “vocational training” or “other purposes” shall be entered into the residence permit of a third-country national who has been granted temporary stay referred to in paragraph 1 of this Article under the heading “remark”.

(6) A third-country national who has been granted temporary stay referred to in paragraph 1 of this Article shall be entitled to the same rights as referred to in Article 159 of this Act.

(7) The Government shall prescribe in a regulation the manner of calculating and the amount of means of subsistence required for granting temporary stay to a third-country national who has been granted long-term residence in another EEA Member State and to his family members.

*Conditions for granting temporary stay to a family member of a third-country national who has been granted long-term residence in another EEA Member State*

Article 162

(1) The persons referred to in Article 64, paragraph 1 of this Act shall be considered family members of a third-country national who has been granted long-term residence in another EEA Member State.

(2) A family member of a third-country national who has been granted temporary stay referred to in Article 161 of this Act shall be granted temporary stay for the purpose of family reunification if he:

1. holds a valid foreign travel document

2. has been granted residence in another EEA Member State

3. has lived in a joint household with the third-country national in another EEA Member State in which the third-country national holds long-term residence

4. has means of subsistence

5. has health insurance

6. has not been forbidden to enter into the Republic of Croatia and stay in the Republic of Croatia, or no alert has been issued in SIS for the purpose of forbidding his entry

7. does not pose threat to public policy, national security or public health.

(3) The decision referred to in paragraph 2, item 7 of this Article shall not be based on economic reasons.

(4) The application referred to in paragraph 2 of this Article shall be submitted at a police administration or a police station according to the place of stay of the family member.

(5) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(6) A family member who has been granted temporary stay referred to in paragraph 2 of this Article shall be entitled to the same rights as referred to in Article 71 of this Act.

(7) If the condition referred to in paragraph 2, item 3 of this Article has not been met, a family member shall submit his application for temporary stay pursuant to Article 58 of this Act, and temporary stay may be granted if the conditions referred to in Article 59 of this Act have been met.

*Changing remarks in a residence permit of a third-country national who has been granted long-term residence in another EEA Member State*

Article 163

(1) When a third-country national on long-term residence was issued with a residence permit by another EEA Member State in which a remark was entered about his granted international protection reading: "International protection granted by (Member State) on (date)", and the jurisdiction for international protection is transferred to the Republic of Croatia, a police administration or a police station shall issue a residence permit with a changed remark no later than three months from the receipt of the request from the competent authority of the other EEA Member State by entering the words reading: "jurisdiction for international protection transferred to the Republic of Croatia on (date)".

(2) When a third-country national with long-term residence status in another EEA Member State is granted international protection in the Republic of Croatia, a police administration or a police station shall request from another EEA Member State, prior to issuing the residence permit, that it enters the changed remark in the residence permit no later than three months from the receipt of the request, reading: "International protection granted by the Republic of Croatia on (date)".

*Issuing a decision on expulsion and the obligation of admitting*

Article 164

(1) The Ministry may issue, through a police administration or a police station, a decision on expulsion from the EEA of a third-country national with long-term residence in another EEA Member State and of his family members who have regulated temporary stay in the Republic of Croatia if they pose serious threat to public policy or national security.

(2) When issuing the decision referred to in paragraph 1 of this Article, the police administration or police station shall consult the competent authorities of the EEA Member State which granted long-term residence to the third-country national, and it shall provide them with information regarding the expulsion procedure.

(3) The third-country national referred to in Article 161 of this Act and his family members cannot be expelled if a disease that endangers public health occurred three months after their entry into the Republic of Croatia.

(4) If there is serious suspicion that a third-country national and his family members suffer from a disease which endangers public health, they may be requested to undergo a free medical examination within three months from entering into the Republic of Croatia, which shall be carried out on the basis of an individual assessment in each particular case.

(5) Upon the request of another EEA Member State, a third-country national who has been granted long-term residence in the Republic of Croatia and his family members shall be allowed to re-enter without delay if their residence in another EEA Member State has ceased.

*Notifying other EEA Member States*

Article 165

The Ministry shall appoint a contact point responsible for electronically receiving and forwarding information on issued temporary stay permits referred to in Article 161 of this Act, their extension, long-term residence permits, decisions on the basis of which third-country nationals have to leave the Republic of Croatia, as well as the cases prescribed in Article 163 and Article 168, paragraphs 5, 6, 7, and 8 of this Act.

*Application of other provisions of this Act*

Article 166

The provisions of other titles of this Act that are not contrary to and are not prescribed in this Title shall also apply accordingly to third-country nationals with long-term residence in another EEA Member State and their family members.

## IX. DOCUMENTS OF THIRD-COUNTRY NATIONALS

*Obligation to carry valid documents*

Article 167

(1) Third-country nationals shall carry and, whenever requested to do so by an official person, present their valid foreign travel document or identity card, residence permit or other public document containing a photograph.

(2) Third-country nationals shall present, whenever requested to do so by an official person, their travel or other document used for crossing the state border.

(3) A third-country national who does not hold a document referred to in paragraph 1 of this Article shall provide his personal data whenever requested to do so by a police officer.

(4) A third-country national shall not allow other persons to use his documents, and shall not use expired or other invalid documents or somebody else's documents as his own.

*Period of validity of a residence permit and entry of data into a residence permit*

Article 168

(1) A residence permit issued to a third-country national who has been granted temporary stay shall be issued for the period of validity corresponding to the period for which his temporary stay has been granted.

(2) By way of derogation from paragraph 1 of this Article, a third-country national who has been issued with a stay and work permit for seasonal work of up to 90 days does not have to obtain a residence permit.

(3) A residence permit for a third-country national who has been granted long-term residence or permanent stay shall be issued with a period of validity of five years.

(4) The following remark shall be entered into a residence permit of the third-country national referred to in Article 150, paragraph 1 of this Act who has been granted long-term residence on the basis of asylum or subsidiary protection: “International protection granted by (Member State) on (date)”.

(5) A third-country national who has been granted long-term residence pursuant to Article 150 of this Act and who has been issued with a residence permit by another EEA Member State containing a remark that he has been granted international protection shall be entered the remark referred to in paragraph 4 of this Article into a residence permit by a police administration or a police station.

(6) Prior to entering the remark referred to in paragraph 5 of this Article into a residence permit, information shall be requested from the other EEA Member State indicated in the residence permit remark on whether the third-country national still has international protection granted. If the granted international protection has ceased, the police administration or police station shall not enter the remark referred to in paragraph 5 of this Article.

(7) If the jurisdiction for international protection of a third-country national on long-term residence has been transferred to the Republic of Croatia after he has been issued with the residence permit referred to in paragraph 5 of this Article, the police administration or police station shall change the remark in the residence permit within three months from the day of transfer of jurisdiction by entering the following words: “jurisdiction for international protection transferred to the Republic of Croatia on (date)”.

(8) Upon the request of another EEA Member State, the Ministry shall provide information on whether the third-country national has been granted international protection in the Republic of Croatia within one month from the receipt of request.

(9) The Minister shall prescribe in the ordinance referred to in Article 6, paragraph 6 of this Act the cost of a residence permit issued to third-country nationals referred to in this Article.

#### *Applying for a residence permit*

##### Article 169

(1) An application for the issuance of a residence permit shall be submitted by a third-country national on temporary stay, long-term residence or permanent stay within eight days from the day he was granted temporary stay, long-term residence or permanent stay in the Republic of Croatia. A third-country national who has been issued with a long-term visa may apply for the issuance of a residence permit within 30 days from the day of issuance of his long-term visa.

(2) A third-country national who has been issued with a stay and work permit for seasonal work of up to 90 days does not have to apply for a residence permit.

#### *Biometric data*

##### Article 170

(1) A residence permit form shall contain an electronic data carrier (RFID chip) on which biometric data of a third-country national (fingerprints and a photograph of a third-country national) shall be stored.

(2) The issuance of a residence permit to a third-country national who refuses to provide his biometric data referred to in paragraph 1 of this Article shall be refused.

(3) No appeal shall be admissible against the decision of the Ministry referred to in paragraph 2 of this Article issued through a police administration or a police station. However, an administrative dispute may be instituted.

*Replacing a residence permit*

Article 171

(1) A residence permit shall be replaced if:

1. there is a change in data
2. it is damaged or worn out to such an extent that it no longer serves its purpose
3. the photograph on the residence permit no longer resembles the physical appearance of the person
4. its period of validity has expired.

(2) An application for the replacement of a residence permit shall be submitted at a police administration or a police station according to the location of temporary or permanent residence, within eight days from the occurrence of circumstances referred to in paragraph 1 of this Article.

*Returning a residence permit*

Article 172

(1) A third-country national shall return his residence permit when:

1. he emigrates
2. his stay has ceased
3. he acquires Croatian citizenship.

(2) A third-country national shall return his residence permit to a police administration or a police station according to the location of temporary or permanent residence, within eight days from the occurrence of circumstances referred to in paragraph 1 of this Article.

*Lost, missing or stolen residence permit or travel document for a third-country national*

Article 173

(1) A third-country national shall report a lost, missing or stolen travel document referred to in Article 6, paragraph 1 of this Act or residence permit to a police administration or a police station according to the location of the incident or the location where he became aware of it, within eight days from becoming aware of it. A certificate shall be issued thereof.

(2) A third-country national who loses or is otherwise left without the travel document for a third-country national referred to in Article 6, paragraph 1 of this Act or a residence permit while abroad shall report this to the nearest diplomatic mission or consular post of the Republic of Croatia, within eight days from becoming aware of it. The diplomatic mission or consular post shall inform thereof a police administration or a police station which issued the document.

*Status of an expired or invalid residence permit or travel document for a third-country national*

Article 174

A police administration or a police station shall register in the Information System of the Ministry the status of an invalid residence permit or a travel document for a third-country national which has expired or which is no longer valid due to the reasons referred to in Article 8, paragraph 3, Article 9, paragraph 4, Articles 172 and 173 of this Act.

#### *Retaining a foreign travel document*

##### Article 175

(1) A police administration or a police station shall temporarily retain a foreign travel document of a third-country national if:

1. there are justified reasons to suspect that he has committed a criminal offence prosecuted *ex officio* or a misdemeanour offence
2. he has failed to meet his due proprietary obligation at the request of the competent court or other competent authority
3. this is required in order to protect public policy, national security or public health.

(2) The document referred to in paragraph 1 of this Article shall be retained as long as there are grounds for its retention. A certificate shall be issued thereof.

## X. REGISTERING ONE'S STAY

#### *Temporary residence and permanent residence*

##### Article 176

(1) Temporary residence is a place of stay of a third-country national who has been granted temporary stay, long-term residence or permanent stay.

(2) Permanent residence is the place where a third-country national who has been granted long-term residence or permanent stay has taken up residence with an intention to live there on a permanent basis.

(3) Apart from permanent residence, a third-country national who has been granted long-term residence or permanent stay may also register his temporary residence at the place where he is staying on a more permanent basis but without an intention to settle there. Temporary residence may be registered for a maximum period of one year.

(4) If, after the expiry of one year, the third-country national referred to in paragraph 3 of this Article intends to stay at the location and at the address of the temporary residence he has registered, he shall extend his temporary residence registration within 15 days. In any case, temporary residence cannot exceed two years.

(5) By way of derogation from paragraph 4 of this Article, temporary residence of third-country nationals who are receiving education or who are performing activities of non-permanent character in the location of their temporary residence, as well as that of third-country nationals accommodated in various institutions, religious communities and other legal entities, with foster families and other natural persons may last as long as their education, employment or accommodation in institutions, other legal entities and with natural persons. Third-country nationals shall provide appropriate documentation thereof.

(6) A third-country national on short-term stay shall register his accommodation pursuant to Article 177 of this Act.



(7) The Minister shall prescribe the content of the form for registering and cancelling temporary residence and permanent residence and the documents to be enclosed to a registration form for temporary residence and permanent residence for third-country nationals who have been granted temporary stay, long-term residence or permanent stay in the ordinance referred to in Article 6, paragraph 6 of this Act.

*Registering accommodation of a third-country national on short-term stay*

Article 177

(1) A legal and a natural person who provides accommodation to a third-country national on short-term stay shall register his accommodation within one day from the arrival of a third-country national for accommodation.

(2) The provision of paragraph 1 of this Article shall also apply accordingly to the following:

1. health institutions admitting third-country nationals for treatment
2. persons who have received the registration of accommodation of a third-country national or who register the accommodation of a third-country national pursuant to contractual relationship with the person under obligation to register accommodation referred to in paragraph 1 of this Article
3. providers of mooring services when a third-country national is accommodated on a vessel.

(3) The persons under obligation to register accommodation referred to in paragraph 2, item 2 of this Article shall submit the registration to a police administration or a police station within one day from the receipt of the registration of accommodation of a third-country national.

(4) If the person under obligation to register accommodation referred to in paragraph 1 of this Article is not in the Republic of Croatia at the time of arrival of a third-country national for accommodation, or if the accommodation cannot be registered pursuant to paragraph 1 of this Article for some other reasons, a third-country national on short-term stay shall register his accommodation himself within two days from the day of entry into the Republic of Croatia, or from the change of his accommodation.

(5) The registration shall be submitted to a police administration or a police station, and it may also be done electronically, via a web service.

(6) The registration of a third-country national who will be accommodated on a vessel shall be submitted to a police administration or a police station competent for border checks at a port where border checks are carried out if the third-country national enters on a vessel on which he is to be accommodated, or to a police administration or a police station according to the location of boarding of the third-country national.

(7) Persons under the obligation to register accommodation referred to in paragraphs 1, 2 and 4 of this Article shall also specify the date of cancellation of accommodation in the form for registering accommodation of a third-country national, provide complete and accurate data, and notify of any change of data within one day.

(8) If the person under obligation to register accommodation referred to in paragraph 7 of this Article fails to specify the date of cancellation, or fails to subsequently cancel the accommodation, the registration of accommodation shall be valid for 90 days, unless it is contrary to Article 55 of this Act.

(9) The provisions of this Article shall not refer to crew members of cargo and passenger ships accommodated on the ship.

(10) The provisions concerning the registration of accommodation of a third-country national on short-term stay shall apply accordingly to a third-country national on temporary stay, long-term residence or permanent stay if the registration is made by the person referred to in Article 180 of this Act.

(11) The Minister shall prescribe the content of the form for registering and cancelling the address of accommodation of a third-country national on short-term stay in the ordinance referred to in Article 6, paragraph 6 of this Act.

#### *Registering change of temporary residence and permanent residence*

##### Article 178

(1) A third-country national on temporary stay shall register his temporary residence and residence address and any change of temporary residence and residence address within three days from his entry into the Republic of Croatia or from the day of change of his temporary residence or residence address.

(2) A third-country national on long-term residence or permanent stay shall register his permanent residence, temporary residence and residence address and any change of permanent residence, temporary residence and residence address within 15 days from the day of change.

(3) A third-country national who has been posted to work outside the location of his temporary residence or permanent residence in the Republic of Croatia by his employer's decision shall not have to meet the obligation referred to in paragraphs 1 and 2 of this Article if his work does not last more than 90 days.

(4) If the work referred to in paragraph 3 of this Article is to last more than 90 days, the employer shall notify the competent police administration or police station thereof within three days.

(5) The employer shall notify a police administration or a police station according to the location of the temporary residence of a third-country national about his posting to work in another EEA Member State within eight days.

#### *Official cancellation of temporary residence and permanent residence*

##### Article 179

(1) A police administration or a police station shall register *ex officio* the cancellation of previous temporary residence or permanent residence of a third-country national on temporary stay, long-term residence or permanent stay who changes his temporary residence or permanent residence.

(2) The person registering temporary residence and permanent residence referred to in Articles 177 and 178 of this Act shall provide accurate and true data.

(3) Temporary residence and permanent residence cannot be registered at the address which is not recorded in the register of spatial units.

#### *Records of accommodation of third-country nationals*

##### Article 180

A legal and natural person who provides accommodation services shall keep the records of third-country nationals in line with special legislation and make available the information about the records of accommodation of third-country nationals to an official person from the competent authority.

## XI. MEASURES FOR ENSURING RETURN

### *Types of measures for ensuring return and the method of application*

#### Article 181

(1) Within the meaning of this Act, the following shall be regarded as measures for ensuring return:

– restriction of freedom of movement, within the meaning of Articles 211 and 212 of this Act

– time limit for voluntary departure, within the meaning of Article 184 of this Act

– entry and stay ban, within the meaning of Article 192 of this Act

– obligations of a third-country national in the return procedure, within the meaning of Article 213, paragraph 1 of this Act

– forcible removal, within the meaning of Article 203 of this Act

– other measures prescribed by this Act for the purpose of ensuring the departure of a third-country national to a third-country.

(2) The measures for ensuring return shall not apply to third-country nationals who have the right to freedom of movement in accordance with the European Union law.

(3) The provisions of this Act on the measures for ensuring return shall not apply to third-country nationals encountered at the border with a third country at the time of or immediately following illegal entry, third-country nationals whose entry at the border crossing point should be refused, third-country nationals who should be extradited pursuant to an international treaty, unless provided for otherwise by this Act.

(4) Third-country nationals referred to in paragraph 3 of this Article cannot be excluded from the application of the provisions of this Act on the temporary suspension of forcible removal, right to healthcare in line with the legislation governing healthcare of aliens, protection of vulnerable persons, restriction of the freedom of movement, and the prohibition of forcible removal.

(5) The Ministry shall be responsible for the application of measures for ensuring return.

(6) The Minister shall prescribe the method of application of the measures for ensuring return, the layout and content of a European travel document for the return of illegally staying third-country nationals, and the method of treating third-country nationals encountered at the border with a third country at the time of or immediately following illegal entry referred to in paragraph 3 of this Article, in the ordinance referred to in Article 50, paragraph 5 of this Act.

### *Protection in the return procedure*

#### Article 182

(1) When applying the measures for ensuring return, the best interest of the minor and the needs of other vulnerable persons shall be taken into account, as well as the family life and health of a third-country national who is subject to the relevant measures.

(2) Within the meaning of paragraph 1 of this Article, vulnerable persons shall mean minors, persons with disabilities, the elderly, pregnant women, members of single-parent families with underage children, victims of human trafficking, victims of torture, rape or other forms of psychological, physical or sexual violence, such as victims of female genital mutilation and persons with mental disorders.

(3) A third-country national shall be entitled to healthcare in the return procedure, in line with the legislation governing healthcare of aliens, as well as to schooling in line with the legislation governing schooling and education.

(4) Decisions related to return referred to in Article 196, paragraph 1 of this Act shall be issued on the basis of an individual assessment in accordance with the principle of proportionality.

#### *Illegal stay*

##### Article 183

(1) A third-country national shall be deemed to be staying illegally if:

1. he is not on short-term stay
2. he does not have a valid temporary stay, long-term residence or permanent stay permit
3. he is not entitled to legal stay in line with the legislation governing international protection
4. he is not the third-country national referred to in Article 58, paragraph 4, Article 62, paragraph 2, Article 129, paragraph 2 and Article 156, paragraph 1 of this Act
5. he moves outside an area to which his movement has been restricted pursuant to a bilateral international treaty
6. he is not covered by the mobility programme referred to in Article 73, paragraph 5 or Article 74, paragraphs 3 and 12 of this Act.

(2) A third-country national staying illegally shall leave the Republic of Croatia without delay.

(3) The third-country national referred to in paragraph 1 of this Article who has been issued with a decision on return shall leave the EEA within the designated time limit and report to a border crossing point when leaving the Republic of Croatia or at a diplomatic mission or a consular post of the Republic of Croatia after having left the EEA, as stipulated in the decision on return.

#### *Decision on return*

##### Article 184

(1) A decision on return shall be issued to a third-country national staying illegally and a third-country national whose legal stay is to cease pursuant to a decision of the Ministry at the headquarters or a decision of the Ministry issued through a police administration or a police station.

(2) In the decision referred to in paragraph 1 of this Article it shall be established that a third-country national is staying in the Republic of Croatia illegally or that his legal stay in the Republic of Croatia is to cease, a time limit shall be set out within which he has to leave the EEA (time limit for voluntary departure), he shall be threatened with forcible removal if he fails to leave the EEA, and warned that he has to report to a border crossing point when leaving the Republic of Croatia or at a diplomatic mission or a consular post of the Republic of Croatia after having left the EEA.

(3) When setting up the time limit for voluntary departure, apart from the circumstances referred to in Article 182 of this Act, the personal circumstances shall be taken into account as well as the period of time within which the third-country

national is able to act accordingly, which shall not be less than seven days nor more than 30 days.

(4) In the cases referred to in Article 185, paragraph 1, items 1, 2 and 4 of this Act, the time limit for voluntary departure may be set out in the duration of less than seven days.

(5) In the cases referred to in Article 188, paragraph 1 of this Act, the time limit for voluntary departure may be set out in the duration of more than 30 days.

(6) The time limit for voluntary departure of a third-country national staying illegally and a third-country national on short-term stay shall start running from the first day following the day of delivery of the decision on return or the day of release of the third-country national from serving a prison sentence.

(7) The obligations referred to in Article 213, paragraph 1 of this Act may be set out in a decision on return if there is a risk of avoidance referred to in Article 214 of this Act.

(8) The time limit for voluntary departure referred to in paragraph 2 of this Article shall also refer to leaving the Swiss Confederation.

#### *Exemptions from the obligation to issue a decision on return*

##### Article 185

(1) A decision on return need not be issued to the third-country national referred to in Article 184, paragraph 1 of this Act if:

1. there is a risk of avoidance referred to in Article 214 of this Act
2. his application for a residence permit has been refused as manifestly unfounded or fraudulent
3. he may be forcibly returned to an EEA Member State pursuant to a readmission agreement which entered into force before 13 January 2009
4. he poses threat to public policy or national security.

(2) If a third-country national staying illegally has submitted an application for a temporary stay permit, the procedure for the issuance of a decision on return may be discontinued.

(3) A decision on return shall not be issued if a third-country national is not in the Republic of Croatia.

#### *Issuing a decision on return*

##### Article 186

(1) A decision on return shall be issued by the Ministry through the competent police administration or police station.

(2) If a time limit must be set out for voluntary departure of a third-country national who is being issued with a decision on expulsion or a decision on the withdrawal of legal stay issued by the Ministry at the headquarters or by the Ministry through the competent police administration or station, the voluntary departure referred to in Article 184, paragraph 2 of this Act shall be decided upon by a decision on expulsion or a decision issued by the Ministry at the headquarters or by the Ministry through the competent police administration or station by which the legal stay of the third-country national shall cease.

(3) A decision on return may be issued to a third-country national who is staying illegally or who illegally crosses or attempts to illegally cross the state border, even without carrying out misdemeanour proceedings.

(4) If a third-country national entered the Republic of Croatia illegally, a decision on return may be issued on a form.

(5) The provision of paragraph 4 of this Article shall not refer to a third-country national encountered at the border with a third country at the time of or immediately following illegal entry referred to in Article 181, paragraph 3 of this Act.

(6) The Minister shall prescribe the layout and content of the decision form on return in the ordinance referred to in Article 50, paragraph 5 of this Act.

#### *Legal remedy against a decision on return*

##### Article 187

(1) In the case referred to in Article 186, paragraph 2 of this Act, the time limit for voluntary departure may be challenged by a legal remedy against the decision on expulsion or the decision issued by the Ministry at the headquarters or by the Ministry through the competent police administration or station by which the legal stay of the third-country national ceased.

(2) If only a decision on return is issued to a third-country national staying illegally and a third-country national on short-term stay, no appeal shall be admissible against the decision, but an administrative dispute may be instituted.

(3) If a third-country national has been subsequently granted temporary stay, long-term residence, permanent stay or international protection, a decision on return shall be withdrawn thereby or by a separate decision.

(4) If a third-country national has made an application for international protection, a decision on return shall remain in force but shall not be enforced until the processing of the application is finalised.

#### *Extending the time limit for voluntary departure*

##### Article 188

(1) In justified cases, the time limit for voluntary departure may be extended by a decision, with the total duration of the time limit for voluntary departure referred to in Article 184 of this Act and this Article not exceeding one year.

(2) The decision referred to in paragraph 1 of this Article shall be issued by the Ministry at the headquarters or the Ministry through the competent police administration or police station.

(3) The time limit referred to in paragraph 1 of this Article shall start running from the first day following the day of delivery of the decision on the extension of the time limit for voluntary departure.

(4) The obligations referred to in Article 213, paragraph 1 of this Act may be set out in a decision on the extension of the time limit for voluntary departure of a third-country national if there is a risk of avoidance referred to in Article 214 of this Act.

(5) No appeal shall be admissible against the decision on the extension of the time limit for voluntary departure referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

#### *Expulsion on grounds of threat to public policy, national security and public health*

#### Article 189

(1) A third-country national may be expelled if he poses threat to public policy or public health given that he:

- facilitates illegal entry, transit or stay
- enters into a marriage or a life partnership out of convenience
- commits a misdemeanour offence under the legislation on the employment and work of third-country nationals, the legislation on the prevention of riots at sporting events, the legislation on public peace and order, weapons, narcotic drug abuse, as well as the legislation in the area of customs duties and other taxes
- commits a misdemeanour offence involving violence
- commits a criminal offence prosecuted *ex officio* or
- repeatedly commits misdemeanour offences.

(2) A third-country national shall be expelled if he:

- was convicted by a final ruling to unconditional imprisonment in the duration of more than one year for having committed a criminal offence with intent
- was convicted on multiple occasions by a final ruling to imprisonment in a total duration of at least three years for having committed a criminal offence with intent over a period of five years
- was convicted to unconditional imprisonment for having committed a criminal offence punishable by a prison sentence of at least eight years
- poses threat to national security.

#### *Expulsion on grounds of illegal stay*

#### Article 190

(1) A third-country national shall be expelled if:

- he fails to leave the EEA or the Republic of Croatia within the time limit set out in the decision
- he entered the EEA or the Republic of Croatia prior to the expiry of the entry and stay ban
- a decision on return is not to be issued pursuant to Article 185, paragraph 1 of this Act.

(2) A third-country national may be expelled on grounds of illegal stay and illegal crossing or attempt to cross the state border illegally, other than the reasons referred to in paragraph 1 of this Article.

#### *Protection against expulsion*

#### Article 191

(1) When issuing a decision on expulsion, apart from the circumstances referred to in Article 182 of this Act, the length of stay, age, health, family and economic circumstances, and social and cultural integration in the Republic of Croatia shall be taken into consideration, as well as third-country national's ties with his country of origin.

(2) A decision on expulsion of a third-country national who has been granted long-term residence, permanent stay in the Republic of Croatia, temporary stay in the Republic of Croatia for an uninterrupted period of ten years or temporary stay in the Republic of Croatia if he has been legally staying in the Republic of Croatia for three

years and is married to a Croatian national or a third-country national on long-term residence or permanent stay may be issued only if there is one of the reasons referred to in Article 189, paragraph 2 of this Act.

(3) A decision on expulsion cannot be issued during the decision-making process regarding the participation in the assistance and protection programme referred to in Article 81, paragraphs 1 and 2 of this Act.

(4) A decision on expulsion may be issued to a third-country national whose temporary stay granted to him for being a victim of human trafficking has ceased, or a third-country national who was assisted in illegal crossing of the state border and illegal stay only if the third-country national failed to leave the EEA within the time limit for voluntary departure set out in the decision on return.

(5) A decision on expulsion of a third-country national on long-term residence must not be based on economic reasons.

### *Entry and stay ban*

#### Article 192

(1) A decision on expulsion shall set out that a third-country national is staying in the Republic of Croatia illegally or that his legal stay in the Republic of Croatia is to cease, and that he has to leave the EEA. The time limit shall also be set during which he shall be banned from entering the EEA and staying in the EEA.

(2) If a third-country national has been granted a residence permit in another EEA Member State, a decision on expulsion may set out that the entry and stay ban is valid only in the territory of the Republic of Croatia.

(3) If a third-country national has been granted a residence permit in another EEA Member State, and the decision on expulsion referred to in paragraph 1 of this Article has been issued, a decision may be issued to withdraw the entry and stay ban for the EEA and impose an entry and stay ban for the Republic of Croatia.

(4) The decision on withdrawing an entry and stay ban and the decision on imposing an entry and stay ban referred to in paragraph 3 of this Article shall be issued by the authority that issued the decision on expulsion referred to in Article 193, paragraph 1 of this Act. No appeal shall be admissible against the decisions, but an administrative dispute may be instituted.

(5) An entry and stay ban imposed by the decision on expulsion in the case referred to in Article 189 of this Act shall not last less than three months nor more than 20 years.

(6) An entry and stay ban imposed by the decision on expulsion in the case referred to in Article 190 of this Act shall not last less than three months nor more than five years.

(7) An entry and stay ban shall run from the day of:

1. leaving the EEA or the Republic of Croatia within the set time limit
2. forcible removal
3. the expiration of an entry and stay ban imposed by a prior decision on expulsion.

(8) An entry and stay ban in the cases other than those prescribed in paragraph 7 of this Article shall run from the day the decision on expulsion becomes enforceable.

(9) The entry and stay ban referred to in paragraph 1 of this Article shall also refer to the Swiss Confederation.

### *Issuing a decision on expulsion*



#### Article 193

(1) A decision on expulsion shall be issued by the Ministry at the headquarters or the Ministry through a police administration or a police station. No appeal shall be admissible against the decision. However, an administrative dispute may be instituted.

(2) A decision on expulsion may be issued to a third-country national who is staying illegally or who illegally crosses or attempts to cross the state border, even without carrying out misdemeanour proceedings.

(3) If a decision on expulsion does not set out a time limit for voluntary departure pursuant to Article 185, paragraph 1 of this Act, the decision on expulsion shall order forcible removal and designate the country to which the third-country national is to be forcibly removed.

(4) If a third-country national entered the Republic of Croatia illegally, a decision on expulsion may be issued on a form.

(5) The provision of paragraph 4 of this Article shall not apply to the third-country national referred to in Article 181, paragraph 3, subparagraph 1 of this Act.

(6) The Minister shall prescribe the layout and content of the decision form on expulsion in the ordinance referred to in Article 50, paragraph 5 of this Act.

(7) If a decision on the accommodation in a reception centre for aliens is issued together with a decision on expulsion, the administrative court under whose jurisdiction the centre is located shall be responsible for deciding on the decision on expulsion.

#### *Withdrawing and shortening an entry and stay ban*

#### Article 194

(1) The authority which issued a decision on expulsion may withdraw and shorten an entry and stay ban if the reasons referred to in Articles 189 and 190 of this Act cease to exist, on humanitarian grounds, for reasons of national security or if this is in the interest of the Republic of Croatia.

(2) A request for withdrawing and shortening an entry and stay ban may be submitted upon the expiration of half of the period of the imposed entry and stay ban, and in any event upon the expiration of three years from the date from which the entry and stay ban starts running.

(3) A third-country national who has been expelled exclusively on grounds of illegal stay in the Republic of Croatia may submit the request referred to in paragraph 2 of this Article if he leaves the EEA within the time limit for voluntary departure as set out in the decision on return.

(4) No appeal shall be admissible against the decision refusing the request referred to in paragraphs 2 and 3 of this Article, but an administrative dispute may be instituted.

(5) If a third-country national has been subsequently granted temporary stay, long-term residence, permanent stay or international protection, a decision on expulsion shall be withdrawn thereby or by a separate decision.

(6) If a third-country national has made an application for international protection, a decision on expulsion shall remain in force but shall not be enforced until the processing of the application is finalised.

#### *Granting stay to third-country nationals who have been issued with a decision on expulsion by an EEA Member State*

#### Article 195

If an EEA Member State has issued a decision on expulsion for a third-country national, a diplomatic mission or a consular post of the Republic of Croatia or the Ministry at the headquarters or the Ministry through a police administration or a police station shall take into account the interests of that EEA Member State in the visa issuance procedure or the procedure for granting stay in the Republic of Croatia.

#### *Translation into a foreign language*

##### Article 196

(1) In the procedure for issuing a decision on expulsion, a decision on return, a decision on withdrawing and shortening an entry and stay ban, a decision on extending the time limit for voluntary departure, the decision on forcible removal referred to in Article 203, paragraph 8 of this Act, the decision on forcible removal referred to in Article 205, paragraph 6 of this Act, a decision on the application of less coercive measures, a decision on the accommodation in a reception centre for aliens (hereinafter: the centre), a decision on extending the accommodation in the centre, a decision on imposing stricter police supervision, a decision on the temporary suspension of forcible removal, or a decision on withdrawing the temporary suspension of forcible removal (hereinafter: decisions related to return), a third-country national staying illegally and a third-country national on short-term stay who does not understand the Croatian language shall be provided with translation in the language he understands.

(2) Decisions related to return shall be issued *ex officio* and translated upon the request of the third-country national.

#### *Notifying a third-country national who has been staying and working illegally*

##### Article 197

(1) Prior to issuing a decision on expulsion and a decision on return, a third-country national who has been staying and working illegally shall be notified of the possibility of compensation of salary, including relevant contributions in line with special legislation, as well as of the possibility to lodge an appeal or institute a legal action against the employer.

(2) The Minister shall prescribe the layout and content of the notification form of the possibility of compensation of salary in the ordinance referred to in Article 50, paragraph 5 of this Act.

#### *Free legal aid*

##### Article 198

(1) Free legal aid (hereinafter: legal aid) shall include:

1. the provision of legal advice
2. assistance in drafting a legal action and representation before the administrative court.

(2) The following categories of third-country nationals shall be entitled to legal aid: a third-country national staying illegally and a third-country national on short-term stay subject to the procedure for issuing a decision related to return or who has been issued with a decision related to return against which no appeal shall be admissible but an administrative dispute may be instituted.

(3) A third-country national shall be entitled to legal aid referred to in paragraph 1, item 2 of this Article if:

- he was born in the Republic of Croatia
- he has been staying in the Republic of Croatia for an uninterrupted period of at least one year
- his close family member has been on long-term residence or permanent stay in the Republic of Croatia, or is a Croatian citizen
- he is a vulnerable person.

(4) A third-country national shall not be entitled to legal aid referred to in paragraph 1, item 2 of this Article:

- if he has sufficient funds or possessions of high value
- if he has already exercised his right to legal aid referred to in paragraph 1, item 2 of this Article with regard to another decision related to return
- in the proceedings before the High Administrative Court.

(5) Legal aid may be provided by attorneys at law and lawyers from associations registered with the Ministry of Justice and Administration for providing legal aid.

(6) The list of legal aid providers shall be compiled by the Ministry.

(7) A third-country national shall be notified without delay about the possibility of submitting a request for legal aid.

(8) Legal aid shall be provided to a third-country national upon his request.

(9) The Ministry shall issue a decision refusing the request for legal aid, against which no appeal shall be admissible, but an administrative dispute may be instituted.

(10) The Ministry shall bear the costs of legal aid provided pursuant to the provisions of this Act.

(11) A third-country national who has been granted legal aid shall be exempt from bearing the costs of the administrative dispute.

(12) The Minister shall prescribe in an ordinance the provision of legal aid and the notification form on legal aid, as well as the statement form on property status.

*Procedure against a third-country national who has been granted residence in another EEA Member State*

Article 199

(1) The Ministry shall issue a warning to a third-country national who is staying illegally in the Republic of Croatia and who has been granted residence in an EEA Member State that he has to leave the Republic of Croatia without delay and go to the EEA Member State in which he has been granted residence. A time limit in which the third-country national has to leave the Republic of Croatia shall be set out in the warning and it shall start running from the first day following the day of delivery of the warning.

(2) If the third-country national referred to in paragraph 1 of this Article fails to leave the Republic of Croatia, a decision on return shall be issued.

(3) The warning referred to in paragraph 1 of this Article need not be issued to the third-country national referred to in paragraph 1 of this Article if he has been issued with the decision on expulsion referred to in Article 189 of this Act.

(4) Measures for ensuring return shall be applied in the case referred to in paragraph 3 of this Article.

*Procedure against a third-country national who has been granted international protection in another EEA Member State*

Article 200

(1) A third-country national whose long-term residence or permanent stay in the Republic of Croatia has ceased and who was granted international protection in an EEA Member State shall be issued with a decision ordering him to leave for the EEA Member State in which he was granted international protection.

(2) Prior to issuing the decision referred to in paragraph 1 of this Article, it shall be verified whether the third-country national still enjoys international protection in the EEA Member State.

(3) Upon the request of another EEA Member State, the Ministry shall provide information on whether the third-country national has been granted international protection in the Republic of Croatia, if this is necessary for the purpose of restriction referred to in paragraph 1 of this Article. The information shall be provided within one month from the day of receipt of the request.

(4) The provisions of this Act regarding a decision on return shall apply accordingly in the procedure for issuing the decision referred to in paragraph 1 of this Article.

(5) Upon the request of another EEA Member State, re-entry of a person with long-term residence who has been granted international protection in the Republic of Croatia, and in whose permit the remark referred to in Article 168, paragraph 4 of this Act has been entered, shall be allowed without delay.

*Obligations of legal and natural persons*

Article 201

(1) State authorities, legal and natural persons shall notify a police administration or a police station without delay if they have any knowledge that a third-country national is staying or working illegally in the Republic of Croatia.

(2) The authority which instituted misdemeanour or criminal proceedings against a third-country national for offences prosecuted *ex officio* shall notify the competent police administration or police station without delay about the proceedings instituted and their outcome.

(3) The state authority that issued a decision proclaiming a third-country national guilty of a criminal or misdemeanour offence prosecuted *ex officio* shall, after the issuance of the decision, notify the competent police administration or police station without delay.

(4) The state authority that issued a decision on the release of a third-country national from prison shall notify the competent police administration or police station thereof without delay.

*Voluntary departure*

Article 202

(1) Voluntary departure shall mean a departure of a third-country national to a third country on the basis of a decision on return.

(2) For the purpose of encouraging voluntary departure referred to in paragraph 1 of this Article, the decision on expulsion may be withdrawn or an entry and stay ban

may be withdrawn and shortened by the Ministry at the headquarters or the Ministry through a police administration or a police station.

(3) For the purpose of encouraging voluntary departure, the Ministry may conclude agreements with the authorities of EEA Member States and the authorities of third-countries, as well as with other state authorities, international organisations and civil society organisations.

(4) For the purpose of encouraging voluntary departure, the Ministry may procure travel documents and travel tickets and make financial payments.

### *Forcible removal*

#### Article 203

(1) Forcible removal shall mean a departure of a third-country national from the Republic of Croatia under police escort, regardless of whether or not the third-country national provides consent.

(2) A third-country national shall be forcibly removed from the EEA if:

1. he fails to leave the EEA or the Republic of Croatia within the time limit set out in the decision

2. a decision on return is not to be issued pursuant to Article 185, paragraph 1 of the Act.

(3) Pursuant to paragraph 2 of this Article, a third-country national may be forcibly removed to a following third country:

- the country of his origin
- the country from which he came into the Republic of Croatia, or
- with his consent, to another third country.

(4) A third-country national shall be forcibly removed to an EEA Member State if the conditions for return pursuant to the readmission agreement which was in force on 13 January 2009 have been met or if the conditions for transfer under the Dublin procedure have been met.

(5) A third-country national referred to in Article 199 of this Act who failed to leave the Republic of Croatia may be forcibly removed to an EEA Member State pursuant to paragraph 4 of this Article if that is more favourable for him than forcible removal to a third country.

(6) If a time limit for voluntary departure has been set, a third-country national cannot be forcibly removed prior to the expiration of the time limit for voluntary departure unless it is established that there was a risk of avoidance referred to in Article 214 of this Act at the time of enforcement of the decision on return or the risk of avoidance arose after the decision on return was issued.

(7) A third-country national referred to in Article 200 of this Act who failed to leave the Republic of Croatia shall be forcibly removed to the EEA Member State in which he was granted international protection. A third-country national whose permanent stay or long-term residence in the Republic of Croatia has ceased because he poses threat to national security or was convicted by a final ruling for a criminal offence punishable by a prison sentence of at least five years and poses threat to public policy, and who was granted international protection in an EEA Member State, may also be forcibly removed to another country if this is not in breach of the principle referred to in Article 207 of this Act.

(8) The Ministry shall issue a decision on forcible removal referred to in paragraphs 6 and 7 of this Article, against which no appeal shall be admissible, but an administrative dispute may be instituted.

(9) With respect to forcible removals, the Ministry may procure travel documents and travel tickets, make financial payments and other material contributions, conclude agreements with other state authorities, international organisations and civil society organisations.

(10) A third-country national who has been encountered at the border with a third country at the time of or immediately following illegal entry referred to in Article 181, paragraph 3 of this Act shall be returned to the country from which he entered into the Republic of Croatia.

(11) A third-country national shall not be allowed to use force or deceit to prevent his escort to a country to which he is being forcibly removed.

#### *Protection of fundamental human rights in the forcible removal procedure*

##### Article 204

(1) The Ministry shall ensure the monitoring of forcible removals in line with the common standards and procedures in Member States for returning illegally staying third-country nationals, for the purpose of which it may conclude agreements with other state authorities, international organisations and civil society organisations.

(2) In order to ensure that forcible removals are carried out in compliance with the fundamental human rights of third-country nationals who are being forcibly removed, this Ministry may record a forcible removal by technical devices, and a third-country national shall be informed of the purpose of such recording.

#### *Recognition of the decision on expulsion and/or return issued by an EEA Member State*

##### Article 205

(1) A third-country national shall be forcibly removed if a decision on expulsion was issued against him by an EEA Member State:

1. because he was sentenced to imprisonment for a criminal offence in the duration of at least one year

2. on serious grounds of suspicion that he has committed a serious criminal offence or due to solid evidence that he intended to commit a serious criminal offence

3. for violating the provisions on entry and stay of third-country nationals.

(2) Within the meaning of paragraph 1 of this Article, a decision on expulsion shall be a decision ordering a third-country national to leave the EEA and prohibiting entry in the EEA and stay in the EEA, which is valid and the enforcement of which has not been postponed.

(3) If the third-country national referred to in paragraphs 1 and 2 of this Article has been granted residence in the Republic of Croatia, consultations shall be held with an EEA Member State which issued a decision on expulsion.

(4) If the third-country national referred to in paragraphs 1 and 2 of this Article has been granted residence in another EEA Member State, consultations shall be held with the EEA Member State which issued a decision on expulsion and with the EEA Member State in which the third-country national was granted residence.

(5) A decision on temporary stay, long-term residence or permanent stay in the Republic of Croatia may be withdrawn for the third-country national referred to in paragraph 3 of this Article.

(6) The Ministry shall issue a decision on forcible removal referred to in paragraph 1 of this Article, against which no appeal shall be admissible, but an administrative dispute may be instituted.

(7) A third-country national for whom an EEA Member State or the Swiss Confederation has issued a decision on return may be allowed to transit through the Republic of Croatia by land for the purpose of voluntary departure.

(8) Within the meaning of paragraph 7 of this Article, a decision on return shall be any valid decision ordering a third-country national to leave the EEA and setting the time limit for voluntary departure from the EEA.

*Reimbursement of costs in relation to the recognition of a decision on expulsion and/or return issued by an EEA Member State*

Article 206

(1) The Ministry shall be responsible for the reimbursement of costs pursuant to this Article.

(2) The costs of forcible removal pursuant to Article 205 of this Act shall be borne by the EEA Member State which has issued a decision on expulsion and/or return if the third-country national has no means to cover the costs of forcible removal.

(3) Upon the written request of the EEA Member State that had forcibly removed a third-country national on the basis of a decision on expulsion and/or return issued by the Ministry (hereinafter: the applicant), the Ministry shall reimburse the costs of forcible removal to the applicant if the third-country national has no means to cover the costs of forcible removal.

(4) Pursuant to paragraph 3 of this Article, the following essential costs of forcible removal shall be reimbursed:

- costs of an airplane ticket up to the amount of the official IATA tariff (International Air Transport Association) incurred at the time of the enforcement of the decision on expulsion and/or return

- costs of second-class bus, train or ship tickets incurred at the time of the enforcement of the decision on expulsion and/or return

- costs of procuring a visa and a travel document

- costs of daily allowances for escorts

- costs of accommodation in a third-country of transit for two escorts per one third-country national who is being forcibly removed

- costs of accommodation of a third-country national in an EEA Member State for accommodation of maximum three months

- costs of urgent medical assistance and basic treatment of a third-country national and escorts.

(5) Costs other than those referred to in paragraph 4 of this Article may also be reimbursed upon the agreement with the applicant.

(6) A request for the reimbursement of costs shall be refused if:

- the request was submitted a year after the day of forcible removal

- the decision on expulsion and/or return was issued prior to 28 February 2004

– more than four years have passed from the issuance of the decision on expulsion and/or return until the enforcement of forcible removal.

(7) The Ministry shall deliver to the applicant a reasoned written notification on its decision within three months from the receipt of the request for the reimbursement of costs.

(8) If the request for the reimbursement of costs of forcible removal has been approved, the Ministry shall pay to the applicant the costs of forcible removal within three months from the delivery of the written notification referred to in paragraph 7 of this Article.

#### *Non-refoulement*

##### Article 207

(1) It shall be prohibited to forcibly remove a third-country national to a country in which his life or freedom are jeopardized due to his race, religion or nationality, affiliation to a particular social group or political opinion or to a country in which he may be subject to torture or inhumane and degrading treatment or punishment or in which he may be subject to death penalty, as well as to a country in which he faces threat of being forcibly removed to such a country.

(2) Prior to forcible removal of an unaccompanied minor who is a third-country national, it shall be established whether the minor will be surrendered to a family member, an appointed guardian or a suitable reception facility in the country of return.

#### *Joint flights of EEA Member States*

##### Article 208

The Ministry shall organize and participate in joint flights of EEA Member States for the purpose of forcible removal by air.

#### *Provision of assistance to an EEA Member State with forcible removal*

##### Article 209

(1) Assistance with forcible removal shall mean assistance to an EEA Member State with forcible removal by air, escorted and unescorted, during transit at an airport.

(2) Escorts shall be all persons accompanying a third-country national subject to forcible removal, including persons in charge of medical care and interpreters.

(3) The Ministry shall be responsible for deciding on the assistance with forcible removal.

(4) Assistance with forcible removal shall be provided upon the request of an EEA Member State (hereinafter: assistance seeker).

(5) The request for assistance shall be refused:

1. if a third-country national subject to forcible removal has been charged with having committed a criminal offence in the Republic of Croatia or if a warrant for his arrest has been issued for serving a prison sentence

2. if transit through other countries or admission in the country of destination is not possible

3. if it is necessary to change airports in the Republic of Croatia

4. if forcible removal is not possible due to practical reasons



5. if a third-country national subject to forcible removal poses threat to public policy, national security, public health or if this would be detrimental to international interests of the Republic of Croatia

6. in the case referred to in Article 207 of this Act.

(6) The request shall be approved in particularly urgent and well-founded cases referred to in paragraph 5, items 1 and 2 of this Article.

(7) The provision of assistance with forcible removal may be suspended if the reasons referred to in paragraph 5 of this Article are subsequently established.

(8) The request for assistance need not be approved if:

1. a third-country national can be forcibly removed by a direct flight to the country of destination

2. the request was not submitted at the latest two days before the transit

3. the request was not submitted on a prescribed form

4. the request is incomplete

5. the transit will last more than 24 hours.

(9) A written reasoned notification on the refusal of the request for assistance and on the suspension of assistance with forcible removal shall be delivered to the assistance seeker without delay.

(10) A notification on the decision regarding the request for assistance shall be delivered within two days, and, in justified situations, the time limit may be extended by two more days.

(11) If a response has not been delivered to the assistance seeker within the time limits referred to in paragraph 10 of this Article and the assistance seeker has proceeded with forcible removal, assistance with forcible removal shall be provided.

(12) Upon the request of a police officer, escorts shall present their identity document and approval for assistance with forcible removal.

(13) Escorts shall wear civilian clothing and shall not be allowed to carry weapons.

(14) Escorts may use means of coercion:

– in self-defence

– in the case of absence of a police officer or as assistance to a police officer if escape, injury or material damage cannot be prevented in any other way.

(15) Assistance with forcible removal shall be provided if the assistance seeker needs to readmit a third-country national subject to forcible removal because the approval for assistance with forcible removal has been withdrawn or the transit or forcible removal has not been successful.

(16) If forcible removal cannot be carried out by a direct flight to the country of destination due to justified practical reasons, a request for assistance may be submitted to another EEA Member State (hereinafter: assistance provider).

(17) The assistance seeker shall be charged with the costs of providing assistance with forcible removal.

(18) The assistance seeker shall be provided with information about the costs.

### *Requesting assistance with forcible removal from an EEA Member State*

#### Article 210

(1) A request for assistance shall be delivered no later than two days prior to transit.

(2) In particularly urgent and justified cases, a request for assistance may be delivered within a time limit which is longer than the one referred to in paragraph 1 of this Article.

(3) Forcible removal shall be carried out in a way that the transit at an airport of the assistance provider lasts no longer than 24 hours.

(4) A third-country national in respect of whom assistance with forcible removal was requested shall be readmitted without delay if the approval for assistance with forcible removal has been withdrawn or if transit or forcible removal has not been successful.

(5) The Ministry shall reimburse the costs referred to in Article 209, paragraph 5, items 2 and 3 of this Act to the assistance provider. The costs referred to in Article 209, paragraph 5, item 1 and items 4 to 7 of this Act shall be reimbursed if their amount can be established.

(6) The Minister shall prescribe the layout and content of the form of the request for assistance with forcible removal from an EEA Member State in the ordinance referred to in Article 50, paragraph 5 of this Act.

### *Restricting the freedom of movement*

#### Article 211

(1) A third-country national may be arrested and detained for a maximum of 48 hours if this is necessary in order to establish his identity or if this is necessary in order to establish the circumstances of illegal border crossing or illegal stay and there is a risk of absconding of a third-country national.

(2) If the identity or the circumstances of illegal border crossing or illegal stay cannot be established within the time limit referred to in paragraph 1 of this Article, and the restriction of the freedom of movement of a third-country national by his accommodation in a reception centre for aliens would not be purposeful due to the remoteness of the location, the third-country national may be detained for a maximum of another 24 hours if it is reasonably expected that the identity or the circumstances of illegal border crossing or illegal stay can be established within the said time limit.

(3) When being arrested, a third-country national shall be notified of the reasons for the arrest, of the fact that he may designate a legal representative, of the fact that he may notify a family member or another person and that he may request that a diplomatic mission or a consular post of the country of his nationality be notified of the arrest, unless specified otherwise by an international treaty.

(4) The time of detention of the third-country national referred to in paragraphs 1 and 2 of this Article shall run from the moment of his arrest pursuant to paragraphs 1 and 3 of this Article.

(5) In case of detention of a minor unaccompanied third-country national, a social welfare centre and a diplomatic mission or a consular post of the country of his nationality shall be notified thereof.

(6) A third-country national shall be released without delay once the reasons for his arrest and detention cease to exist and at the latest by the expiry of the time limit referred to in paragraphs 1 and 2 of this Article, unless a decision on the accommodation in the centre has been issued.

(7) The Minister shall prescribe in an ordinance the technical conditions for the detention of third-country nationals referred to in paragraph 2 of this Article.

### *Accommodation in the centre*

#### Article 212

(1) A third-country national may be accommodated in the centre for the purpose of restricting the freedom of movement to ensure forcible removal and return if forcible removal and return cannot be ensured by less coercive measures.

(2) Accommodation in the centre may last only for the shortest period of time necessary to ensure forcible removal and during the activities of forcible removal that are carried out with due care.

(3) State authorities, international organisations and civil society organisations dealing with the protection of human rights of persons whose freedom of movement has been restricted shall be allowed to visit the centre.

### *Less coercive measures*

#### Article 213

(1) Within the meaning of Article 212, paragraph 1 of this Act, measures that are less coercive than the accommodation in the centre shall be:

1. deposit of travel documents, travel papers and travel tickets
2. deposit of certain funds
3. ban on leaving a particular address of accommodation
4. reporting to a police station at a particular time.

(2) A decision on the introduction of less coercive measures shall be issued *ex officio* by the Ministry through the competent police administration or police station.

(3) The decision referred to in paragraph 2 of this Article shall lay down the obligations referred to in paragraph 1 of this Article appropriate to the circumstances of a particular case until the time of the forcible removal.

(4) No appeal shall be admissible against the decision referred to in paragraph 2 of this Article. However, an administrative dispute may be instituted.

(5) With respect to the introduction of less coercive measures, the Ministry may make financial payments and other material contributions, conclude agreements with other state authorities, international organisations and civil society organisations.

(6) In the case of mass influx of third-country nationals staying illegally in the Republic of Croatia, the Government shall issue a decision establishing camps for the accommodation of aliens subject to less coercive measures.

### *Grounds for accommodation in the centre*

#### Article 214

(1) A third-country national may be accommodated in the centre for up to six months if there is a risk of avoidance of the obligation to leave the EEA or the Republic of Croatia pursuant to Article 183, paragraphs 2 and 3 of this Act (hereinafter: the risk of avoidance).

(2) The circumstances which might indicate the existence of the risk of avoidance referred to in paragraph 1 of this Article shall be the following:

- a third-country national does not possess an identity document or a travel document
- a third-country national has not registered his stay

- a third-country national has stated that he will not comply with the measures introduced in order to ensure his return or that he will prevent them from being taken
- a third-country national has been convicted of a criminal offence by a final ruling in another EEA Member State
- criminal investigation or criminal proceedings are pending against a third-country national, or a third-country national has been convicted of a criminal offence by a final ruling in the Republic of Croatia
- a third-country national is not complying with or has not complied with the decision on return
- a third-country national is not complying with or has not complied with the obligation to go to another Member State
- a third-country national has entered the EEA or the Republic of Croatia illegally
- previous behaviour of a third-country national indicates that he might avoid complying with the obligation to leave the EEA or the Republic of Croatia.

(3) It shall be deemed that there is a risk of avoidance of the obligation to leave the EEA or the Republic of Croatia referred to in paragraph 1 of this Article if it is established that:

- a third-country national has refused to provide personal or other data and documents or has provided false data
- a third-country national has used counterfeit or someone else's document
- a third-country national has thrown away or destroyed the identity document
- a third-country national has refused to have his fingerprints taken
- a third-country national has prevented, by use of force or deceit, his escort for the purpose of forcible removal to the country into which he is being forcibly removed
- a third-country national has not complied with the obligations referred to in Article 213, paragraph 1 of this Act
- a third-country national has entered the EEA or the Republic of Croatia prior to the expiry of the entry and stay ban
- a third-country national has stayed in another EEA Member State and has illegally entered the Republic of Croatia directly from that Member State or by transiting through a third country (unauthorised secondary movement).

#### *Extending accommodation in the centre*

##### Article 215

The accommodation of a third-country national in the centre may be extended for a maximum of 12 more months if:

1. the third-country national has refused to provide personal or other data and documents necessary for forcible removal or has provided false data
2. the third-country national has otherwise prevented or delayed forcible removal
3. the delivery of travel and other documents necessary for forcible removal which have been requested from the competent authorities of another country is reasonably expected.

#### *Issuing a decision on the accommodation in the centre and legal remedy*

##### Article 216

(1) A decision on the accommodation in the centre shall be issued *ex officio* by the Ministry through the competent police administration or police station.

(2) A decision on extending the accommodation referred to in paragraph 1 of this Article shall be issued *ex officio* by the Ministry at the headquarters.

(3) No appeal shall be admissible against the decision referred to in paragraphs 1 and 2 of this Article. However, an administrative dispute may be instituted. When delivering the decision referred to in paragraphs 1 and 2 of this Article, a third-country national shall be notified of actions referred to in paragraph 4 of this Article.

(4) Immediately upon issuing the decision referred to in paragraphs 1 and 2 of this Article, the case files on the accommodation in the centre shall be delivered to the administrative court, which shall make a ruling on withdrawing or confirming the decision on the accommodation within five days from the day of delivery of the case files.

(5) The Ministry shall deliver the case files on the accommodation of a third-country national in the centre to the administrative court no later than ten days prior to the expiry of three months from the day of accommodation of the third-country national in the centre. The administrative court shall decide whether the third-country national should be released from the centre within ten days from the day of delivery of the case files.

(6) Immediately upon issuing the decision referred to in paragraph 2 of this Article, the Ministry shall deliver the case files on the extension of accommodation to the administrative court. The administrative court shall make a ruling on withdrawing or confirming the decision on the extension of accommodation within five days from the day of delivery of the case files.

(7) Prior to issuing the decision referred to in paragraphs 4 and 6 of this Article, the administrative court shall hold an oral hearing if a third-country national is a minor.

(8) The Ministry shall deliver the case files on the accommodation of a third-country national in the centre to the administrative court no later than ten days prior to the expiry of every three months from the day of the extension of accommodation in the centre. The administrative court shall decide whether the third-country national should be released from the centre within ten days from the day of delivery of the case files.

(9) The administrative court with local jurisdiction for the area in which the centre is located shall be responsible for issuing the decisions referred to in paragraphs 1 and 2 of this Article.

(10) A decision shall be issued on the transfer of a third-country national from one centre to the other centre. No appeal shall be admissible against the decision. However, an administrative dispute may be instituted.

(11) Paragraphs 1 to 9 of this Article shall not apply if the decision on transfer referred to in paragraph 10 of this Article is issued.

### *Authorisation for searching and collecting biometric data and age assessment*

#### Article 217

(1) In the procedure of forcible removal or accommodation in the centre, police officers shall be authorised to search a third-country national and his personal effects without a court warrant for the purpose of finding and seizing any items that might be used for attack, self-injury or escape. A certificate shall be issued on the items seized.

(2) Fingerprints of a third-country national who is staying illegally and who does not have an identity document or if there is any doubt as to his identity, and of a third-

country national subject to forcible removal may be taken, as well as his iris characteristics, and he may be photographed without his consent in order to establish his identity, and prevent, detect and investigate terrorist offences and other serious criminal offences.

(3) The third-country national referred to in paragraph 2 of this Article shall be informed of the purpose of taking his fingerprints, iris characteristics, and photograph.

(4) If, during the procedure for issuing a decision related to return, there are doubts as to the age of a third-country national who is an unaccompanied minor, the age assessment procedure shall be carried out.

(5) The age assessment procedure shall be carried out by collecting the available data on the minor and adopting an expert opinion. Should the available data be insufficient, medical testing may be carried out with a prior written consent of the minor and his special guardian.

(6) Medical testing shall be carried out by physicians by means of medical examination, dental x-ray and/or fist x-ray, with full respect for the dignity of the unaccompanied minor.

(7) The unaccompanied minor and his special guardian shall be notified in writing in a language which they are reasonably expected to understand and in which they are able to communicate, about the method of examination and its potential consequences on health, potential consequences that the results of medical testing may have on the return procedure, as well as the consequences of denying the consent referred to in paragraph 5 of this Article.

(8) If the consent referred to in paragraph 5 of this Article is unreasonably denied, the unaccompanied minor shall be considered to have reached the age of majority.

(9) If necessary, during medical testing, the unaccompanied minor shall be provided with an interpreter for the language which he is reasonably expected to understand and in which he can communicate.

(10) The Ministry shall bear the costs of medical testing.

(11) If there are still doubts about the age after obtaining the results of the medical testing that has been carried out and the opinion thereof, a third-country national shall be considered a minor.

#### *Accommodation house rules for third-country nationals*

##### Article 218

(1) A third-country national shall not be allowed to leave the centre without authorisation and shall comply with the house rules of the centre.

(2) The Minister shall prescribe in an ordinance the house rules for third-country nationals in reception centres for aliens.

#### *Strict police supervision*

##### Article 219

(1) Strict police supervision shall include restricted freedom of movement of a third-country national in the centre.

(2) Strict police supervision may be ordered if a third-country national:

1. leaves the centre without authorisation or if there are justified reasons to suspect that he will try to leave the centre

2. physically assaults other third-country nationals, authorised officers or other employees
3. tries to inflict self-injury
4. behaves inappropriately, grossly insults and degrades other third-country nationals, authorised officers or other employees on any grounds
5. prepares or makes items for assault, self-injury or escape from the centre
6. engages in the preparation of narcotic substances and precursors in the centre
7. deliberately damages clothing or other items and objects he received to use in the centre
8. deliberately damages technical and other equipment in the centre
9. deliberately interferes with the operation of technical equipment (audio-visual and lighting) which is installed at the premises for the purpose of providing physical and technical protection
10. persistently refuses to obey the orders of police officers and does not comply with the valid legislation
11. otherwise seriously breaches the provisions of the house rules of the centre.

(3) Strict police supervision may be ordered for a maximum period of seven days.

(4) A decision on strict police supervision shall be issued by the Ministry, and it may be issued without a hearing if the hearing cannot be held for reasons attributable to the third-country national.

(5) The centre shall deliver the case files on strict police supervision to the administrative court immediately upon issuing the decision referred to in paragraph 4 of this Article, on the same day or, if the decision is issued on a non-working day of the administrative court, on the first subsequent working day of the administrative court. The administrative court shall make a ruling on withdrawing strict police supervision or on the need to continue carrying out strict police supervision no later than the first subsequent working day of the administrative court.

(6) The centre shall immediately discontinue strict police supervision once the reasons referred to in paragraph 2 of this Article cease to exist or once the administrative court imposes such an order.

(7) If the administrative court decides that it is necessary to continue carrying out strict police supervision and the centre fails to comply with paragraph 6 of this Article, the provisions of paragraph 5 of this Article shall apply upon the expiry of every seven-day period of strict police supervision.

#### *Release from the centre*

##### Article 220

A third-country national shall be released from the centre without delay if:

- the conditions for accommodation in the centre referred to in Articles 212, 214 and 215 of this Act are no longer met
- it is reasonably expected that forcible removal of a third-country national will not be possible within the time limit referred to in Articles 214 and 215 of this Act.

#### *Accommodation of minors and families in the centre*

##### Article 221

(1) A third-country national who is an unaccompanied minor shall as a rule be accommodated at the facilities of the ministry responsible for social welfare.

(2) A third-country national who is an unaccompanied minor and a third-country national who is a minor accompanied by family members may be accommodated in the centre only if forcible removal cannot be ensured otherwise, and for the shortest time necessary.

(3) The third-country national referred to in paragraph 2 of this Article shall be accommodated in the centre separately from other third-country nationals.

(4) Family members accommodated in the centre shall be provided with separate accommodation that guarantees adequate privacy.

(5) Minors cannot be subject to strict police supervision.

(6) Minors accommodated in the centre shall be provided with an opportunity to engage in leisure activities, including play and recreation, in accordance with their age.

(7) If, due to a large number of third-country nationals over a longer period of time, it is not possible to provide separate accommodation, members of the same family shall be accommodated in the centre regardless of the conditions referred to in paragraph 4 of this Article.

(8) The European Commission shall be notified without delay about the introduction of the measure referred to in paragraph 7 of this Article and the termination of the conditions for its implementation.

#### *Reimbursement of costs of forcible removal from a third-country national*

##### Article 222

(1) A third-country national shall bear the costs of accommodation in the centre and other costs that arise as a result of his forcible removal.

(2) In order to recover the costs of forcible removal, funds shall be seized from a third-country national and a certificate shall be issued thereof.

(3) The funds seized from a third-country national shall be used to settle the costs of his forcible removal.

(4) In order to ensure forcible removal, third-country national's travel and other documents, including travel tickets, may be temporarily retained, and a certificate shall be issued thereof.

(5) The Minister shall prescribe the form of the certificate on the forcible removal costs, the form of the certificate on retained funds, and the manner of calculating the costs of forcible removal in the ordinance referred to in Article 218, paragraph 2 of this Act.

#### *Reimbursement of costs of forcible removal from other persons*

##### Article 223

(1) If a third-country national does not have funds to cover the costs referred to in Article 222, paragraph 1 of this Act, the costs shall be borne by:

1. a natural or legal person who has illegally transferred or attempted to illegally transfer a third-country national across the state border, or who has assisted or attempted to assist a third-country national in illegal crossing of the state border, transit or stay

2. a natural or legal person who has assumed the obligation to cover the costs of a third-country national during his stay



3. a carrier who failed to transport a third-country national pursuant to Article 52 of this Act

4. an employer who has hired a third-country national contrary to the provisions of this Act.

(2) The obligation to cover the costs shall also remain if a third-country national has not been forcibly removed, unless a decision on expulsion has been withdrawn.

(3) The Ministry shall issue a decision on the amount of costs of forcible removal referred to in paragraph 1 of this Article. No appeal shall be admissible against the decision on the amount of costs of forcible removal. However, an administrative dispute may be instituted.

(4) The limitation period for recovering the costs of forcible removal shall become effective after five years counting from the day of issuance of the certificate on the forcible removal costs to a third-country national, or from the day of enforcement of the decision referred to in paragraph 3 of this Article.

#### *Temporary suspension of forcible removal*

##### Article 224

(1) Forcible removal shall be temporarily suspended if there are reasons to prohibit forcible removal referred to in Article 207 of this Act or if the court has suspended the enforcement of a decision on expulsion and/or a decision on return.

(2) Forcible removal may be temporarily suspended if the identity of a third-country national has not been established, if transport is not possible, if serious difficulties could arise during the enforcement due to the medical condition of a third-country national, or if there are other reasons that render forcible removal of a third-country national impossible.

(3) The duration of temporary suspension shall be set out in a decision on temporary suspension of forcible removal, and it shall not exceed one year.

(4) The obligations referred to in Article 213, paragraph 1 of this Act may be imposed on a third-country national in a decision on temporary suspension of forcible removal.

(5) The obligation of a third-country national to leave the EEA or the Republic of Croatia, whose forcible removal is temporarily suspended, shall not cease.

(6) Temporary suspension of forcible removal shall be withdrawn if the grounds for temporary suspension of forcible removal referred to in paragraphs 1 and 2 of this Article cease to exist or if the third-country national fails to comply with the obligations referred to in paragraph 4 of this Article. It is not necessary to hold an interview with the third-country national for the purpose of issuing a decision on withdrawing temporary suspension of forcible removal.

#### *Issuing a decision on temporary suspension of forcible removal and legal remedy*

##### Article 225

(1) A decision on temporary suspension of forcible removal and a decision on withdrawing temporary suspension of forcible removal shall be issued *ex officio* by the Ministry through the competent police administration or police station.

(2) No appeal shall be admissible against the decision on temporary suspension of forcible removal and the decision on withdrawing temporary suspension of forcible

removal referred to in paragraph 1 of this Article. However, an administrative dispute may be instituted.

*Termination of temporary suspension of forcible removal*

Article 226

(1) Temporary suspension of forcible removal shall terminate:

1. upon expiry of the period for which temporary suspension of forcible removal of a third-country national was set
2. upon withdrawing a decision on temporary suspension of forcible removal
3. if the third-country national's stay has become legal.

(2) The third-country national referred to in paragraph 1, items 1 and 2 of this Article shall be forcibly removed or accommodated in the centre.

*Data delivery*

Article 227

Personal data of third-country nationals about the measures to ensure their return may be delivered to the country to which the third-country national has to be forcibly removed or otherwise returned and to the country through which the third-country national has to transit during forcible removal and return.

XII. MOVEMENT OF THIRD-COUNTRY NATIONALS IN UNIFORMS

*Movement of third-country nationals in foreign military uniforms*

Article 228

During their stay in the Republic of Croatia, third-country nationals may move in foreign military uniforms if:

1. they are staying as members of diplomatic missions or consular posts of foreign countries or other foreign missions with a diplomatic status in the Republic of Croatia as military representatives, for the duration of the mission
2. they are members of foreign military missions or foreign military delegations and are paying an official visit
3. they are studying at military schools
4. they are members of foreign military missions or foreign military delegations holding a diplomatic or service passport and they are passing through the territory of the Republic of Croatia
5. they are participants in military exercises and training.

*Movement of third-country nationals in foreign police or customs uniforms*

Article 229

During their stay in the Republic of Croatia, third-country nationals may move in foreign police or customs uniforms if:

1. they are paying an official visit as members of delegations of foreign police or customs authorities
2. they are carrying out activities pursuant to an international treaty
3. they are studying at police academies

4. they are passing through the territory of the Republic of Croatia as members of foreign police or customs delegations, holding a diplomatic or service passport.

### XIII. OBLIGATIONS OF THE EMPLOYER TO A THIRD-COUNTRY NATIONAL WHOM HE ILLEGALLY EMPLOYED

#### *Obligation to make statutory payments for the employment of a third-country national staying illegally in the Republic of Croatia*

##### Article 230

(1) An employer who has employed or has benefited from the work of a third-country national staying illegally in the territory of the Republic of Croatia shall make statutory payments and settle interest on late payments, as well as pay appropriate fines.

(2) Within the meaning of paragraph 1 of this Article, statutory payments shall mean the amount of money in HRK and shall include all taxes and contributions for mandatory social insurance which an employer would be paying for a third-country national who is legally employed.

(3) A third-country national referred to in paragraph 1 of this Article shall not be entitled to the rights arising from his employment and on grounds of his employment in the Republic of Croatia.

#### *Determining the duration of work of a third-country national*

##### Article 231

The period of at least three months prior to the day on which a third-country national was found to be working shall be considered as the period of work of the third-country national, unless the period defined in such a way is contrary to the evidence provided exclusively by the employer or the third-country national.

#### *Calculating the amount of mandatory statutory payment*

##### Article 232

(1) The amount of the mandatory statutory payment referred to in Article 230 of this Act shall be calculated in accordance with the calculation base defined on the basis of direct or indirect payments in HRK or the market value of the benefit in kind.

(2) By way of derogation from paragraph 1 of this Article, in cases where there is no data or proof of direct or indirect payments in HRK, or data and proof of the type and market values of the benefits in kind, the amount of mandatory statutory payments shall be calculated in accordance with the defined calculation base, starting from the amount equivalent to the amount that a third-country national would receive in an employment relationship. This can be the amount of payment normally given for the same or similar work and the same duration of work to an employee with the same employer to which he is entitled in accordance with the collective agreement or the Minimum Salary Act.

(3) The benefit in kind referred to in paragraph 1 of this Article shall be material assets received by the third-country national from the employer or the right to use goods and/or services. The value of the benefit in kind is established in accordance with the market value, in a manner regulated by the legislation on income tax.

#### *Calculation base for the amount of mandatory statutory payment*

### Article 233

(1) The calculation base for statutory payment defined pursuant to Article 232, paragraph 1 of this Act shall be considered net payment.

(2) The calculation base for statutory payment defined pursuant to Article 232, paragraph 2 of this Act shall be considered gross payment and shall include the amount of the mandatory statutory payment and the net payment made to the employee.

(3) The calculation base for statutory payment pursuant to paragraphs 1 and 2 of this Article shall be defined in a single amount, regardless of the duration of employment.

### *Calculating the mandatory statutory payment*

#### Article 234

(1) The mandatory statutory payment, in accordance with the base – net payment referred to in Article 233, paragraph 1 of this Act shall be calculated by applying the following rates to the base:

- the rate of 66.48 % to the part of the base up to HRK 3,168.00
- the rate of 95.33 % to the part of the base exceeding HRK 3,168.00, up to HRK 8,568.00 (the next HRK 5,400.00), and
- the rate of 144.17 % to the part of the base exceeding HRK 8,568.00.

(2) The mandatory statutory payment, in accordance with the base – gross payment referred to in Article 233, paragraph 2 of this Act shall be calculated by applying the following rates to the base:

- the rate of 46.80 % to the part of the base up to HRK 4,500.00
- the rate of 57.20 % to the part of the base exceeding HRK 4,500.00, up to HRK 13,500.00 (the next HRK 9,000.00), and
- the rate of 69.20 % to the part of the base exceeding HRK 13,500.00.

### *Maturity of the mandatory statutory payment*

#### Article 235

(1) The mandatory statutory payment shall be due for payment within 15 days from the day of delivery of the decision. It shall be considered as general revenue of the state budget and shall be paid to the state budget account by referring to the code number of the type of revenue as prescribed by the Order of the Ministry of Finance on the manner of payments made to the budget, mandatory payments and revenue for financing other public needs.

(2) Interest shall be calculated and paid on the amount of the mandatory statutory payment which has not been made in due time, for the period starting from the due date to the day of payment, pursuant to the provisions of the legislation governing the mandatory calculation and payment of interest on statutory payments which were not made in due time.

### *Obligation to notify the Tax Administration of illegal employment and to keep records of collected mandatory statutory payment*

#### Article 236

(1) When carrying out inspection supervision, the authorities referred to in Article 239, paragraph 1 of this Act that identify an employer employing a third-country national who is staying in the Republic of Croatia illegally shall notify the Tax Administration thereof. The Tax Administration shall issue a decision identifying the employer – the person liable for making statutory payments and the base for calculating the statutory payment, period of employment of the third-country national and the amount of mandatory payment.

(2) The records of collected mandatory statutory payments shall be kept by the Tax Administration. Where the mandatory payment is not made in due time, it will be enforced.

#### *Enforced payment*

##### Article 237

(1) The enforcement procedure referred to in Article 236, paragraph 2 of this Act and the following procedures shall be carried out by the Tax Administration pursuant to the provisions of the General Tax Act: reimbursement of overpayments and payments made without a valid legal basis, writing-off of irrecoverable mandatory payments, sale of debt, statute of limitations, deferral of payments and guarantees, and the procedures related to the issues other than the ones regulated by this Act.

(2) The amount of payment made to a third-country national staying illegally in the Republic of Croatia and the amount of the determined mandatory statutory payment made in accordance with it shall not be considered tax-deductible for the employer.

### XIV. ADMINISTRATIVE AND INSPECTION SUPERVISION OVER THE IMPLEMENTATION OF THE ACT

#### *Administrative supervision*

##### Article 238

The administrative supervision over the implementation of this Act shall be carried out by the Ministry.

#### *Inspection supervision*

##### Article 239

(1) The inspection supervision over the implementation of the provisions of this Act related to the work of third-country nationals, the working conditions and rights of posted workers, as well as the accommodation of seasonal workers shall be carried out by inspectors and civil servants from competent state administration authorities, each within their competences, in line with special legislation.

(2) The inspection supervision relating to the obligation of third-country nationals to register their stay shall be carried out by police officers of the Ministry.

(3) When it is established by inspection supervision that a third-country national is working contrary to the provisions of this Act, charges shall be brought before a misdemeanour court, misdemeanour warrant or mandatory misdemeanour warrant issued, or a penalty imposed on the spot against the third-country national, legal or natural person that has employed the third-country national or that benefits from his work, the responsible person in the legal person, or a third-country national who offers services on behalf of a foreign employer.

(4) By way of derogation from paragraph 3 of this Article, charges shall not be brought against the third-country national or the employer if the Ministry fails to decide on the application referred to in Article 62, paragraph 3, Article 92, paragraph 2, Article 106, paragraph 4, Article 115, paragraph 2 and Article 129, paragraph 2 of this Act through the competent police administration or police station within the prescribed deadline.

### *Measures of competent supervisory authorities*

#### Article 240

(1) When carrying out the inspection supervision, the competent inspector of the authority referred to in Article 239, paragraph 1 of this Act shall prohibit, by an oral decision on the record, in the duration of 30 days, the employer – legal person or the employer – natural person from performing the activities, or a third-country national from providing services on behalf of a foreign employer at the supervised business facilities or premises, if he establishes that the third-country national worked for the employer during the supervision contrary to the provisions of this Act which lay down the obligation to obtain a stay and work permit or a work registration certificate.

(2) The decision referred to in paragraph 1 of this Article shall be enforced by sealing the business premises, plants, machinery and other equipment used for work, or in some other appropriate manner, without adopting a special act on the authorisation to enforce the decision, within three days from the day of issuance of the oral decision on the record.

(3) The measure of prohibiting performance of activities referred to in paragraph 1 of this Article shall not be enforced and the oral decision shall be revoked if the employer – legal person, or the employer – natural person, or a third-country national who is a service provider for a foreign employer against whom the measure has been imposed delivers proof to the competent inspector referred to in paragraph 1 of this Article of having made the payment to the state budget account in the amount of HRK 30,000.00 for each third-country national, within three days from the day on which the measure was imposed.

(4) Should a police officer of the Ministry establish within the framework of his competences that the circumstances referred to in paragraph 1 of this Article exist, he shall file charges or issue a misdemeanour warrant and immediately inform the competent authority referred to in Article 239, paragraph 1 of this Act thereof.

(5) The measure of prohibiting performance of activities referred to in paragraph 1 of this Article shall not be imposed against the third-country national or the employer if the police administration or police station fails to decide on the application referred to in Article 62, paragraph 3, Article 92, paragraph 2, Article 106, paragraph 6, Article 115, paragraph 2, and Article 129, paragraph 2 of this Act within the prescribed deadline.

### *Remedy against oral decision*

#### Article 241

(1) An appeal lodged against the decision issued pursuant to the provision of Article 240 of this Act shall not postpone the enforcement of the decision.

(2) A legal or a natural person subject to the oral decision referred to in Article 240, paragraph 1 of this Act may request in writing, while the measure of sealing the business premises is in force, that the sealed premises be temporarily unsealed and

may immediately remove, in the presence of an inspector, perishable goods and take other safety measures to prevent damage.

*Obligation to provide data and access for the purpose of inspection supervision*

Article 242

For the purpose of carrying out inspection supervision, legal and natural persons shall provide all data and give access to closed or fenced off premises and business facilities.

XV. DATA RECORDS

*Contents of data records*

Article 243

(1) In order to efficiently monitor the implementation of procedures laid down by this Act, the Ministry shall keep records containing personal data on the following persons:

1. third-country nationals who have been issued with travel documents for third-country nationals or whose travel documents for third-country nationals have been seized
2. third-country nationals who have been refused entry into the Republic of Croatia and exit from the Republic of Croatia
3. third-country nationals on short-term stay, temporary stay, long-term residence and permanent stay
4. third-country nationals who have been issued with stay and work permits
5. third-country nationals whose stay in the Republic of Croatia has ceased
6. third-country nationals who have been subject to a measure to restrict their entry and stay
7. third-country nationals who have been issued with biometric residence permits
8. third-country nationals whose foreign travel documents have been temporarily retained
9. third-country nationals who have registered and cancelled their accommodation on short-term stay, namely their temporary residence, permanent residence and residence address
10. fingerprints, irises and photographs of third-country nationals who have been subject to measures to restrict their entry and stay.

(2) The following personal data may be collected, stored, processed and used in the records referred to in paragraph 1 of this Article:

1. first and last name, former last names, sex, date and place of birth, citizenship, personal identification number, photograph
2. permanent and temporary residence address, type and number of identity document, as well as date, place of issue and period of validity of identity document
3. father's first and last name, mother's first and last name and maiden name
4. children's first and last name, and date of birth
5. languages spoken, information related to employment
6. fingerprints.

(3) The Minister shall prescribe the method of data collection, the contents and users of data records, as well as time limits for retaining data in those records in the ordinance referred to in Article 6, paragraph 6 of this Act.

*Contents of data records kept by the ministry responsible for foreign affairs*

Article 244

(1) The ministry responsible for foreign affairs shall keep the records of visa applications, and of extended, issued, refused, annulled and revoked visas.

(2) The records referred to in paragraph 1 of this Article shall be kept at the Croatian Visa Information System pursuant to Article 21 and Article 39 of this Act.

(3) The ministry responsible for foreign affairs shall keep the records of applications for the issuance of travel documents for third-country nationals, travel documents for third-country nationals and stays granted to third-country nationals, submitted and issued at diplomatic missions or consular posts of the Republic of Croatia.

(4) The ministry responsible for foreign affairs shall keep the records of received applications and special identity cards issued to members of diplomatic missions or consular posts, members of the missions of the United Nations organisations and other United Nations specialised agencies, members of the missions of international organisations accredited in the Republic of Croatia and members of their families or shared households and staff referred to in Article 1, paragraph 2 of this Act.

*Conditions for collecting, storing and processing personal data*

Article 245

Personal data contained in the data records referred to in Articles 243 and 244 of this Act shall be collected, stored and processed in line with the legislation governing personal data protection.

## XVI. IMMIGRATION POLICY

*Immigration policy adoption*

Article 246

(1) Upon the Government proposal, the Croatian Parliament shall establish principles for the implementation of a comprehensive immigration policy for a period of at least five years.

(2) The Government shall issue a decision on the number, criteria and conditions for the immigration of third-country nationals for each calendar year, in line with the principles referred to in paragraph 1 of this Article and the current demographic, economic and social situation.

## XVII. MISDEMEANOUR PROVISIONS

Article 247

(1) A fine in an amount ranging from HRK 70,000.00 to 150,000.00 shall be imposed for each third-country national on the employer – legal person employing or benefiting from the work of a third-country national staying illegally in the Republic of Croatia (Article 88, paragraph 5).



(2) A fine in an amount ranging from HRK 50,000.00 to 100,000.00 shall be imposed for each third-country national on the employer – legal person that has entered into an employment relationship with a third-country national or is benefiting from his work if:

1. he employs or is benefiting from the work of a third-country national who does not have a stay and work permit or a work registration certificate (Article 88, paragraph 1)

2. he employs a third-country national to perform activities for which he has not been issued with a stay and work permit or a work registration certificate (Article 88, paragraph 4).

(3) A fine in an amount ranging from HRK 50,000.00 to 100,000.00 shall be imposed on the employer – legal person if he fails to provide all data or allow access to closed or fenced off premises and business facilities (Article 242).

(4) A responsible person in a legal person shall be fined in an amount ranging from HRK 20,000.00 to 70,000.00 for misdemeanour offences referred to in paragraph 1 of this Article.

(5) A responsible person in a legal person shall be fined in an amount ranging from HRK 10,000.00 to 50,000.00 for misdemeanour offences referred to in paragraphs 2 and 3 of this Article.

(6) A fine in an amount ranging from HRK 10,000.00 to 30,000.00 shall be imposed for each third-country national on the employer – natural person employing or benefiting from the work of a third-country national staying illegally in the Republic of Croatia (Article 88, paragraph 5).

(7) An employer – natural person shall be fined for each third-country national in an amount ranging from HRK 10,000.00 to 15,000.00 for misdemeanour offences referred to in paragraph 2 of this Article.

(8) A fine in an amount ranging from HRK 10,000.00 to 15,000.00 shall be imposed on the employer – natural person if he fails to provide all data or allow access to closed or fenced off premises and business facilities (Article 242).

#### Article 248

(1) A fine in an amount ranging from HRK 50,000.00 to 100,000.00 shall be imposed on the employer – legal person for each third-country national who is a holder of an EU Blue Card and who is employed contrary to Article 128, paragraph 2 of this Act.

(2) A responsible person in a legal person shall be fined in an amount ranging from HRK 10,000.00 to 30,000.00 for the misdemeanour offence referred to in paragraph 1 of this Article.

(3) A fine in an amount ranging from HRK 10,000.00 to 15,000.00 shall be imposed on the employer – natural person for each third-country national who is a holder of an EU Blue Card and who is employed contrary to Article 128, paragraph 2 of this Act.

#### Article 249

(1) A fine in the amount of HRK 50,000.00 shall be imposed for each transported third-country national on a carrier – legal person that has brought in a third-country national without a valid travel document or other document used for crossing the state border, a valid visa or residence permit (Article 52, paragraph 1).

(2) A fine in the amount of HRK 50,000.00 shall be imposed for each transported third-country national on a carrier – legal person that fails to transport a third-country national from a border crossing point or from the Republic of Croatia at his own expense (Article 52, paragraphs 2 and 3).

(3) A fine in the amount of HRK 50,000.00 shall be imposed for each transported third-country national on a carrier – legal person that fails to assume the costs of return of a third-country national (Article 52, paragraphs 2 and 3).

(4) A responsible person in a legal person shall be fined for each transported or assisted third-country national in the amount of HRK 23,000.00 for misdemeanour offences referred to in paragraphs 1 and 2 of this Article.

(5) A fine in the amount of HRK 23,000.00 shall be imposed for each transported third-country national on a carrier – natural person that has brought in a third-country national without a valid travel document or other document used for crossing the state border, a valid visa or residence permit (Article 52, paragraph 1).

(6) A fine in the amount of HRK 23,000.00 shall be imposed for each transported third-country national on a carrier – natural person that fails to transport a third-country national from a border crossing point or from the Republic of Croatia at his own expense (Article 52, paragraphs 2, 3 and 4).

(7) A fine in the amount of HRK 23,000.00 shall be imposed for each transported third-country national on a carrier – natural person that fails to assume the costs of return of a third-country national (Article 52, paragraphs 2, 3 and 4).

(8) A natural person who assists or attempts to assist a third-country national in illegal crossing, transit and stay in the Republic of Croatia shall be punished by imprisonment of up to 60 days or fined in the amount of HRK 23,000.00 for each assisted third-country national (Article 53).

(9) Mandatory confiscation of objects and means of transport shall be imposed for misdemeanour offences referred to in paragraph 8 of this Article if the carrier is the owner of the means of transport.

#### Article 250

(1) A fine in an amount ranging from HRK 7,000.00 to 10,000.00 shall be imposed for a misdemeanour offence on a third-country national working without a stay and work permit or a work registration certificate (Article 88, paragraph 1).

(2) A fine in an amount ranging from HRK 7,000.00 to 10,000.00 shall be imposed for a misdemeanour offence on a third-country national who performs activities other than those for which his stay and work permit or work registration certificate was issued or who works for an employer other than the one for whom his stay and work permit or work registration certificate was issued and other than the one with whom he has entered into an employment relationship (Article 88, paragraph 3).

#### Article 251

(1) A fine in an amount ranging from HRK 5,000.00 to HRK 7,000.00 shall be imposed on an employer – legal person for a misdemeanour offence if he:

1. has failed to notify a police administration or a police station within the prescribed time limit of the termination of the contract of employment or of the fact that other conditions on the basis of which the stay and work permit was issued have ceased to exist (Article 95)

2. fails to notify a police administration or a police station of the change of accommodation within the prescribed time limit (Article 104, paragraph 9)

3. has failed to notify a police administration or a police station within the prescribed time limit that the conditions on the basis of which the stay and work permit for intra-corporate transfer was issued have ceased to exist (Article 117, paragraph 2)

4. has failed to notify a police administration or a police station within the prescribed time limit that the conditions on the basis of which the stay and work permit for long-term mobility was issued have ceased to exist (Article 120, paragraph 6)

5. has failed to notify a police administration or a police station within the prescribed time limit of the termination of the contract of employment or of the fact that other conditions on the basis of which the stay and work permit - EU Blue Card was issued have ceased to exist (Article 128, paragraph 3)

6. has failed to notify a police administration or a police station within the prescribed time limit that a worker has been posted to work in a place other than his permanent or temporary residence in the Republic of Croatia in the duration of more than 90 days (Article 178, paragraph 4)

7. has failed to notify a police administration or a police station within the prescribed time limit that a worker has been posted to work in another EEA Member State (Article 178, paragraph 5).

(2) A responsible person in a legal person shall be fined in an amount ranging from HRK 500.00 to 3,000.00 for misdemeanour offences referred to in paragraph 1 of this Article.

(3) A fine in an amount ranging from HRK 500.00 to 3,000.00 shall be imposed on an employer – natural person for a misdemeanour offence if he:

1. has failed to notify a police administration or a police station within the prescribed time limit of the termination of the contract of employment or of the fact that other conditions on the basis of which the stay and work permit was issued have ceased to exist (Article 95)

2. fails to notify a police administration or a police station of the change of accommodation within the prescribed time limit (Article 104, paragraph 9)

3. has failed to notify a police administration or a police station within the prescribed time limit that the conditions on the basis of which the stay and work permit for intra-corporate transfer was issued have ceased to exist (Article 117, paragraph 2)

4. has failed to notify a police administration or a police station within the prescribed time limit that the conditions on the basis of which the stay and work permit for long-term mobility was issued have ceased to exist (Article 120, paragraph 6)

5. has failed to notify a police administration or a police station within the prescribed time limit of the termination of the contract of employment or of the fact that other conditions on the basis of which the stay and work permit - EU Blue Card was issued have ceased to exist (Article 128, paragraph 3)

6. has failed to notify a police administration or a police station within the prescribed time limit that a worker has been posted to work in a place other than his permanent or temporary residence in the Republic of Croatia in the duration of more than 90 days (Article 178, paragraph 4)

7. has failed to notify a police administration or a police station within the prescribed time limit that a worker has been posted to work in another EEA Member State (Article 178, paragraph 5).

(4) A fine in an amount ranging from HRK 500.00 to 5,000.00 shall be imposed on a third-country national for a misdemeanour offence if he:

1. has multiple citizenships and uses a travel document other than the one he used for entering the Republic of Croatia or does not exit the Republic of Croatia with the same document he used for entering the Republic of Croatia (Article 4, paragraph 1)

2. has failed to return a special travel document within 30 days from obtaining a valid foreign travel document, or his admission to Croatian citizenship, or from the moment his subsidiary protection ceases, or his stay referred to in Article 8, paragraph 2 of this Act ceases (Article 8, paragraph 3)

3. has failed to return a travel document for stateless persons within 30 days from obtaining a valid foreign travel document, or his admission to Croatian citizenship, or from the moment his stay referred to in Article 9, paragraph 1 of this Act ceases (Article 9, paragraph 4)

4. has failed to submit an application for the extension of temporary stay within the prescribed time limit prior to the expiry of his current temporary stay (Article 62, paragraph 1)

5. fails to submit an application for temporary stay as a parent or guardian of a child born in the territory of the Republic of Croatia before the child reaches the age of three months (Article 67, paragraph 1)

6. has failed to notify a police administration or a police station as a researcher and a student that the conditions under which his mobility is allowed have ceased to exist, within eight days from the occurrence of those circumstances (Article 77, paragraph 3)

7. is staying in the Republic of Croatia contrary to the purpose on the basis of which his temporary stay was granted (Article 87, paragraph 1, item 7)

8. has failed to notify a police administration or a police station within the prescribed time limit of the termination of his contract of employment or of the fact that other conditions on the basis of which his stay and work permit was issued have ceased to exist (Article 95, paragraph 1)

9. fails to notify a police administration or a police station of the change of accommodation within the prescribed time limit (Article 104, paragraph 9)

10. has failed to notify a police administration or a police station within the prescribed time limit that the conditions on the basis of which his stay and work permit for intra-corporate transfer was issued have ceased to exist (Article 117, paragraph 2)

11. has failed to notify a police administration or a police station within the prescribed time limit that the conditions on the basis of which his stay and work permit for long-term mobility was issued have ceased to exist (Article 120, paragraph 6)

12. has failed to notify a police administration or a police station within the prescribed time limit of the termination of his contract of employment or of the fact that other conditions on the basis of which his stay and work permit - EU Blue Card was issued have ceased to exist (Article 128, paragraph 3)

13. has failed to submit an application for the extension of a stay and work permit - EU Blue Card at least 30 days prior to the expiry of his current stay and work permit (Article 129, paragraph 1)

14. has failed to submit an application for a stay and work permit - EU Blue Card within eight days from the termination of employment with the initial employer during the first two years of his stay in the Republic of Croatia (Article 130, paragraph 1)

15. fails to notify a police administration or a police station within the prescribed time limit as a holder of an EU Blue Card after a period of two years of the change of

employment and fails to deliver the new contract of employment with the new employer (Article 130, paragraph 2)

16. does not carry on him or, where requested by an official person, does not provide for inspection a valid foreign travel document or an identity card, a residence permit or some other public document containing a photograph (Article 167, paragraph 1)

17. fails to submit an application for residence permit within eight days from the day he was granted temporary stay, long-term residence or permanent stay, or within 30 days from the day of issuance of a long-term visa (Article 169, paragraph 1)

18. fails to submit an application for the replacement of a residence permit after the occurrence of the circumstances referred to in Article 171, paragraph 1 of this Act (Article 171, paragraph 2)

19. fails to return a residence permit within the prescribed time limit after the occurrence of the circumstances referred to in Article 172, paragraph 1 of this Act (Article 172, paragraph 2)

20. fails to report a lost, missing or stolen travel document referred to in Article 6, paragraph 1 of this Act or residence permit, within eight days from becoming aware of it, to a police administration or a police station according to the location of the incident or the location where he became aware of it (Article 173, paragraph 1)

21. fails to report a lost or otherwise missing travel document referred to in Article 6, paragraph 1 of this Act or residence permit, within eight days from becoming aware of it, to the nearest diplomatic mission or consular post of the Republic of Croatia (Article 173, paragraph 2)

22. intends to stay at the location and at the address of the temporary residence he has registered after the expiry of one year, and fails to extend his temporary residence registration within 15 days from the expiry of this deadline (Article 176, paragraph 4)

23. fails to register accommodation within two days from entering the Republic of Croatia or from the change of accommodation if a person under obligation to register accommodation at the time of arrival of a third-country national is not in the Republic of Croatia, or if the accommodation cannot be registered pursuant to Article 177, paragraph 1 of this Act for any other reason (Article 177, paragraph 4)

24. fails to provide complete and accurate data on the application form (Article 177, paragraph 7)

25. fails to notify of any change of data within the prescribed time limit (Article 177, paragraph 7)

26. fails to register temporary residence and residence address, and change of temporary residence and residence address within the prescribed time limit from entering the Republic of Croatia or from the day of change of temporary residence or residence address (Article 178, paragraph 1)

27. fails to register permanent residence, temporary residence and residence address, as well as change of permanent residence, temporary residence and residence address within the prescribed time limit (Article 178, paragraph 2)

28. has failed to notify his exit from the Republic of Croatia at a border crossing point or has failed to notify a diplomatic mission or a consular post of the Republic of Croatia after leaving the EEA, as defined in the decision on return (Article 183, paragraph 3)

29. during his stay in the Republic of Croatia, wears a foreign military uniform contrary to the provision of Article 228 of this Act

30. during his stay in the Republic of Croatia, wears a foreign police or customs uniform contrary to the provision of Article 229 of this Act.

#### Article 252

(1) A fine in an amount ranging from HRK 5,000.00 to 7,000.00 shall be imposed on a legal person that:

1. fails to register the accommodation of a third-country national on short-term stay within one day from the arrival of the third-country national for accommodation (Article 177, paragraphs 1 and 2)

2. fails to specify the date of cancellation of accommodation on the application form (Article 177, paragraph 7)

3. fails to provide complete and accurate data on the application form for the registration of accommodation of a third-country national (Article 177, paragraph 7)

4. fails to notify of any change of data within one day (Article 177, paragraph 7)

5. fails to provide an official person from the competent authority with data from the records on third-country nationals to whom it provides accommodation services (Article 180).

(2) A responsible person in a legal person shall be fined in an amount ranging from HRK 500.00 to 3,000.00 for misdemeanour offences referred to in paragraph 1 of this Article.

(3) A natural person shall be fined in an amount ranging from HRK 300.00 to 2,000.00 for misdemeanour offences referred to in paragraph 1 of this Article.

#### Article 253

(1) Imprisonment of up to 30 days or a fine in an amount ranging from HRK 3,000.00 to 7,000.00 shall be imposed for a misdemeanour offence on a third-country national who:

1. moves outside a particular area or stays in the border area longer than the designated period of time, as stipulated by a bilateral international treaty (Article 5, paragraph 4)

2. fails to present at the request of an official person his travel or other document used for crossing the state border (Article 167, paragraph 2)

3. does not hold a valid foreign travel document or identity card, a residence permit or other public document and fails to provide his personal data at the request of a police officer (Article 167, paragraph 3)

4. gives his documents to another person to use as their own, or uses an expired or otherwise invalid or someone else's document as his own (Article 167, paragraph 4)

5. fails to deposit his travel document, travel papers and travel tickets, fails to deposit a certain amount of funds, leaves a certain address of accommodation or fails to report to a police station at the designated time, as specified in the decision on return (Article 184, paragraph 7)

6. fails to deposit his travel document, travel papers and travel tickets, fails to deposit a certain amount of funds, leaves a certain address of accommodation or fails

to report to a police station at the designated time, as specified in the decision on the application of less coercive measures (Article 213, paragraph 3)

7. fails to deposit his travel document, travel papers and travel tickets, fails to deposit a certain amount of funds, leaves a certain address of accommodation or fails to report to a police station at the designated time, as specified in the decision on temporary suspension of forcible removal (Article 224, paragraph 4)

8. makes the escort to the state to which he is being forcibly removed impossible by force or deceit (Article 203, paragraph 11)

9. has left the centre without authorisation or has failed to comply with the house rules of the centre (Article 218, paragraph 1).

(2) A fine in an amount ranging from HRK 500.00 to 7,000.00 shall be imposed for a misdemeanour offence on a third-country national staying in the Republic of Croatia illegally (Article 183, paragraph 1).

#### Article 254

A fine in an amount ranging from HRK 3,000.00 to 7,000.00 shall be imposed for a misdemeanour offence on a third-country national who is an EU Blue Card holder who performs activities other than those for which his stay and work permit was issued or who works for an employer other than the one for whom his stay and work permit was issued and other than the one with whom he has entered into an employment relationship (Article 128, paragraph 1).

### XVIII. TRANSITIONAL AND FINAL PROVISIONS

#### *Validity of granted stays and calculation of the deadline for leaving the Republic of Croatia*

##### Article 255

(1) Granted temporary stays, issued stay and work permits, and work registration certificates issued pursuant to the Aliens Act (Official Gazette No 130/11, 74/13, 69/17, 46/18 and 53/20) shall remain valid until their expiry.

(2) The deadlines for leaving the Republic of Croatia set out in the decisions issued prior to the entry into force of this Act shall remain valid and shall be calculated on the basis of the provisions of the Aliens Act (Official Gazette No 130/11, 74/13, 69/17, 46/18 and 53/20).

#### *Application of certain provisions after the entry into force of the Schengen Implementing Agreement*

##### Article 256

(1) The provisions of Articles 47 and 48 of this Act shall not be applied on the internal border of the Republic of Croatia after the entry into force of the Schengen Implementing Agreement in the Republic of Croatia.

(2) The internal border referred to in paragraph 1 of this Article shall be the internal border defined by the provisions of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

#### *Competence for adopting acts*

#### Article 257

(1) The Minister shall adopt the ordinances referred to in Article 6, paragraph 6, Article 50, paragraph 5, Article 57, paragraph 6, Article 154, paragraph 4, Article 198, paragraph 12, and Article 218, paragraph 2 of this Act within six months from the day of entry into force of this Act.

(2) The minister responsible for foreign affairs shall adopt the ordinance referred to in Article 4, paragraph 3 and Article 16, paragraph 1 of this Act within six months from the day of entry into force of this Act.

(3) The minister responsible for science and education shall adopt the ordinances referred to in Article 72, paragraph 6 and Article 74, paragraph 18 of this Act within six months from the day of entry into force of this Act.

(4) The minister responsible for labour shall adopt the ordinance referred to in Article 98, paragraph 6 and Article 99, paragraph 9 within six months from the day of entry into force of this Act.

(5) The Government shall adopt the regulations referred to in Article 59, paragraph 5, Article 72, paragraph 7, Article 73, paragraph 9, Article 153, paragraph 5, and Article 161, paragraph 7 of this Act, upon the proposal of the ministry responsible for the interior within six months from the day of entry into force of this Act.

(6) The Government shall adopt the regulation on the Croatian visa system referred to in Article 12, paragraph 3 of this Act and the regulation on the Croatian VIS referred to in Article 21 of this Act, upon the proposal of the ministry responsible for foreign affairs within six months from the day of entry into force of this Act.

(7) The Ministry shall designate a contact point referred to in Article 165 of this Act within six months from the day of entry into force of this Act.

(8) The Management Board of the Croatian Employment Service shall issue the decision on professions for which the employer is not required to request the labour market test referred to in Article 101, paragraph 1 of this Act within eight days from the day of entry into force of this Act.

(9) The Croatian Parliament shall establish principles for the implementation of a comprehensive immigration policy for the period of at least five years, referred to in Article 246, paragraph 1 of this Act within one year from the day of entry into force of this Act.

(10) The Government shall issue a decision on the number, criteria and conditions for the immigration of third-country nationals referred to in Article 246, paragraph 2 of this Act within six months from the day of adoption of the principles of the Croatian Parliament referred to in Article 246, paragraph 1 of this Act.

#### *Period of validity of implementing regulations*

#### Article 258

Implementing regulations adopted pursuant to the Aliens Act (Official Gazette No 130/11, 74/13, 69/17, 46/18 and 53/20) governing entry, stay and work of third-country nationals shall remain in force until the entry into force of implementing regulations adopted on the basis of powers under this Act.

#### *Finalising initiated procedures*

#### Article 259



The procedures initiated prior to the entry into force of this Act shall be finalised pursuant to the provisions of the Aliens Act (Official Gazette No 130/11, 74/13, 69/17, 46/18 and 53/20).

*Repealing the Aliens Act in force*

Article 260

Upon the entry into force of this Act, the Aliens Act (Official Gazette No 130/11, 74/13, 69/17, 46/18 and 53/20) shall cease to be valid.

*Entry into force*

Article 261

This Act shall be published in the Official Gazette and it shall enter into force on 1 January 2021, except for the provisions of Article 22, Article 38, paragraph 1, item 7, Article 77, Article 124 and Article 251, paragraph 4, item 6 of this Act which shall enter into force on the day of entry into force of the Schengen Implementing Agreement in the Republic of Croatia.

Class: 022-03/20-01/92  
Zagreb, 25 November 2020

CROATIAN PARLIAMENT

Speaker of  
the Croatian Parliament  
**Gordan Jandroković**, m.p.