

POLICY RECOMMENDATIONS AIMED AT IMPROVING THE INTEGRATION SYSTEM OF THE REPUBLIC OF CROATIA FOR ASYLUM SEEKERS AND PERSONS GRANTED INTERNATIONAL AND TEMPORARY PROTECTION

Croatia needs to establish a system of temporary protection that protects all those who currently need it most and create conditions for building a good and sustainable integration system

Refugees who have fled and are fleeing wars, violence, human rights violations, persecution and torture - need and deserve protection. International and temporary protection is a moral, but also a legal obligation of the Republic of Croatia, which must ensure the reception of refugees and act in solidarity in order to alleviate the unimaginably difficult situation in which they find themselves. Integration is an important aspect of the international and temporary protection system. It implies a two-way process of social inclusion where the receiving society creates good and sustainable conditions for all new members who have come and who have been granted international or temporary protection.

In international practice, we can trace the system of temporary protection back to 1960s, but after the lessons of the 1990s due to wars in the territories of ex-Yugoslavia, the European Union adopted a legally binding *Directive on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof*. Although the European Union has faced several humanitarian crises since the adoption of the Directive (Libya (2011), Tunisia (2011), Afghanistan (2021 to date), Ukraine (2014 and present) and Syria (2011 to date)), it “activated” it for the first time on 4 March 2022, by adopting the Council Implementing Decision (EU) 2022/382 establishing the existence of a mass influx of displaced persons from Ukraine (...). That decision sets minimum standards for providing temporary protection to persons who have fled or are fleeing the war in Ukraine and Member States are invited to upgrade those standards in solidarity with refugees. The Implementing Decision provides that temporary protection shall be granted to the following categories of persons “displaced from Ukraine on or after 24 February 2022”: Ukrainian nationals; refugees who benefited from international protection or equivalent national protection in Ukraine and foreigners with long-term residence; family members of the persons mentioned. The Republic of Croatia upgraded the minimum standards by prescribing temporary protection to displaced Ukrainian nationals and members of their families who “left Ukraine shortly before 24 February 2022 due to the security situation”.

This is certainly an important step in the right direction, but it is important to continue working on the improvement of the system and prevent the dangers that may arise due to its current shortcomings. **It is important to bear in mind that the objectives of the concept of temporary protection are primarily to protect a group of persons, but also to maintain the proper functioning of the system in a state of emergency.** It is therefore essential at this point to take into account other areas which are not regulated by the Directive, in order to prevent shortcomings in the functioning of the system and

to avoid putting people at risk because they are not recognised by the current regulation. Here we are primarily referring to the integration system that includes the stay of refugees under temporary protection in Croatia, as well as mechanisms for facilitating their active inclusion in society.

Centre for Peace Studies underlines the need to ensure the availability and sustainability of basic integration support services and activities, but also to develop higher standards and take into account practical situations in order to provide protection and security to all persons who are fleeing or have fled Ukraine in the most efficient way, in addition to creating a sustainable system for the reception of refugees. As an organisation that has been actively involved for many years in providing support to refugees, dealing with the protection of their rights and development of the international protection system in Croatia, below we provide recommendations that we believe must be implemented in order to achieve the objective of temporary protection.

We believe that the Republic of Croatia urgently must:

- ◆ **Provide temporary protection to third-country nationals who have had any form of documented stay in Ukraine and who cannot return to their country or region of origin under safe and durable conditions.** Current regulation includes temporary protection for third-country nationals with long-term residence in Ukraine, persons who benefited from international protection and their family members but does not include third-country nationals with short-term residence or temporary residence in Ukraine (nor students). Particularly important - it does not include persons who were seeking international protection in Ukraine. We would like to emphasise that it is particularly important to provide protection to persons seeking international protection in Ukraine, since it is reasonable to consider that they cannot return to their country of origin without the risk of violating the non-refoulement principle. The Council Implementing Decision allows this possibility in recital 13 in the preamble, and Croatia should protect all persons who cannot return to their homes safely.
- ◆ **Admit entry into the Republic of Croatia on humanitarian grounds to all persons who report that they are unable to return in safe and durable conditions to their country of origin.** Following the Council Implementing Decision, Croatia is obliged to do so without “requiring, in particular, possession of a valid visa or sufficient means of subsistence or valid travel documents”.
- ◆ **Ensure that persons under temporary protection have the right to apply for international protection, but also to initiate this process while their temporary protection is active, subject to legally established deadlines for the procedure for granting international protection.**
- ◆ **The notion of “non-marital partner” (*izvanbračni drug*) from the Decision on the introduction of temporary protection in the Republic of Croatia for displaced persons from Ukraine should be replaced by the definition “unmarried partner in a stable relationship” (*njegov/njezin nevjenčani partner/nevjenčana partnerica s kojom/kojim je u stabilnoj vezi*) from the Council Implementing Decision.** The Implementing Decision proposes a broader definition and clearly includes non-formalised life partners in it. Also, this definition in the Council Implementing Decision avoids difficulties in formally proving a non-marital partnership/non-formalised life partnership. For the sake of a coherent interpretation, it is therefore important to adopt a broader definition.
- ◆ **Guarantee residence permit and all other rights arising from temporary protection to all persons who have obtained temporary protection from another EU Member State and then moved to the Republic of Croatia.**
- ◆ **Ensure that persons under temporary protection, as well as persons granted stay on humanitarian grounds, have access to a sustainable and long-term integration system** (that they enjoy the same rights as Croatian citizens). This includes equal access to education, health and social protection,

municipal services and public areas and resources in general, including housing.

Integration rights for persons granted international and temporary protection are regulated by the Act on International and Temporary Protection. Certain rights are additionally regulated by separate legislation and regulation, depending on the field of competence.

The Republic of Croatia has not had experience with the implementation of the part of the law relating to temporary protection so far, but the activation of the Directive on temporary protection at EU level has resulted in the establishment of a basic framework for the reception and integration of persons who meet the criteria for temporary protection. Having in mind our previous experience of monitoring the implementation of integration policy and establishing practices related to persons granted international protection, we provide recommendations for improving the integration system that will include both groups, namely persons granted temporary protection and persons granted international protection.

ACTIVATION OF COMPETENT INSTITUTIONS AND URGENT ADOPTION OF THE ACTION PLAN ON INTEGRATION

Since 2013, the competent authority for coordinating the implementation of integration policies and practices has been the Government Office for Human Rights and Rights of National Minorities. The Director of the Government Office for Human Rights and Rights of National Minorities (hereinafter: the Government Office) is the chairman of the [Standing Committee for the implementation of the integration of foreign nationals into Croatian society](#). Within the framework of this committee, the Working Group of the Standing Committee for the implementation of the integration of foreign nationals into Croatian society was established (hereinafter: the Working Group). For the Government of the Republic of Croatia, the Working Group drafts proposals for national strategies and plans in the field of integration, ensures operational implementation of planned tasks, reports to the Standing Committee on the course of implementation and progress or possible difficulties related to the implementation of planned activities and performs other tasks entrusted to it by the Standing Committee. Representatives of the operational level of state administration bodies, government offices, local and regional self-government units and a public institution representative are appointed as members of the Working Group. Given the structure of the already existing institutional framework, we consider it necessary to:

- ❖ Involve the Government Office for Human Rights and the Rights of National Minorities in the process of integration of persons granted temporary protection.
- ❖ Urgently adopt an action plan on integration covering asylum seekers, persons granted temporary and international protection.
- ❖ Use existing resources in the integration process established by the Government Office in its work:
 - Cooperate with local integration coordinators in different local self-government units;
 - Cooperate with the Advisory Group of Third-Country Nationals and Persons of Migrant Origin in planning integration policies and practices;
 - Provide professional trainings for institutions in which integration rights are exercised;
 - Provide support to local self-government units who do not have experience working with refugees and who are establishing a local integration system for the first time.

TRANSLATION/INTERPRETATION SERVICES

The integration practice so far for persons granted international protection has shown that in the process of exercising rights in all sectors defining the integration system there is no possibility of using translation or interpretation services. Persons who have been granted international protection in the process of seeking it are not entitled to a Croatian language course, which is why they often do not speak or understand the Croatian language in the initial integration phase. Accordingly, we propose that in order to understand the rights and obligations regulated by the legal framework, the following should be done for all persons granted international and temporary protection:

- ❖ Funds allocated in the state budget for translation and interpretation services in all sectors where the rights regulated by the Act on International and Temporary Protection are exercised.

RIGHT TO ACCOMMODATION

The institutions [competent](#) for accommodation of persons granted international protection are the Central State Office for Reconstruction and Housing and the competent social welfare centre. The institutions [competent](#) for accommodation of persons granted temporary protection are the Ministry of the Interior, the Ministry of Economy and Sustainable Development and the Ministry of Labour, Pension System, Family and Social Policy. Persons granted international protection shall benefit from the right to accommodation for a period of two years following the grant of international protection. Persons granted temporary protection shall benefit from the right to accommodation in individual housing for a period of 6 months with the possibility of extension for up to one year. The financing of accommodation, as well as the participation of persons entitled to co-financed accommodation, is defined in the [Ordinance on the participation of persons granted asylum, aliens under subsidiary protection and aliens under temporary protection in the payment of accommodation costs](#). We believe that it is necessary to:

- ❖ Enable persons granted international protection not to be obliged to participate in the process of co-financing accommodation during the first 18 months of this status, and for persons granted temporary protection during the first 8 months (in the case of employment) in order to create basic conditions for their independent and viable life in Croatia. Practice has shown that people most often find minimum wage jobs with which they have difficulty living in Croatia. The measure of ensuring full financing of accommodation during the first period of the stay (18 months/8 months) would facilitate the initial period of integration and create incentives for inclusion in the labour market. The period in which persons would participate in the process of co-financing accommodation would thus begin in the final phase of their right to co-financed accommodation, which would prepare them for an independent and viable continuation of their life in Croatia.
- ❖ Avoid accommodation in collective housing because it does not enable life in dignity, privacy or basic conditions for the preservation of mental health.
- ❖ When ensuring accommodation in different local self-government units in Croatia, to consider the social, cultural and economic context acquired by the person exercising the right to accommodation during the process of seeking international protection. This gives people the opportunity to choose and cooperate in the initial phase of social inclusion.

EMPLOYMENT

Persons who have been granted international and temporary protection have the right to work from the day the protection is granted. We believe that it is necessary to:

- ❖ Provide Croatian language courses in all local self-government units where the persons reside. Courses must be organised regularly and continuously and be adaptable to the capacity of persons (the population that comes is of diverse backgrounds - some persons are highly educated, and some are illiterate).
- ❖ As a possible solution for the problem of unavailability of language courses, in places where possible, we propose introducing a voucher system through which persons entitled to a language course would receive a voucher with funds that would be used to enrol into a Croatian language course for foreigners in accredited language schools offering it.
- ❖ Provide continuous employment counselling in a language that persons understand.
- ❖ Include persons granted temporary protection and members of their families in the [proposal for amendments to the Act on Recognition and Evaluation of Foreign Education Qualifications](#) (Article 20). Current amendments include persons granted international protection and the same should be provided to persons granted temporary protection.
- ❖ The Ordinance establishing recognition and evaluation criteria for the purpose of continuing education at the higher education level should provide for quick and simple mechanisms for evaluating and verifying competencies of persons who do not have proof of completed education, for the purpose of employment.
- ❖ Ensure more flexible criteria for recognition of qualifications in regulated professions. We also propose not to analyse every individual diploma within the protection instrument, but that chambers issue a temporary validation, and then for each regulated profession determine the compatibility of educational programmes with the ones in Croatia and EU, respectively.
- ❖ Monitor the implementation of labour law and anti-discrimination legislation in order to prevent violations of rights and exploitation of workers of foreign origin.
- ❖ Design upskilling and reskilling programmes that also include Croatian language lessons for a particular profession within the programme. This would actively prepare the person to participate in the labour market.
- ❖ Include in the Civil Servants Act certain situations in which it is possible to admit persons under temporary and international protection into the civil service without the obligation of them having Croatian citizenship, e.g., for shortage occupations.

EDUCATION

Persons granted temporary protection are entitled to primary and secondary education and upskilling and reskilling under the same conditions as Croatian citizens. Persons granted international protection have a wider range of rights which also include tertiary (higher) education. We propose that persons granted temporary protection be granted equal rights in the education system to those granted international protection, and that existing obstacles and challenges identified in many years of practice be urgently addressed for both groups.

- ❖ In the Act on International and Temporary Protection, increase the scope of asylum seekers' rights in such a way that they are entitled to attend Croatian language courses during the process of seeking international protection in order to facilitate social inclusion if the protection is granted.
- ❖ Ensure enough teaching assistants in schools, working with children who have been granted international and temporary protection.
- ❖ Enable children granted international and temporary protection to be included in kindergartens in order to facilitate socialisation and integration (even in cases when parents are not employed, in order to facilitate employment).
- ❖ Coordinate the introduction of preparatory classes and the inclusion of children in regular classes, so that they do not lose time in the process of inclusion in the regular education system, and to enable them to understand the content taught in classroom.
- ❖ Ensure continuous Croatian language learning with an increased number of hours, in such a way that the Croatian language is taught as a foreign language and not as a mother tongue.
- ❖ Provide good access to preparatory and regular classes in extraordinary circumstances, as was the case with distance learning, for children (both asylum seekers and those granted international and temporary protection). It is the responsibility of the system to identify the specific risk of exclusion to which asylum seekers and refugees are exposed and to respond adequately.
- ❖ In the Act on International and Temporary Protection, extend the scope of the rights of persons granted temporary protection in such a way as to provide them access to the system of higher education, adult education and the recognition of foreign education qualifications.
- ❖ Enable students who have been granted international and temporary protection to continue their education at the appropriate faculty in Croatia (taking into account the year of their study at the time they arrived to Croatia, when possible with regard to study curricula).
- ❖ In order to facilitate access to the higher education system, regulate enrolment into faculties by enrolling persons granted international and temporary protection within quotas for Croatian citizens (* in previous practice, persons granted international protection were enrolled through quotas for foreign nationals and with tuition fees for Croatian citizens; however, since some faculties do not have quotas for foreign nationals, there have been difficulties in exercising this right).
- ❖ Enable regular schooling to young people who have been granted international and temporary protection in cases where they are beyond the scope of regular schooling under Croatian law (* there are cases of dropping out of school due to time spent as a refugee, e.g. persons 19 or

20 years old who have lived in war and were refugees for the previous 5 years; such persons could not complete their education and should be given the opportunity to do so in Croatia).

- ❖ Enable adults who have been granted international and temporary protection to receive additional education and training programmes.
- ❖ Provide additional and extra-curricular activities for older children who, after assessing their level of knowledge, enrol in lower classes without contact with peers, which affects the socialisation process (especially in higher grades of primary education and in secondary education). Additional and extracurricular activities could make up for lost time with peers.

HEALTH CARE

The right to health care is regulated by the [Act on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia](#), which as of recently equates the right to health care for persons granted international protection (asylum and subsidiary protection) and persons granted temporary protection (Article 21). Previously, persons granted temporary protection had the right to health care which was equal to that of asylum seekers and regulated by the [Ordinance on health care standards for applicants for international protection and foreigners under temporary protection](#). Upgrading this right is commendable, but we want to draw attention to the difficulties in practice and make recommendations to facilitate access to the right to health care.

- ❖ Include persons granted international and temporary protection in the categories of insured persons with the Croatian Institute for Health Insurance. This will enable the persons to receive the insured person ID number (MBO) and prevent them from having difficulties in exercising their right to health care (*up until now, they did not receive an MBO or health insurance card, which is why health care professionals often refused to provide health care services).
- ❖ Provide funding for affordable and sustainable prevention services in the field of mental health protection, including trauma-informed psychological counselling, through the state budget and European projects (e.g., National Asylum, Migration and Integration Fund).

SOCIAL WELFARE

The right to social welfare is defined by the [Act on International and Temporary Protection](#). For persons granted international protection, this right is conferred (Article 73) in accordance with the regulations governing the field of social welfare for Croatian citizens; and for persons granted temporary protection (Article 83) it includes the means of subsistence. According to the [Social Welfare Act](#), this would be a one-off monetary benefit [granted](#) to persons by the competent social welfare centre. Due to the large number of persons who had to leave their homes because of the war and their potentially longer stay in Croatia, we propose to:

- ❖ Amend the Act on International and Temporary Protection so that persons granted temporary protection are also granted the right to social welfare, in accordance with the regulations governing the field of social welfare for Croatian citizens.