

FREQUENTLY ASKED QUESTIONS:

INTERNATIONAL PROTECTION SYSTEM IN CROATIA

PROCEDURE FOR THE EXAMINATION OF APPLICATIONS FOR INTERNATIONAL PROTECTION

1. What is International Protection?

International protection encompasses two types of protection that the Republic of Croatia can grant to persons who are found, in the process of seeking international protection, to meet the conditions for recognition: (i) asylum; or alternatively (ii) subsidiary protection.

The process of seeking international protection is initiated by a third-country national or stateless person expressing their intention to seek international protection. In this process, it is first checked whether the person meets the conditions for asylum, which are as follows:

- I. The person is outside the country of their nationality or habitual residence;
- II. The person has a well-founded fear of persecution based on their:
 - o race,
 - o religion,
 - o nationality,
 - o membership in a particular social group, or
 - o political opinion;
- III. Due to a well-founded fear of persecution on the aforementioned grounds, the person cannot or does not want to accept the protection of the country of their nationality or habitual residence.

If it is concluded that the person does not meet the conditions for asylum, the Ministry of the Interior is obliged to automatically check whether the person meets the conditions for subsidiary protection, which are as follows:

- I. The person is outside the country of their nationality or habitual residence;
- II. There are justified reasons indicating that, upon return to the country of origin, the person would face a real risk of suffering serious harm, which includes:
 - o a threat of death penalty or execution,
 - o torture, inhuman or degrading treatment or punishment, or
 - o serious and individual threat to a civilian's life due to arbitrary general violence in situations of international or internal armed conflict;
- III. Due to the above justified reasons, the person cannot or, because of such risk, does not want to accept the protection of the country of their nationality or habitual residence.

2. Can I request international protection if I have already been granted temporary protection in Croatia?

A foreigner under temporary protection has the right to submit a request for international protection, and the Ministry of the Interior can conclude the process of the request even after the

cessation of temporary protection. Specifically, the Ministry of the Interior can decide on the request for international protection after the temporary protection has ended.

However, a foreigner under temporary protection:

- cannot exercise the rights of an applicant for international protection while temporary protection is in place; and
- is obliged to comply with the obligations of an applicant for international protection (see more: "[About the rights and obligations of asylum seekers and asylees](#)"), which includes the obligation to remain in the territory of the Republic of Croatia during the process of seeking international protection.

3. I passed through Poland or another EU Member State before entering the Republic of Croatia. If I seek international protection in Croatia, will I be sent back to Poland or another EU Member State because it was the first EU country I entered?

[Regulation No. 604/2013](#), or the so-called Dublin III Regulation, establishes the criteria and mechanisms for determining the Member State responsible for examining an application for international protection.

According to this regulation, when a person holds a valid residence permit in Croatia, which includes a foreigner's temporary protection card, Croatia will be considered the responsible Member State to conduct the procedure for examining the application for international protection, except in cases of exceptions based on minor status, family ties, or other situations provided for in the Dublin III Regulation.

When a person who does not have a valid residence permit in Croatia requests international protection, Croatia can examine whether there is a possibility to return the person to another member state of the European Union and can make a decision that Poland (or another member state) is responsible for deciding on the request.

4. I want to apply for international protection in Croatia. What is the procedure?

I. Expression of intent (Art. 33 of the Croatian Act on International and Temporary Protection)

Where?

- a)** At the border, immediately upon entry into Croatia (at the border crossing point with the first police officer).
- b)** If the person is on Croatian territory, at a police station/administration or at the Reception Centre for Foreigners.
- c)** Exceptionally at the Reception Centre for Asylum Seekers.

How?

Express the need for international protection due to danger to life or persecution, without delay, orally or in writing, signed and written in any language.

What is important to know?

- a) You can also apply for protection when irregularly crossing a national border or during an irregular stay without delay if you justify the reasons of irregular crossing or stay;
- b) You have the right to an interpreter;
- c) After expressing the intent to apply for protection, the police will take your fingerprints and photos if you are more than 14 years old;
- d) By expressing your intent, you become an applicant for international protection and acquire rights;
- e) You will be provided accommodation at Porin Reception Centre for International Protection Applicants, or exceptionally in the reception centre Ježevo or transit reception centres for foreigners Trilj/Tovarnik.

5. Lodging the application for international protection (Art. 34 of the Croatian Act on International and Temporary Protection)

Where and how? The application must be submitted in person at the Reception Centre by giving a statement for the record, in the presence of an interpreter for the language you can communicate in and understand. You can ask for the officer and/or the interpreter to be of the same sex as you.

What will they ask me? The officer will enquire about your personal data, how you travelled to Croatia and the reasons why you are applying for protection. This includes a detailed description of the circumstances of persecution from your country of origin, what you experienced in your country of origin, the reasons for leaving your country, who the actors of persecution are, and other reasons that prevent you from returning to your country of origin or for which your return would put you in danger.

What do I get after lodging my application? Once the application has been lodged, you will get the applicant card, confirming your right of residence and your address of residence in the Republic of Croatia for the duration of the procedure.

6. Interview with the applicant (Art. 35 of the Croatian Act on International and Temporary Protection)

When and how?

After a certain period of time, usually a few weeks, you will be invited to an interview with an officer of the Ministry which you must attend in person, regardless of whether you have a legal representative or proxy. An interpreter for the language you speak and understand will also participate in the interview. At your request, the officer and the interpreter can be of the same sex as you, but you have to notify the officer about that before they take your application for international protection. If necessary, you may be invited to more than one interview.

What information do I need to provide?

The interview is very important in deciding about the status of your application for international protection. You need to state all the facts and circumstances relevant to your

application truthfully and fully. Their questions will be related to the reasons given in your application and you are required to provide more detailed explanations, which must be plausible and convincing. Bring to the interview all available documents and evidence in support of your application which may substantiate your testimony.

7. Assessment of facts and circumstances

What does the decision on my application depend on?

When taking a decision, the following shall be assessed:

1. your statements and submitted evidence;
2. circumstances in your country of origin, including the country's laws and regulations and reports from organisations and European bodies dealing with the protection of human rights;
3. your position and personal circumstances;
4. activities after you left your country of origin;
5. possibility of effective protection in another part of your country of origin;
6. safety assessment.

8. Decision on international protection

Who decides on my application?

The Department for International Protection Procedure of the Ministry of the Interior (Ministry of the Interior, Administration for Immigration, Citizenship and Administrative Affairs, Sector for Foreigners and International Protection, Service for International Protection, Department for International Protection Procedure) decides at the first instance.

The procedure manager, on behalf of the Ministry of the Interior, conducts an interview with you. Usually, during the initial interview and submission of the request for international protection ("first interview"), the procedure manager is not present, but she is present at the second and every subsequent interview conducted with you regarding the request for international protection.

How long do I have to wait for a decision to be made?

The Ministry shall issue a decision no later than six months from the date of submission of a duly completed application.

This deadline can be extended:

- a) **for nine months** due to the complexity of the application, a large number of concurrent applications and in case you were acting contrary to your obligations as an applicant for international protection;
- b) **for another three months** to ensure a thorough examination of your application.

The decision shall be taken no later than 21 months from the date of submission of the application if, due to the temporary uncertain situation in the country of origin, it cannot reasonably be adopted within 18 months.

9. What are the possible outcomes of the decision?

The decision delivered in person to you or to your authorised representative may:

1. approve your application:

- a) and grant you asylum;
- b) only granting you subsidiary protection.

2. reject your application:

- a) if you do not meet the conditions for asylum or subsidiary protection;
- b) if the conditions for exclusion of asylum or subsidiary protection are met (See: The decision states that the conditions for asylum have been met, but the protection has not been granted. Why?)
- c) if the application is unsubstantiated, for example due to submission of information not relevant to the decision-making or false information.

3. dismiss your application because:

- a) you have been granted international protection in another EU Member State;
- b) you have been granted international protection in a third country where you have guaranteed rights and basis for readmission;
- c) the concept of a safe third country or safe European third country can be applied;
- d) if you are a citizen of another EU country;

Additionally, the application can be dismissed if another EEA country has been identified as responsible for deciding on the application.

4. discontinue the procedure (See: What actions can lead to the discontinuation of the procedure for deciding on my application for international protection?)

10. What are my options in case of a negative decision?

Once the decision has been served, you may bring an action against the decision before the Administrative Court within the specified period. With the decision, you will also receive a list of lawyers and legal aid providers who can provide legal aid free of charge.

11. What actions can lead to the discontinuation of the procedure for deciding on my application for international protection?

The procedure for granting international protection will be discontinued if you withdraw your application. By law, you are deemed to have waived your application if you:

- 1. do not appear at the Reception Centre or avoid submitting the application and you do not justify your absence within two days of the scheduled date for arrival at the Reception Centre or the date set for submitting the application;
- 2. do not respond to the invitation for an interview and you do not justify your absence within two days;
- 3. leave your place of residence for more than two days without the consent of the Reception Centre;
- 4. waive your application.

You may bring an action against this decision before the administrative court within eight days from the date you received the decision.