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# THE CROATIAN PARLIAMENT

2473

Pursuant to Article 88 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 13 July 2007.

Class: 011-01/07-01/87  
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Zagreb, 18 July 2007

The President of the Republic of Croatia  
**Stjepan Mesić**, m. p.

## THE ALIENS ACT

### I GENERAL PROVISIONS

#### Article 1

This Act regulates conditions for the entry, movement, stay and work of aliens in the Republic of Croatia.

The provisions of this Act relating to the stay and work of aliens shall not apply to the members of diplomatic missions and consular posts, to the members of the missions of the organisations of the United Nations and other specialised institutions of the United Nations, the members of the missions of international organisations accredited in the Republic of Croatia and the members of their families or household.

In this Act, certain nouns are in the masculine gender, but are used as neutral to cover both the masculine and feminine grammatical gender.

#### Article 2

Within the meaning of this Act, an alien shall be any person who is not a Croatian national.

An alien with multiple nationality shall be regarded as a national of the state that issued the travel paper he used to enter the Republic of Croatia.

### **Article 3**

During their movement and stay in the Republic of Croatia, aliens shall adhere to the laws and regulations, and to the decisions of state bodies.

### **Article 4**

A security check on an alien for the purpose of determining reasons of national security shall be carried out by the Security Intelligence Agency.

## **II TRAVEL PAPERS**

### **Article 5**

Travel papers within the meaning of this Act means the foreign travel paper and the travel paper for aliens.

### **Article 6**

A foreign travel paper shall be the document that the competent body of another state issues to its nationals or aliens for travel abroad.

### **Article 7**

An alien who is registered in the travel paper of another person may enter and leave the Republic of Croatia only with the person in whose travel paper he is registered.

Aliens who have a joint passport may enter and leave from the Republic of Croatia only together and must have a document that contains their photograph that can be used to confirm their identity. The group leader shall have his personal passport.

### **Article 8**

Aliens under age who enter or leave from the Republic of Croatia without their legal representative shall have with them a legalised consent provided by their legal representative.

### **Article 9**

Alien travel papers shall be the *laissez-passer* for aliens and the travel paper for stateless persons.

Travel papers for asylees means a travel paper for aliens, which is issued in accordance with the provisions of the Asylum Act.

### **Article 10**

Travel papers for aliens shall be issued to persons who have turned 14 years of age.

Persons under 14 years of age shall be registered in the alien travel paper of one of the parents or in the travel paper of their legal representative.

Exceptionally, where there are well-founded reasons to do so, the alien travel paper referred to in paragraph 1 of this Article may be issued to a person who is under 14 years of age.

The travel paper for stateless persons shall be issued under the conditions laid down in international conventions.

The *laissez-passer* for aliens shall be issued with the term of validity of up to 30 days.

### **Article 11**

The *laissez-passer* for aliens shall be issued to an alien who does not have a foreign travel paper if:

1. his Croatian nationality has terminated – for going abroad,
2. the state of his nationality does not have its diplomatic mission or consular post in the Republic of Croatia and its interests are not represented by another state – for going abroad,
3. he has lost his asylee travel paper or travel paper for stateless persons abroad, and which had been issued by the police directorate or police station – for returning to the Republic of Croatia,
4. he is in the procedure of deportation – for going abroad.

### **Article 12**

The *laissez-passer* for aliens shall be issued:

1. in the events referred to in Article 11, items 1, 2 and 4 of this Act – by the police directorate or police station according to the temporary residence or permanent residence of the alien,
2. in the events referred to in Article 11, item 3 of this Act – by the diplomatic mission or consular post of the Republic of Croatia on prior approval of the Ministry of the Interior (the "Ministry").

The travel paper for stateless persons shall be issued by the police directorate or police station according to the temporary residence or permanent residence of an alien.

### **Article 13**

The alien travel paper shall not be issued to an alien:

1. against whom a criminal or offence procedure is pending, unless the state body conducting the procedure has issued its approval,
2. sentenced to imprisonment or fined until he finishes the sentence or pays the fine,
3. who has not regulated his mature property and legal obligations for which there is an enforceable title,
4. if required by the reasons of public policy, national security or public health.

A *laissez-passer* for aliens may be issued to aliens in the process of deportation regardless of the existence of the circumstances in paragraph 1, items 1, 2 and 3 of this Article.

In the event referred to in paragraph 1 of this Article, an alien is entitled to appeal within 8 days of the date of service. The Ministry shall decide about the appeal.

#### **Article 14**

Whenever a police directorate or police station establishes the existence of any of the reasons referred to in Article 13 of this Act, the alien travel paper shall be seized.

The seizure of the alien travel paper shall be subject to the issuance of a decision.

An alien is entitled to appeal against the decision referred to in paragraph 2 of this Article within 8 days of the date of service. The Ministry shall decide about the appeal.

### **III VISAS**

#### **Article 15**

Visas are the approval of entry, stay or transit across the territory of the Republic of Croatia.

An alien may not work in the territory of the Republic of Croatia on the basis of a visa.

The Government of the Republic of Croatia shall prescribe the visa regime of the Republic of Croatia at the proposal of the ministry competent for foreign affairs.

The ministry competent for foreign affairs shall be the central state body for the field of visas.

#### **Article 16**

The types of visas are:

1. Air transit visa (Visa A),
2. Transit visa (Visa B),
3. Travel visa (Visa C).

#### **Article 17**

Air transit visas shall be issued to aliens for one, two or several passes through the international transit space of an airport.

Any alien who is not to leave the international transit space in between flights at an airport in the Republic of Croatia or on international flights does not require a visa.

By way of derogation from paragraph 2 of this Article, the Government of the Republic of Croatia may prescribe that the nationals of certain states and the holders of travel papers issued by the competent bodies of such states do require an air transit visa.

Air transit visas shall be issued with the term of validity of up to 3 months.

#### **Article 18**

Transit visas shall be issued to aliens for one, two, and exceptionally for several journeys across the territory of the Republic of Croatia if he has secured entry into the state to which he is travelling.

Transit visas shall be issued with the term of validity of 6 months.

Based on a transit visa, aliens may reside in the Republic of Croatia for a period of up to 5 days at each journey.

### **Article 19**

Travel visas shall be issued for one, two or several entries into the territory of the Republic of Croatia, where uninterrupted stay or total duration of consecutive stays may not exceed 90 days in the period of 6 months, counting from the date of first entry.

Travel visas shall be issued for tourist, business or other trips.

Travel visas shall be issued with the term of validity of up to one year.

By way of derogation from paragraph 3 of this Article, visas for several entries may be issued with a longer term of validity, but not for a period exceeding 5 years, as decided by the ministry competent for foreign affairs.

### **Article 20**

Any group of aliens ranging from 5 to 50 persons may receive a transit visa or a travel visa in their joint travel paper, provided that the members of the group enter the territory of the Republic of Croatia, reside in it and leave it as a group.

The leader of the group must have a personal passport in which a visa is entered, if necessary.

The travel visa referred to in paragraph 1 of this Article may be issued for one entry only and for stay of up to 30 days.

### **Article 21**

Aliens shall obtain a visa prior to their entry into the Republic of Croatia.

Visas shall be issued by diplomatic missions or consular posts of the Republic of Croatia.

Before the issuance of a visa, in cases referred to in subordinate legislation diplomatic missions or consular posts shall request a prior approval of the body referred to in Article 15, paragraph 4 of this Act.

Before the issuance of the approval referred to in paragraph 3 of this Article, in cases referred to in subordinate legislation the body referred to in Article 15, paragraph 4 of this Act shall request an opinion of the Ministry and of the Security and Intelligence Agency.

Exceptionally, if required because of humanitarian, serious professional or personal reasons, the police station competent for the control of crossing the state border may issue:

1. a travel visa for a single entry and stay of up to 15 days,
2. a transit visa for a single transit up to 5 days,
3. a transit visa to a sailor or group of sailors.

### **Article 22**

Visas shall be entered in valid travel papers in the form of a sticker.

By way of derogation from paragraph 1 of this Article, if the travel paper does not have space for the sticker visa or the travel paper is not valid for crossing the

state border, the visa may be entered on the form for entering visas if required by humanitarian reasons, national interests or the international obligations of the Republic of Croatia.

The form referred to in paragraph 2 of this Article shall be issued by the diplomatic mission or consular post of the Republic of Croatia on prior approval of the Ministry or by the police station competent for controlling the crossing of the state border.

### **Article 23**

The term of validity of the travel paper in which a visa is to be entered must be at least 3 months longer than the term of validity of the visa.

By way of derogation from paragraph 1 of this Article, if required by humanitarian reasons, national interests or the international obligations of the Republic of Croatia, a visa may be entered in the travel paper the term of validity of which is shorter, provided that the term of validity of the visa is not longer than the term of validity of the travel paper and that the return of the alien to the state of his of temporary residence or his entry in a third country is ensured.

### **Article 24**

Visas may not be extended.

Exceptionally, travel visas may be extended by reason of force majeure, humanitarian, serious professional or personal reasons.

The application for extending a travel visa shall be submitted to the police directorate or police station before the expiration of the term of validity of the visa, which application is within the competence of the Ministry.

Until the adoption of a decision extending the visa, the alien may reside in the territory of the Republic of Croatia.

### **Article 25**

Visas shall not be issued if:

1. there are reasons referred to in Article 34 of this Act,
2. the alien has already resided in the Republic of Croatia for a period of 90 days, and 6 months since his first entry have still not elapsed,
3. at the request of the diplomatic mission or consular post, the alien fails to enclose the documents proving the purpose and conditions of his stay,
4. the alien fails to personally respond to a call from the diplomatic mission or consular post.

By way of derogation from paragraph 1 of this Article, visas may be issued if required by humanitarian reasons, national interests or the international obligations of the Republic of Croatia.

### **Article 26**

An alien shall be notified in writing about the reason why the visa is not to be issued.

An appeal against the decision referred to in paragraph 1 of this Article shall not be permissible.

### **Article 27**

A police station competent for controlling the crossing of the state border may shorten the term of validity of the visa during the border check if established that the alien does not have sufficient funds to support himself.

### **Article 28**

Visas shall be nullified if:

1. there are reasons referred to in Article 34 of this Act,
2. it is established that the alien no longer meets the conditions on the grounds of which the visa was issued,
3. it is subsequently established that the alien did not meet the conditions on the grounds of which the visa was issued.

Visas may be nullified by a police directorate or police station or by a diplomatic mission or consular office of the Republic of Croatia.

## **IV ENTRY AND DEPARTURE OF ALIENS**

### **Article 29**

An alien shall be deemed to have entered the Republic of Croatia when he crosses the place where border checks are performed at the state border, and in other cases when he crosses the border line.

### **Article 30**

An alien shall undergo a border check on entry and departure from the Republic of Croatia.

The border check referred to in paragraph 1 of this Article shall be performed in accordance with the law regulating the supervision of the state border, and shall also involve the determination of the reasons referred to in Article 34 of this Act.

### **Article 31**

An alien may be granted entry to the Republic of Croatia if:

1. he holds a valid travel paper or some other document used to cross the state border,
2. he holds a valid visa or a valid stay permit, if necessary,
3. he justifies the purpose and conditions of entry and stay and if he possesses funds for supporting himself during his stay in the Republic of Croatia and for his return to the state from which he had arrived or for travelling to a third country,
4. the prohibition of entry and stay in the Republic of Croatia has not been issued against him,
5. he does not represent a danger for public policy, national security or public health.

### **Article 32**

The Government of the Republic of Croatia may lay down that the nationals of certain states may enter and depart from the Republic of Croatia even on the basis of a valid personal identity card, or some other document used to prove their identity and nationality, provided that that they meet the conditions referred to in Article 31, paragraph 1, items 2, 3, 4 and 5 of this Act.

The Government of the Republic of Croatia may lay down that under certain conditions, the nationals of certain states may enter and depart from the Republic of Croatia if they hold a valid travel paper which includes a valid stay permit issued by one of the Schengen states or a valid Schengen visa type C, provided that that they meet the conditions referred to in Article 31, paragraph 1, items 2, 3, 4 and 5 of this Act.

An alien may enter the Republic of Croatia based on the form referred to in Article 22 of this Act, provided that the conditions referred to in Article 31 of this Act are met.

### **Article 33**

Exceptionally, an alien who does not meet the conditions referred to in Article 31 of this Act may be granted entry to the Republic of Croatia at a specific border crossing point if so required by serious humanitarian reasons, national interests or the international obligations of the Republic of Croatia.

### **Article 34**

An alien shall not be granted entry to the Republic of Croatia if:

1. he does not meet the conditions referred to in Article 31 of this Act,
2. there is a well-founded reason to believe that his stay will not be used for the intended purpose,
3. he tries to enter the Republic of Croatia before the expiration of the term referred to in Article 35, paragraph 4, Article 43, paragraph 4, Article 55, paragraph 5, and Article 85, paragraph 5 of this Act,
4. he has previously not settled the costs incurred during his deportation,
5. he is in transit and does not meet the conditions for entry into a third country,
6. he does not pay a fine issued in the Republic of Croatia.

### **Article 35**

An alien shall be notified about the refusal of entry by the police station competent for controlling the crossing of the state border.

An alien shall be entitled to appeal against the refusal of entry within 8 days.

An appeal shall be submitted to the Ministry through the competent diplomatic mission or consular post of the Republic of Croatia. An appeal shall not postpone enforcement.

An alien who was refused entry may not enter the Republic of Croatia before the expiration of at least two days of the refusal of entry.

### **Article 36**

An alien shall be deemed to have entered the Republic of Croatia illegally if:

1. he crosses the state border outside the place or time designated for crossing

- the state border,
2. he avoids border control,
  3. he enters the Republic of Croatia during the prohibition of entry and stay in the Republic of Croatia,
  4. he enters with a visa or stay permit issued on the basis of a fraudulent application,
  5. he enters on the basis of a false, forged travel paper or other document necessary for entry.

### **Article 37**

Aliens may freely depart from the Republic of Croatia.

By way of derogation from paragraph 1 of this Article, an alien shall be prohibited to depart from the Republic of Croatia if:

1. he does not meet conditions for entry into another state,
2. during his departure from the Republic of Croatia, he uses another person's or forged travel or other document,
3. there is a well-founded reason to believe that he intends to flee criminal prosecution or prosecution for an offence, the serving of punishment or some other criminal sanctions, or sanctions for an offence, arraignment or enforcement of a mature property obligation or mature contributions and tax obligations.

### **Article 38**

An alien who has multiple nationality shall leave the Republic of Croatia with the travel paper he used to enter the Republic of Croatia.

### **Article 39**

A carrier may take an alien to the border crossing point or to the Republic of Croatia if the alien has a valid travel paper or another document intended for crossing the state border, a valid visa or stay permit.

The carrier who transports an alien contrary to paragraph 1 of this Article shall take him away from the border crossing point or from the Republic of Croatia without any delay and bear the cost of such transport himself, or find some other way of transport and bear the cost of such transport himself, or, if some other way of transport is not possible immediately, the carrier shall assume the costs incurred during the stay and return of the alien.

The provision of paragraph 2 of this Article shall not refer to a carrier who has transported an alien in transit:

1. if the carrier who should have taken him to the country of destination has refused to do so, or
2. if he is prohibited to enter the country of destination.

### **Article 40**

If the alien resides in the Republic of Croatia illegally and does not have means to fund his own return, the costs of the return of the alien shall be borne by the organiser of tourist or business trips to the Republic of Croatia who organised the visit of the alien to Croatia if it has been established that the illicit stay of the alien is a

consequence of an omission by the organiser.

#### **Article 41**

It is prohibited to assist an alien in illegal crossing of the state border, in transit across the state territory if the alien has entered the Republic of Croatia illegally, and in illegal stay.

### **V STAY OF ALIENS**

#### **Article 42**

The stay of aliens means:

1. short-term stay,
2. temporary stay,
3. permanent stay.

#### **Article 43**

Short-term stay shall be the stay of an alien of up to 90 days, on the basis of a visa or without a visa.

An alien who does not require a visa to enter the Republic of Croatia may reside in the Republic of Croatia for a maximum period of 90 days over a period of 6 months, counting from the date of his first entry.

The alien referred to in paragraph 2 of this Article who used the 90-day stay period before the expiration of the 6-month period may re-enter and reside in the Republic of Croatia after the expiration of the period of 6 months counting from the date of his first entry.

An alien whose short-term stay has been cancelled may re-enter and reside in the Republic of Croatia on expiration of 90 days counting from the date of his departure from the Republic of Croatia.

#### **Article 44**

Short-term stay shall terminate:

1. if an alien is prohibited to enter and reside in the Republic of Croatia,
2. on cancellation of his stay,
3. on expiration of the term of validity of his visa,
4. if the visa has already been used,
5. on expiration of the term referred to in Article 43, paragraph 2 of this Act,
6. if returned under an international treaty for illegal crossing of the state border.

#### **Article 45**

Short-term stay may be cancelled if:

1. an alien does not hold a valid travel paper or some other document used to cross the state border,
2. an alien does not justify the purpose and conditions of his entry and stay,

3. an alien does not have funds to support himself during his stay in the Republic of Croatia and for returning to the state from which he came or for travelling to a third country,
4. an alien does not pay a fine issued in the Republic of Croatia,
5. there is a well-founded reason to believe that his stay will not be used for the intended purpose.

The police directorate or police station shall adopt a decision about the cancellation of stay. An appeal with the Ministry is permissible against the decision within 8 days from the date of service. An appeal shall not postpone the enforcement of the decision.

#### **Article 46**

An alien who:

1. intends to reside in the Republic of Croatia for the purposes laid down in Article 51 of this Act,
  2. performs the activities referred to in Article 139 of this Act for which he does not require a working or business permit, if he intends to reside in the Republic of Croatia for a period over 30 days,
  3. performs the activities referred to in Article 141 of this Act,
- shall obtain a temporary stay permit.

A child born in the territory of the Republic of Croatia shall not require a temporary stay permit until he turns one month of age.

After a child turns one month of age, temporary stay shall be granted in the line of duty for the same period granted to one of his parents or the child's guardian or for a period until the child turns one year of age if one of the parents or the child's guardian has a permanent stay permit.

#### **Article 47**

A permit for first-time temporary stay or extension of temporary stay shall be issued with the term of validity of up to one year.

The term of validity of a travel paper must be at least 3 months longer than the term for which the permit is issued.

The temporary stay permit shall be entered in the travel paper in the form of a sticker.

By way of derogation from paragraph 3 of this Article, an alien who submits an application in the Republic of Croatia and does not hold a valid foreign travel paper shall be issued a decision approving his temporary stay until the foreign travel paper is obtained.

#### **Article 48**

An application for the issuance of a first-time temporary stay permit shall be submitted to the competent diplomatic mission or consular post of the Republic of Croatia.

An application for the issuance of a first-time temporary stay permit may be submitted to a police directorate or police station if:

1. there is a serious humanitarian reason to do so,

2. family reunification with an asylee is being requested,
3. the person in question is the holder of a scholarship within the framework of a programme approved by the ministry competent for education and science,
4. in the event of aliens referred to in Article 132, paragraph 1, items 1 and 2 of this Act.

An alien referred to in paragraph 2 of this Article who submits an application for the issuance of a first-time temporary stay permit before the expiration of his short-term stay may remain in the Republic of Croatia until the decision concerning his application becomes final.

#### **Article 49**

An application for extending temporary stay shall be submitted to the police directorate or police station at the latest 30 days before the expiration of the expiration of the term of his valid temporary stay.

An alien who has submitted an application for extending temporary stay outside the term referred to in paragraph 1 of this Article, and before the expiration of the term of his valid temporary stay, may remain in the Republic of Croatia until the decision concerning his application becomes final.

#### **Article 50**

An application for the issuance of a temporary stay permit shall be decided upon by the police directorate or police station based on the place of temporary residence or intended residence of the alien.

For the issuance of a temporary stay permit, the police directorate or police station shall request an approval of the Ministry:

1. if the alien does not hold a valid travel paper,
2. if the permit is being requested for serious humanitarian reasons.

In the application for the issuance of a first-time temporary stay permit, the purpose of requesting the permit must be stated, and the applicant shall not change the purpose of stay during the procedure.

#### **Article 51**

The purposes used as grounds for granting temporary stay shall be:

1. family reunification,
2. work,
3. secondary school education and university-level studies,
4. scientific research,
5. humanitarian grounds.

By way of derogation from paragraph 1 of this Article, an alien may be granted temporary stay for other purposes, for a maximum period of 6 months within a single year.

#### **Article 52**

An alien shall be granted temporary stay if:

1. he has means of supporting himself;

2. he has a place to live,
3. he has health insurance, that is, if he encloses proof that he has paid the related obligations,
4. there are no obstacles referred to in Article 34 of this Act,
5. he has justified the purpose of temporary stay.

### **Article 53**

An appeal may be filed against the decision concerning an application for temporary stay within a period of 8 days from the date of service. The Ministry shall decide about the appeal.

An alien may reside in the territory of the Republic of Croatia until the decision concerning his application for temporary stay becomes final.

### **Article 54**

The temporary stay of an alien shall terminate if:

1. the prohibition of entry and stay in the Republic of Croatia is in force,
2. his stay has been cancelled,
3. the temporary stay permit has expired,
4. he fails to notify the competent body of his temporary residence within 30 days of the approval of temporary stay,
5. he resides outside the Republic of Croatia for a period longer than 30 days,
6. the purpose because of which his stay was granted, has terminated.

The police directorate or police station shall adopt a decision on the termination of temporary stay under the grounds referred to in paragraph 1, items 4, 5 and 6 of this Article.

An appeal against the decision referred to in paragraph 2 of this Article shall be permissible within a period of 8 days from the date of service. The Ministry shall decide about the appeal.

### **Article 55**

The temporary stay of an alien shall be cancelled if:

1. he is resides in the Republic of Croatia contrary to the purpose because of which the temporary stay was granted,
2. he does not have funds to support himself during his stay in the Republic of Croatia.

The police directorate or police station shall adopt a decision on the termination of temporary stay.

When making a decision on the cancellation of stay, the competent body must take into account the duration of his stay, as well as personal, family, economic and other circumstances.

An appeal against the decision referred to in paragraph 2 of this Article shall be permissible within a period of 8 days from the date of service. The Ministry shall decide about the appeal.

An alien whose temporary stay was cancelled may re-enter and reside in the Republic of Croatia on expiration of the term of 90 days counting from the date of

leaving the Republic of Croatia.

### **Article 56**

Temporary stay for the purpose of family reunification may be granted to an alien who is a member of the nuclear family of:

- a Croatian national,
- an alien who was granted a permanent stay permit,
- an alien who was granted a temporary stay permit for the purpose of scientific research,
- an alien whose temporary stay lasted for at least 2 years and who was granted temporary stay for a period of one year, and
- an alien with asylee status.

Temporary stay for the purpose of family reunification shall not be granted to family members of aliens who have been granted temporary stay for the purpose of studies, seasonal work, "au pair" work and the provision of services on behalf of a foreign employer.

Members of the nuclear family are:

1. spouses,
2. persons living in a common law marriage in accordance with the Croatian legislation,
3. children under age who have not formed families of their own, and who were born of the marriage or of the common law marriage or who were adopted, and
4. the parents or adopted parents of children under age.

By way of derogation from paragraph 3 of this Article, any other relative may also be regarded as a member of the nuclear family of a Croatian national or alien granted temporary or permanent stay and an alien with asylee status if there are special personal reasons or serious humanitarian grounds for the family reunification in the Republic of Croatia.

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

### **Article 57**

Temporary stay for the purpose of family reunification shall not be granted if the marriage is a marriage of convenience.

Circumstances which may indicate that the marriage is a marriage of convenience are as follows:

1. the spouses do not maintain their marital union,
2. the spouses do not perform their marital obligations,
3. the spouses have never met before the conclusion of marriage,
4. the spouses fail to provide consistent personal data,
5. the spouses do not speak a language that they both understand,
6. money was exchanged for the conclusion of marriage, unless the money is dowry, and the spouses come from countries where the presentation of dowry is a custom,
7. there is proof of previous marriages of convenience on the part of any of the spouses either in the Republic of Croatia or abroad.

The provisions of this Article shall apply accordingly to common law marriages.

#### **Article 58**

Temporary stay for the purpose of family reunification shall be granted to an alien if, along with the conditions referred to in Article 52 of this Act, the following conditions are met:

1. that the spouses or common law partners are not married or that they are not in a stable long-standing relationship with another person;
2. if the stay of an alien based on whose status the issuance of a temporary stay permit for the purpose of family reunification is requested has not expired, and the conditions for the issuance of the stay permit referred to in Article 61 of this Act are still not met.

By way of derogation from paragraph 1 of this Article, a member of the nuclear family of an asylee submitting an application for the issuance of a temporary stay permit for the purpose of family reunification shall not be required to meet the conditions for the issuance of the permit laid down in Article 52, paragraph 1, item 1, 2 and 3 of this Act.

#### **Article 59**

A temporary stay permit for the purpose of family reunification shall be issued for a period of up to one year or until the expiration of the term of validity of the temporary stay permit of the alien with whom reunification is sought.

#### **Article 60**

Any alien who is granted temporary stay for the purpose of family reunification shall have the right to education, further training, work and self-employment, in accordance with the provisions of this Act.

#### **Article 61**

Any alien granted temporary stay for the purpose of family reunification lasting for an uninterrupted four-year period at least shall be granted autonomous stay, provided that he meets the conditions referred to in Article 52, paragraph 1, items 1 to 4 of this Act.

Temporary stay referred to in paragraph 1 of this Article may be granted to a spouse or common-law partner, a child who has come of age or to a parent and an adopted parent of children under age.

Temporary stay referred to in paragraph 2 of this Article may also be granted if the person with whom the alien has requested reunification has died and also in the event of termination of the marital union which lasted for at least three years in the Republic of Croatia.

#### **Article 62**

The alien referred to in Article 61, paragraph 1 of this Act shall have the right to education, further training, work and self-employment, in line with the provisions of this Act.

### **Article 63**

Temporary stay for the purpose of work shall be granted to an alien who meets the conditions referred to in Article 52 of this Act and who holds a working or business permit or intends to reside in the Republic of Croatia for a period longer than 30 days, and for which work he does not require a working or business permit, and an alien referred to in Article 141 of this Act.

A temporary stay permit for the purpose of work shall be issued to an alien for the same time period for which his working or business permit was issued, but for a period of up to one year at most.

### **Article 64**

An alien granted temporary stay for the purpose of work in order to perform seasonal work may reside in the Republic of Croatia for at most 6 months over a time period of one year and must reside outside the Republic of Croatia for at least 6 months before he is admitted once again to enter and reside for the purpose of work.

A seasonal worker within the meaning of this Act shall be an alien who lives in a state of his nationality or in a state that granted permanent stay and who has concluded a contract on the performance of a specific activity over a specific period of time with an employer having his registered office in the Republic of Croatia.

The alien referred to in paragraph 1 of this Article may not submit an application for the granting of temporary stay for any other purpose.

### **Article 65**

Temporary stay for the purpose of secondary education shall be granted to an alien who along with the conditions referred to in Article 52 of this Act also meets the following conditions:

1. he is enrolled in an institution conducting secondary education programmes,  
or
2. he is participating in a recognised student exchange programme conducted by an authorised organisation.

Temporary stay referred to in paragraph 1 of this Article may be granted if the legal representative of the minor has given his consent.

The temporary stay permit for the purpose of secondary education shall be issued with the term of validity of up to one year.

### **Article 66**

Temporary stay for the purpose of studies shall be granted to an alien studying at a higher education institution in the Republic of Croatia and meeting the conditions laid down in Article 52, paragraph 1, items 1, 2, 4 and 5 of this Act.

The temporary stay permit for the purpose of studies shall be issued with the term of validity of up to one year, that is, until the end of the academic year.

### **Article 67**

Temporary stay for the purpose of scientific research shall be granted to an alien if he has a visiting contract and meets the conditions referred to in Article 52 of this Act.

The temporary stay permit for the purpose of scientific research shall be issued with the term of validity of up to one year.

An alien who has concluded a contract on being a guest in a particular country that is a member of the European Economic Area (hereinafter the "EEA") and based on which he was granted stay in the state concerned may reside in the Republic of Croatia for a period of up to 90 days in order to conduct his research, provided that he has funds to support himself and does not represent a danger for public policy, national security and public health.

### **Article 68**

Temporary stay under humanitarian grounds shall be granted to an alien in the following cases:

1. if he has the status of a victim of trafficking (hereinafter the "victim")
2. if he is a minor who was abandoned or who was a victim of organised crime or who remained without parental protection, guardianship or escort for some other reasons,
3. under other well-founded grounds of humanitarian nature.

An alien being granted stay under humanitarian grounds shall not be required to meet the conditions referred to in Article 52, paragraph 1 of this Act.

By way of derogation from paragraph 2 of this Article, an alien shall not represent a danger for public policy, national security and public health.

### **Article 69**

The first-time stay permit under humanitarian grounds in the event referred to in Article 68, paragraph 1, item 1 of this Act shall be issued with the term of validity from 6 months to one year and may be extended.

### **Article 70**

The identification of the victim shall be made by the Ministry in cooperation with civil society organisations and, in the event of a victim who is under age, the Ministry shall cooperate with the ministry competent for social welfare.

The status of a victim shall be acquired by accepting to participate in an assistance and protection programme, of which the operative team of the National Committee for the Suppression of Trafficking in Persons (hereinafter the "Operative Team") shall notify the Ministry.

The assistance and protection programme shall include health and psychosocial protection, safe accommodation, translation and interpretation services, legal assistance and a safe return to the country of origin.

The status of a victim shall terminate if a person who has acquired the status based his testimony on false facts, if the circumstances based on which he acquired the status have terminated or if he acts contrary to the rules laid down in the assistance and protection programme. The Operative Team shall notify the Ministry of the termination of the status of a victim.

### **Article 71**

An alien identified as a victim shall be entitled to decide whether to participate in the assistance and protection programme within a term of 30 days.

The guardian of a minor identified as a victim shall be entitled to decide whether to participate in the assistance and protection programme within a term of 90 days, bearing in mind the best interests of the minor and taking into account the opinion of the minor.

The deadline referred to in paragraph 1 of this Article need not be complied with if it is established that the alien identified as a victim is not a victim or if he actively, voluntarily and on his own personal initiative renewed his contacts with the perpetrators of the criminal offences or if required by reasons of protecting public policy and national security.

### **Article 72**

A victim granted temporary stay shall be entitled to:

1. safe accommodation,
2. health protection,
3. financial assistance,
4. education,
5. work.

Safe accommodation means a place where the victim is protected from the influence of the person suspected of having committed the criminal offence.

The amount of financial assistance shall be set by the body competent for social welfare.

A victim who is employed or has financial means or whose living costs are ensured in some other way shall not be entitled to financial assistance.

Special care shall be taken of pregnant women and people with disability as particularly vulnerable groups of victims.

### **Article 73**

All bodies involved in the assistance and protection programme of a victim-minor shall bear in mind the best interests of the minor.

If the victim is a minor referred to in paragraph 1 of this Article, the Ministry shall take the necessary measures to determine his identity, nationality and to locate other members of his family.

The body competent for social welfare shall appoint a guardian for the victim-minor.

### **Article 74**

Temporary stay under humanitarian grounds shall terminate if:

1. the victim has lost the victim status,
2. it is established that the victim is abusing his position,
3. required by reasons of protecting public policy, national security and public health.

When deciding about the termination of temporary stay of a victim-minor, an opinion of the competent body for social welfare shall be requested.

### **Article 75**

The safe return of an alien who has the victim status shall be conducted by the Ministry taking into account his rights, safety and dignity. If possible, the return should be voluntary.

Minors who are the victims of trafficking shall not be returned to any state if, after an evaluation of the risks and safety, there are indications that the return would not be in the best interests of the minor.

### **Article 76**

Temporary stay under humanitarian grounds referred to in Article 68, paragraph 1, items 2 and 3 of this Act shall terminate if the purpose because of which temporary stay was granted to an alien terminates or if required by reasons of protecting public policy, national security and public health.

### **Article 77**

Aliens referred to in Article 68, paragraph 1, items 1 and 2 of this Act, who were granted temporary stay under humanitarian grounds, may not submit an application for the issuance of a temporary stay permit for any other purposes.

### **Article 78**

Permanent stay may be granted if an alien had approved temporary stay for an uninterrupted period of 5 years before the submission of the application.

It shall be deemed that an alien had an uninterrupted stay in the Republic of Croatia if his several-time absence from the Republic of Croatia within a period of five years is not longer than 10 months, that is, if his one-time absence from the Republic of Croatia within a period of five years is not longer than 6 months.

As of the date of submission of an application for permanent stay until the date of deciding about the application, the alien must have approved temporary stay in the Republic of Croatia.

### **Article 79**

The time required for granting permanent stay referred to in Article 78 paragraph 1 of this Act shall not include:

1. the period of temporary stay for the purpose of work approved to seasonal workers and "au pair" work,
2. the period of temporary stay for the providers of services on behalf of a foreign employer,
3. the time spent serving one's prison sentence.

"Au pair" work within the meaning of this Act means the job of taking care of children and residing with a family for the purpose of learning the Croatian language.

### **Article 80**

By way of derogation from Article 78 of this Act, permanent stay may be granted to an alien on temporary stay who is returning to the Republic of Croatia under the

Programme of returning of and providing housing to refugees and displaced persons, and who meets the conditions referred to in Article 83, paragraph 1, items 1, 3 and 5 of this Act.

Depending on the purpose because of which permanent stay is being applied for, at the request of the Ministry the competent ministry shall forward its opinion on the existence of the reasons referred to in paragraph 1 of this Article within 15 days.

### **Article 81**

An alien on permanent stay shall be entitled to:

1. work and self-employment,
2. occupational training,
3. education and student scholarships,
4. social welfare, the rights arising from pension, health insurance and the right to child allowance,
5. tax benefits,
6. access to the market of goods and services,
7. the freedom of association and the freedom to connect and to be a member in organisations representing employees or employers or organisations whose members perform a special occupation, including to the remuneration provided by such organisations.

An alien shall exercise the rights in accordance with the regulations that regulate the fields referred to in paragraph 1 of this Article.

### **Article 82**

An application for the issuance of a permanent stay permit referred to in Article 78 of this Act shall be submitted to the police directorate or police station in the place of residence of the alien, and shall be decided upon by the Ministry.

An appeal shall not be permissible against a decision of the Ministry, but an administrative dispute may be initiated.

### **Article 83**

Permanent stay shall be granted to any alien who, along with the conditions referred to in Article 78 of this Act:

1. has a valid foreign travel paper,
2. has the means of supporting himself,
3. has health insurance,
4. knows the Croatian language and the Latin script,
5. does not represent a danger for public policy, national security or public health.

The testing of the knowledge of the Croatian language and Latin script may be conducted by higher education institutions that organise Croatian language courses based on the permission of the ministry competent for higher education, in line with

their general act.

#### **Article 84**

Permanent stay shall terminate if:

1. an alien is prohibited from entering and residing in the Republic of Croatia,
2. an alien moved out of the Republic of Croatia or resided abroad without interruptions for a period longer than a year,
3. his permanent stay is cancelled.

In the event referred to in paragraph 1, items 1 and 2 of this Article, the decision terminating permanent stay shall be adopted by the Ministry, upon the proposal of the police directorate or police station.

The decision referred to in paragraph 2 of this Article may be adopted without a previous interview with the alien concerned.

An appeal may not be lodged against the decision referred to in paragraph 2 of this Article; however, an administrative dispute may be initiated.

#### **Article 85**

Permanent stay may be cancelled if:

1. it is established that an alien has knowingly provided untrue data or knowingly hid the aim and the circumstances that were important for approving permanent stay,
2. an alien has been sentenced to unconditional imprisonment in the duration of up to one year because of a criminal offence committed with intention,
3. required by reasons of protecting public policy, national security or public health.

Personal, family, economic and other circumstances shall be taken into account when a decision on cancelling permanent stay is adopted.

The police directorate or police station shall adopt a decision about the cancellation of stay.

An appeal against the decision may be filed with the Ministry within 8 days from the date of service.

An alien whose permanent stay has been cancelled may re-enter and reside in the Republic of Croatia following a period of 90 days counting from the date of having left the Republic of Croatia.

## **VI MEASURES FOR LEAVING THE REPUBLIC OF CROATIA**

#### **Article 86**

Any alien residing in the Republic of Croatia illegally shall leave the Republic of Croatia immediately or within the designated term.

The deadline referred to in paragraph 1 of this Article shall be set:

- if the legal stay of an alien has terminated pursuant to a decision of the Ministry, police directorate or police station, unless during the procedure of deportation he requested asylum, and asylee status was not recognised

- if there are humanitarian or other well-founded reasons.

An alien referred to in paragraph 2 of this Article shall report to a police officer at the border crossing point.

When setting the term for leaving the Republic of Croatia, the time within which an alien can do so shall be taken into account, but the term may not exceed 30 days.

#### **Article 87**

An alien is residing in the Republic of Croatia illegally if:

1. he entered the Republic of Croatia illegally,
2. he does not hold a valid visa or stay permit in the Republic of Croatia, if one is required,
3. he entered the Republic of Croatia after his entry was rejected or his stay cancelled, unless provided otherwise by this Act,
4. he was returned to the Republic of Croatia pursuant to an international treaty for crossing the state border illegally.

An alien shall not be deemed to be residing illegally if he has a valid stay permit in the Republic of Croatia, although the conditions referred to in paragraph 1 of this Article are met.

An alien shall have the burden of proof to prove the legality of his stay.

#### **Article 88**

An alien may be subject to expulsion from the Republic of Croatia if he represents a danger for public policy, national security or public health.

The decision on expulsion shall be:

- a judgment of the court issuing the security measure of expulsion of an alien from the country,
- a decision of the minor offences court issuing the protective measure of expulsion of an alien from the country,
- a decision on expulsion adopted by the Ministry, police directorate or police station.

#### **Article 89**

The alien referred to in Article 88, paragraph 1 of this Act may be expelled by the Ministry, police directorate or police station particularly if:

1. his stay is illegal,
2. he has crossed or attempted to cross the state border illegally,
3. he has concluded a marriage of convenience,
4. he has violated the regulations on employment and work of aliens,
5. he has violated the regulations on public order and peace, weapons, abuse of narcotics or customs levies and taxes,
6. he has committed a criminal offence that is prosecuted in the line of duty,
7. a legally effective decision has been issued against him abroad for a serious criminal offence, which is also punishable under the Croatian regulations,
8. he repeats an offence.

In the event referred to in paragraph 1, items 1 and 2 of this Article, an alien may be expelled even without the holding of a procedure for the offence concerned.

When making a decision on expulsion referred to in paragraph 1 of this Article, personal, family, economic and other circumstances shall be taken into account.

An alien on:

1. permanent stay,
  2. temporary stay in the Republic of Croatia for an uninterrupted period of 10 years,
  3. temporary stay, and married to a Croatian national or to an alien with permanent stay,
  4. a minor with temporary stay living with his legal representative who is a Croatian national or an alien with permanent stay,
- shall be expelled only if one of the conditions referred to in Article 90 of this Act is met.

### **Article 90**

The Ministry, police directorate or police station shall expel an alien if:

1. because of a criminal offence committed with intent he has been sentenced pursuant to a legally effective decision to unconditional imprisonment in the duration of more than one year,
2. because of a criminal offence committed with intent he was repeatedly sentenced over the period of 5 years pursuant to a legally effective decision to unconditional imprisonment in the duration of 3 years,
3. because of a criminal offence against the values protected by international law, he was sentenced to unconditional imprisonment,
4. he represents a danger for national security.

### **Article 91**

The decision on expulsion shall be adopted by the Ministry, police directorate or police station.

The decision on expulsion stipulates the prohibition of entry and stay for an alien, which shall not be shorter than 3 months or longer than 5 years, counting from the date of exiting the Republic of Croatia.

An appeal may not be filed against the decision of the Ministry; however, an administrative dispute may be initiated.

An appeal may be filed against the decision of the police directorate or police station within 8 days from the date of service.

An appeal against the decision on expulsion of an alien whose stay is illegal or an alien on short-term stay shall not postpone the enforcement of the decision.

After 3 years from the date of exiting the Republic of Croatia, the alien may submit an application for annulling the decision on expulsion.

An application referred to in paragraph 6 of this Article may be approved only if the reasons for expelling the alien have ceased and if he has settled the costs of deportation.

### **Article 92**

State bodies, legal entities and natural persons shall notify the police directorate or police station without any delay if they have learnt that an alien is residing or working in the Republic of Croatia illegally.

The body that has initiated an offence or criminal procedure against an alien for offences prosecuted in the line of duty shall immediately notify the police directorate or police station about the initiation and outcome of the procedure.

### **Article 93**

An alien who is residing illegally, and has not left the Republic of Croatia immediately or within the designated term, shall be deported.

An alien being deported may not interfere with the deportation process in any way.

### **Article 94**

An alien against whom a member state of the EEA has issued a legally effective decision on expulsion shall be deported:

1. if sentenced to imprisonment in the duration of at least one year, because of a criminal offence,
2. because of a suspicion to have committed or intended to commit a serious criminal offence,
3. because of violations of the regulations on the entry and stay of aliens.

The member state of the EEA in which an alien has a stay permit and the state that adopted the decision on expulsion shall be notified about the intention to deport the alien.

If a member state of the EEA nullifies the stay permit referred to in paragraph 2 of this Article, the alien shall be deported. If the stay permit is not nullified, the alien need not be deported.

The state that adopted the decision on expulsion shall be notified of the deportation.

The provisions of this Article shall not apply to the nationals of a member state of the EEA, members of their families and members of the families of Croatian nationals.

### **Article 95**

An alien shall not be deported to a state where his life or freedom would be jeopardised on account of his race, religion or nationality, membership of a particular social group or political opinion or where he might be exposed to torture or inhuman or degrading treatment or punishment and to a state where he would be in danger of deportation to such a state.

An alien under age shall not be deported if that would be contrary to the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

### **Article 96**

Upon the request of the competent bodies a member state of the EEA, the Ministry shall provide assistance in the event of transit for the purpose of deportation by air.

The request for providing assistance referred to in paragraph 1 of this Article shall be rejected:

1. if an alien being deported was accused in the Republic of Croatia of having committed a criminal offence or if a warrant for his arraignment was issued, so that he could start serving his prison sentence,
2. if it is not possible to organise transit over other states or admission in the country of destination,
3. if it is necessary to change flights in the Republic of Croatia from one airport to another,
4. if deportation is not possible because of practical reasons.
5. if the alien being deported represents a danger for public policy, national security, public health or if that would be contrary to the international interests of the Republic of Croatia,
6. in the event referred to in Article 95 of this Act.

The provision of assistance referred to in paragraph 1 of this Article shall be discontinued if the reasons referred to in paragraph 2 of this Article are subsequently discovered.

### **Article 97**

The request referred to in Article 96, paragraph 1 of this Act need not be approved if:

1. an alien may be deported by a direct flight to the country of destination,
2. the request was not submitted at the latest 2 days before transit,
3. the request was not submitted on the prescribed form,
4. the request is incomplete,
5. the transit will take more than 24 hours.

In particularly urgent and well-founded cases referred to in paragraph 1, items 1 and 2 of this Article, the request shall be approved.

### **Article 98**

The notification about the decision deciding on the request referred to in Articles 96 and 97 of this Act shall be submitted within 2 days, and in well-founded cases the term may be extended for 2 more days.

The decision rejecting the request for assistance must include an explanation.

### **Article 99**

An alien may be arraigned and detained for up to 24 hours if necessary to ensure his presence in the expulsion procedure, accommodation in the reception centre for aliens (hereinafter the "Centre") or deportation.

An alien being deported for the implementation of an international treaty on the takeover and admission of persons may be detained for up to 48 hours.

### **Article 100**

An alien shall have his freedom of movement restricted by accommodation in the Centre if:

1. he was arraigned or detained, and the process of deportation did not begin within the term of Article 99 of this Act,
2. his identity needs to be established,
3. in the events laid down in the Asylum Act.

An alien who because of health or other justified needs or reasons cannot be placed in the Centre shall be accommodated in some other appropriate manner.

#### **Article 101**

Accommodation in the Centre shall be for a period of up to 180 days.

The time of arraignment and detention referred to in Article 99 of this Act shall count as the time spent in the Centre.

The time that an alien spends outside the Centre without an approval and the time spent in prison or custody shall not count as the time spent in the Centre.

#### **Article 102**

By way of derogation from Article 101 of this Act, the accommodation of an alien in the Centre may be prolonged for another 180 days if:

1. his identity has not been established,
2. during the procedure of deportation, he requested asylum or subsidiary protection in order to prevent further deportation procedure,
3. preparations for his deportation must be completed,
4. he prevented the deportation in some other way.

An alien who applies for asylum or subsidiary protection after having been accommodated in the Centre shall remain in the Centre until the expiration of the term set for residing in the Centre or until his asylum or subsidiary protection status is approved.

#### **Article 103**

The decision on accommodation in the Centre shall be adopted by the police directorate or police station.

The decision on extending the accommodation shall be adopted by the Centre.

An appeal shall not be permissible against a decision referred to in paragraphs 1 and 2, but an administrative dispute may be initiated.

#### **Article 104**

In the procedure of deportation or accommodation in the Centre police officers shall be authorised to search an alien and his personal effects without a court warrant for the purpose of finding and taking any objects that might be used in an attack, self-injury or escape.

#### **Article 105**

An alien may not leave the Centre without an approval and shall comply with the house rules of the Centre.

#### **Article 106**

An alien who leaves the Centre without an approval, an alien justifiably suspected of wanting to leave the Centre, an alien justifiably suspected of wanting to

injure himself or others, and an alien who does not comply with the house rules, shall be subject to accommodation in the Centre under stricter police control for at most up to 30 days.

The decision on stricter police control shall be adopted by the Centre. An objection against the decision may be filed with the Ministry within 3 days.

#### **Article 107**

Accommodation in the Centre shall terminate:

1. by deportation,
2. on expiration of the time designated for the alien's accommodation,
3. if asylum, subsidiary protection or temporary or permanent stay have been granted,
4. by discharge from the Centre.

An alien shall be discharged from the Centre if the deportation cannot be conducted for justified reasons or if his identity was established subsequently, and there are no other reasons for accommodation in the Centre.

#### **Article 108**

An alien under age shall be accommodated in the Centre with his parent or other legal representative, unless it is deemed that some other type of accommodation would be better for him.

Stricter police control may also be imposed on a minor, but only together with his parent or legal representative.

If there are serious doubts as to the age of the alien who should be accommodated in the Centre, an assessment of his age can be conducted.

#### **Article 109**

An alien shall bear the cost of accommodation in the Centre and other costs incurred during his deportation.

If an alien does not have any funds, the costs referred to in paragraph 1 of this Article shall be borne by:

1. a natural person or a legal entity who smuggled or tried to smuggle the alien across the state border illegally or who helped or tried to help the alien to cross the state border illegally, to make a transit or to reside,
2. a natural person or a legal entity who assumed the obligation to bear the costs of the alien during his stay,
3. the carrier who transported the alien in accordance with Article 39 of this Act,
4. an employer who employed the alien contrary to the provisions on the work of aliens,
5. the organiser of tourist or business trips referred to in Article 40 of this Act.

The obligation to pay the costs shall also exist if an alien is not deported, unless there are reasons referred to in Article 95 of this Act.

#### **Article 110**

The amount of the costs of deportation referred to in Article 109, paragraph 2 of this Act shall be subject to the issuance of a decision.

The costs of deportation of an alien who does not have any funds, and who was deported under Article 94 of this Act shall be settled by the state that adopted the decision on deportation.

The deadline for submitting a request for the collection of costs referred to in paragraph 2 of this Article shall be one year of the date of deportation.

If more than 4 years have passed of the enforceability of a decision on deportation to the deportation of an alien, the request for the collection of costs shall not be approved.

The costs of providing assistance referred to in Articles 96 and 97 of this Act shall be collected from the state which submitted the application.

### **Article 111**

All pecuniary means shall be taken from an alien being deported, subject to the issuance of a certificate.

The pecuniary means taken from an alien shall be used to settle the costs of his deportation.

In order to ensure deportation, the travel and other documents of an alien, as well as his travel tickets, may be taken from the alien, subject to the issuance of a certificate.

### **Article 112**

Upon the consent of the Ministry, the police directorate may grant temporary stay for a period of 6 months to an alien who may not be deported or an alien who cannot be deported for reasons beyond his control, which time limit may be extraordinarily extended.

The alien referred to in paragraph 1 of this Article shall have funds to support himself and funds for his accommodation, and shall not represent a danger for public policy, national security and public health.

An alien shall be issued a document on temporary stay which he shall return before leaving the Republic of Croatia.

An alien may not leave the place of his temporary residence without an approval and shall report to the police station on a regular basis.

An alien with temporary stay shall not be released from the obligation of leaving the Republic of Croatia.

### **Article 113**

Temporary stay shall terminate:

1. on termination of the reasons referred to in Article 112, paragraphs 1 and 2 of this Act,
2. if an alien leaves the place of temporary residence without an approval,
3. if an alien fails to comply with his obligation to report to the police station,
4. if an alien was granted asylum, subsidiary protection, temporary or permanent stay.

An alien whose temporary stay has expired shall be deported or accommodated in the Centre.

## **VII. WORK OF ALIENS**

#### **Article 114**

Aliens may work in the Republic of Croatia on the basis of a work permit or operating license, unless otherwise provided for in this Act.

Aliens referred to in paragraph 1 of this Article may not start working prior to having been granted temporary stay, unless provided otherwise by this Act.

Within the meaning of this Act, voluntary service as regulated by general work regulations is regarded as work.

Carrying out preliminary activities for the establishment and registration of a company, registration of crafts or self-employment shall not be considered as work in terms of paragraph 1 of this Article.

#### **Article 115**

In line with the provisions of this Act which regulate the work of aliens in the Republic of Croatia, aliens shall be guaranteed the level of rights in relation to the employment and work conditions as provided in the labour law relations of the Republic of Croatia, that is, in collective agreements or arbitration rulings.

Guaranteed rights shall refer in particular to:

1. the stipulated maximum duration of working hours and minimum duration of rest,
2. the minimum duration of paid annual leave,
3. the minimum wage rate, including the overtime wage rate,
4. health conditions and safety at work,
5. protective measures for the employment of expecting mothers, women and minor workers,
6. prohibition of discrimination.

The rights referred to in paragraph 1 of this Article shall also be guaranteed to workers employed via temporary employment agencies.

For the purpose of protecting and exercising the right to guaranteed employment and work conditions laid down in this Article, aliens may institute legal proceedings against the employer as the legal or natural person or the service recipient before a competent court in the Republic of Croatia.

#### **Article 116**

The rights referred to in Article 115 of this Act shall not be exercised by aliens referred to in Article 139 paragraph 1 item 8 of this Act, unless they engage in activities in the building and construction branch.

#### **Article 117**

With a view to disseminating complete information on the protection and scope of rights stipulated in Article 115 of this Act and establishing necessary international co-operation, the Ministry competent for labour shall provide required reciprocal administrative co-operation and assistance to make the data on employment conditions available to all interested parties.

#### **Article 118**

An annual quota of work permits shall be set by the Government of the Republic of Croatia for the following year by 31 October of the current year at the latest, in particular as regards the extension of the already issued work permits and new employment.

The ministry responsible for labour shall make a proposal for the annual quota of work permits on the basis of the opinion of the Croatian Employment Institute, the

Croatian Chamber of Economy, the Croatian Chamber of Trades and Crafts and representatives of social partners.

The annual quota of work permits shall be determined in accordance with the migration policy and taking into account conditions on the labour market.

Within the annual quota of work permits, activities and professions where employment shall be permitted and the number of work permits for each of these activities shall be determined.

A quota for the employment of seasonal workers may, *inter alia*, be stipulated within the annual quota of work permits.

### **Article 119**

The annual quota of work permits shall not apply to work permits issued:

1. to daily migrant alien workers employed in the Republic of Croatia under reciprocity conditions;
2. to the key personnel, workers and their family members, whose status has been regulated by the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Croatia,
3. to aliens holding key positions in companies, branch offices and representative offices of foreign companies,
4. to aliens transferred as part of internal staff transfers within companies, as defined by the Protocol on the Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organisation,
5. to teachers teaching at educational institutions in the language and script of a national minority;
6. to professional athletes or sports workers, employed in the Republic of Croatia on the basis of a valid employment contract;
7. on the basis of international agreements, except for the agreement referred to in Article 141 of this Act.

Aliens referred to in Article 139 of this Act who intend to reside in the Republic of Croatia for more than 30 days per annum may be granted a work permit outside the annual quota for the period required to complete the work; that period may not, however, exceed six months.

The provision of paragraph 2 of this Article shall not apply to aliens referred to in Article 139 paragraph 1 items 1, 6, 8, 9,10 and 11 of this Act.

### **Article 120**

Within the meaning of Article 119 paragraph 1 item 3 of this Act, aliens holding key activities in companies, branch offices or representative offices of foreign companies shall be:

1. persons having a higher rank in a company, branch office or representative office, persons managing the business activities, persons under the general supervision or management of the managing board or shareholders or members of the company, and persons carrying out identical activities, including:
  - monitoring of work of the company's divisions or subdivisions;
  - monitoring and supervision of the work of other employees, that is, carrying out of supervisory or managerial tasks;
  - authorisation to employ and dismiss workers and to give recommendations related to employment, dismissal or other personnel-related tasks;
2. persons working in a company, branch office or representative office who possess required professional knowledge and/or competences indispensable for providing

services, using research equipment, applying technology or carrying out the business operations of a company, branch office or representative office.

For the purposes of this Act, daily migrant alien workers shall be nationals of a neighbouring country where they hold permanent residence, who cross the border daily in order to work for an employer in the Republic of Croatia and return to their country of origin.

#### **Article 121**

A request for granting a work permit for an alien shall be submitted by the legal or natural person offering employment to aliens (hereinafter referred to as: „the employer“).

The competent police administration or station with respect to the employer's head office shall issue a decision on the request referred to in paragraph 1 of this Article.

An appeal may be lodged against the decision referred to in paragraph 2 of this Article with the Ministry within 8 days from the date of service.

An appeal shall not be permitted against the decision on rejecting the request for granting a work permit on grounds of quota fulfilment. However, administrative proceedings may be initiated.

#### **Article 122**

Employers shall enclose the following with the request for granting a work permit for an alien:

1. an employment contract or a written confirmation about a concluded employment contract, or another appropriate contract;
2. job description or type of work and working conditions;
3. evidence on the alien's professional qualifications and skills,
4. certificate of company, branch office, representative office, and craft, association or institution registration in the Republic of Croatia;
5. certificate of the settled tax obligations and contributions;
6. a statement substantiating alien employment.

#### **Article 123**

A work permit shall not be issued if the employer violates the regulations on work, health and pension insurance or if the alien violates the provisions of this Act pertaining to the entry, stay and work of aliens.

#### **Article 124**

An employer shall be obliged to deliver an employment contract or another appropriate contract with aliens to the competent police administration or station no later than 15 days from the day of the work permit issuance.

An employment contract for performing seasonal jobs shall be concluded for the period of duration of seasonal jobs which shall, however, not exceed six months per annum.

#### **Article 125**

A work permit shall be temporary with the validity period identical to the period for which the employment contract is concluded, but shall not exceed two years.

By way of derogation from paragraph 1 of this Article, a work permit may be issued for up to two years to aliens referred to in Article 119 paragraph 1 item 4 of this Act.

A work permit for performing seasonal jobs shall be temporary for the validity period

identical to the duration of seasonal jobs, but shall not exceed six months per annum and shall not be extended.

#### **Article 126**

A request for extending a work permit shall be submitted by an employer to the competent police administration or station no later than 45 days prior to the expiry date of the work permit issued.

#### **Article 127**

Aliens to whom a work permit has been granted may only take on work in the Republic of Croatia for the performance of which he has obtained a work permit, i.e. only with those employers with whom they were able to conclude an employment contract on the basis of the work permit.

An employer may employ an alien only for work for the performance of which he has obtained a work permit.

#### **Article 128**

A work permit for aliens shall cease to be valid:

1. on the expiry date,
2. if it is revoked,
3. if the conditions on the basis of which it has been issued no longer exist.

#### **Article 129**

A work permit shall be revoked if:

1. it has been issued on the basis of false data on the employee or employer,
2. the employer fails to deliver the employment contract or another appropriate contract with an alien within the time limit prescribed by Article 124 of this Act,
3. aliens perform work, on the basis of a work permit, for which a work permit has not been issued,
4. aliens work for an employer who has failed to obtain a work permit for him,
5. the alien was not granted temporary stay or it has expired.
6. work, health and pension insurance regulations and other regulations pertaining to the activity to be performed are violated.

#### **Article 130**

In cases referred to in Article 128, paragraph 1, items 2 and 3 of this Act, a decision shall be issued the competent police administration or station.

An appeal may be lodged against the decision referred to in paragraph 2 of this Article with the Ministry within 8 days from the date of service.

#### **Article 131**

An alien whose employment contract or another appropriate contract has expired through no fault of his own shall be entitled to reside in the Republic of Croatia until the temporary stay permit expires.

If an employment contract or another appropriate contract expire and other conditions based on which a work permit has been issued cease to exist, the employer and the alien shall inform the competent police administration or station thereof within eight days.

#### **Article 132**

An operating licence shall be issued to:

1. founders of their own company entered into the Court Register, who execute business activities for the purpose of performing an activity in the Republic of Croatia,
2. craftsmen who have registered their business activity in the Republic of Croatia,
3. persons engaging in free professions,
4. aliens providing services on behalf of a foreign employer, in line with the regulations of the Republic of Croatia.

An operating licence shall be issued to persons listed under paragraph 1 items 1 and 2 of this Article if the operations of a company or a craft are conducive to an increase in the economic activity in the Republic of Croatia, to the introduction of new production processes, new equipment and modern technology, and to the creation of new jobs and the employment of domestic labour force.

An operating licence shall be issued to persons listed under paragraph 1 item 3 of this Act if they dispose of appropriate qualifications and financial means and if the performance of their activity is in the interest of the Republic of Croatia.

An operating licence shall be issued to aliens referred to in paragraph 1 items 1 and 2 of this Article only on the basis of approval by the state administrative office competent for economic affairs.

An operating licence shall be issued to aliens referred to in paragraph 1 item 3 of this Article only on the basis of approval by the state administrative office competent for the activity performed by them.

The competent state administrative offices shall be under obligation to deliver their approval as per paragraphs 4 and 5 of this Act to the Ministry within a period of 15 days.

### **Article 133**

An operating licence shall be issued to persons listed under Article 132 paragraph 1 item 4 of this Act if the provider of services is employed with the employer concerned and has appropriate qualifications, and the foreign employer has concluded a contract with a company in the Republic of Croatia, provided that the provision of services encompasses the provision of specific high technology services and that the provision of such services is in the interest of the Republic of Croatia.

The activities subject to the issue of a work permit and the performing of activities referred to in Article 139 of this Act shall not be regarded as the provision of services.

An operating licence shall be issued to aliens referred to in paragraph 1 of this Article only on the basis of approval by the state administrative office competent for the activity in which the service is provided.

The competent state administrative offices shall be under obligation to deliver their approval as per paragraph 3 of this Act to the Ministry within a period of 15 days.

### **Article 134**

The application for the operating licence shall be filed by aliens with the competent police administration or station according to the location on which a business activity is performed.

An appeal may be lodged against a decision on granting an operating licence to the Ministry within 8 days from the date of service.

An operating licence referred to in Article 132 paragraph 1 items 1, 2 and 3 of this Act shall have a validity period of one year and may be extended as long as an alien fulfils the conditions for obtaining an operating license and presents a certificate of

the settled tax obligations and contributions in the Republic of Croatia.

An operating licence with a validity period of up to six months per annum may be issued to aliens referred to in Article 133 paragraph 1 of this Act.

The application for the extension of an operating licence shall be filed by aliens to the competent police administration or station at least 30 days prior to the expiry of the valid operating licence.

Aliens listed under Article 132 of this Act may not start working prior to being granted temporary stay.

#### **Article 135**

The operating license shall cease to be valid:

1. on its expiry date,
2. if it is revoked,
3. if the conditions on the basis of which it has been issued no longer exist.

#### **Article 136**

The operating license shall be revoked in the following cases:

1. if it has been issued on the basis of false data,
2. if an alien performs an activity for which the operating license has not been issued,
3. if an alien was not granted temporary stay or it has expired.
4. if, while performing the activity, an alien violates the work, health and pension insurance regulations and other regulations which must be complied with.
5. if, within four months from the approval of temporary stay, an alien fails to start performing the activity for which the operating licence has been issued.

#### **Article 137**

Aliens holding an operating license shall be obliged to notify within 8 days from the day any conditions representing grounds for the cessation of the validity of the operating licence have occurred the competent police administration or station thereof.

#### **Article 138**

In cases as per Article 135 paragraph 1 items 2 and 3 of this Act, an issue shall be issued by the competent police administration or station.

An appeal may be lodged against the decision referred to in paragraph 1 of this Article within 8 days from the date of service. A decision on the appeal shall be issued by the Ministry.

#### **Article 139**

The following categories of aliens shall be exempted from the work permit or operating licence requirement, provided that they do not reside in the Republic of Croatia for more than 30 days during a year:

1. aliens who, in line with specific regulations, provide services in tourism on behalf of foreign employers,
2. procurators, management and supervisory board members of a company who perform certain tasks for a company and are not employed there,
3. representatives of religious communities while performing tasks exclusively related to the religious service,
4. artists and technical staff participating in opera, ballet, theatre, concert, visual arts

and other cultural events,

5. authors and film television, musical, stage, dancing and ballet performers, as well as accompanying reporting, organisational and technical staff,
6. persons participating in sports events and competitions in the Republic of Croatia,
7. experts in the area of cultural heritage protection, library and archives science,
8. aliens engaged in activities related to the delivery, assembly or service of machinery and equipment, whose work is a condition for exercising the warranty rights or is related to the delivery of machinery or equipment,
9. aliens participating in fairs or exhibitions where their employers are exhibitors,
10. aliens participating in organised professional gatherings and seminars,
11. aliens employed in circuses or amusement parks,
12. aliens performing the professional education and training of persons employed with legal entities and natural persons in the Republic of Croatia,
13. aliens attending professional training in a legal entity with its seat in the Republic of Croatia which is linked to the foreign employer in organisational terms,
14. university professors, native speakers of foreign languages, foreign-language instructors and other lecturers invited by the Croatian universities, scientists participating in scientific and professional training, scientists – representatives of international organisations, as well as scientists who will participate in scientific and research projects important for the Republic of Croatia,
15. administrative staff, experts, teachers and lecturers from foreign cultural and educational institutions, performing their tasks in the Republic of Croatia as a part of a cultural and educational co-operation programme,
16. civil and military government officials from other countries, arriving to work in the Republic of Croatia on the basis of co-operation agreements with the Government of the Republic of Croatia,
17. members of international missions doing scientific research in the Republic of Croatia approved by the Government of the Republic of Croatia,
18. foreign correspondents accredited in the Republic of Croatia or reporters of foreign media,
19. aliens performing activities or professional training pertaining to defence and home affairs on the basis of international treaties.

Aliens referred to in paragraph 1 of this Article shall not start working prior to having obtained approval on work registration without a work permit or operating licence by the competent police administration or station according to the location on which a business activity is performed.

Legal entities and natural persons using the services of aliens specified in paragraph 1 of this Article shall be bound to conclude a contract with them or to have appropriate approval.

Aliens referred to in paragraph 1 items 4, 5 and 7 of this Article shall be under obligation to deliver the contract on the performance of activities to the competent tax administration prior to the begin of contractually agreed activities.

#### **Article 140**

The following categories of aliens shall work without a work permit or an operating licence:

1. aliens who have been granted permanent stay,
2. aliens who have been granted asylum,
3. aliens who have been granted temporary stay for the purpose of family reunification with a Croatian national, a foreigner on permanent stay or an asylum

seeker,

4. human trafficking victims who have been granted temporary stay,
5. aliens who have the status of regular pupils or students in the Republic of Croatia, provided that they perform activities through the mediation of authorised agents, without employment,
6. aliens who have been granted temporary stay for the purpose of scientific research referred to in Article 67 of this Act,
7. aliens who have been granted an autonomous approval for stay in the Republic of Croatia.

#### **Article 141**

The provisions of the Act pertaining to the work of aliens shall not apply to aliens who perform activities and implement projects in the Republic of Croatia on the basis of international agreements on professional and technical assistance, which have been concluded between the Republic of Croatia and the European Union, another state or international organisation, nor to the work of volunteers working in non-profit associations and institutions in the Republic of Croatia.

### **VIII. IDENTITY DOCUMENTS**

#### **Article 142**

Aliens may prove their identity by means of:

1. a travel document,
2. a personal identity card for aliens,
3. a document issued by a shipping company to passengers on cruise ships and containing a photograph,
4. another public document containing a photograph.

Aliens shall be obliged to carry and produce a document proving their identity at the request of an official of the competent authority.

Aliens shall be obliged to present a document based on which they have entered into the Republic of Croatia at the request of a police officer.

Aliens not carrying an identity document shall present personal data at the request of a police officer.

Aliens may not allow other persons to use their documents, or they may not use invalid documents or another person's documents as their own.

#### **Article 143**

An identity card for aliens shall be issued to an alien who has been granted permanent stay and shall be valid for 5 years.

An identity card for aliens shall be issued to an alien who has been granted temporary stay, but who is not in possession of a valid travel document, for the period of validity of the approved temporary stay.

#### **Article 144**

An application for issuing an identity card for aliens may be filed by aliens who have reached 16 years of age.

Aliens referred to in Article 143 who have been granted permanent or temporary stay shall be obliged to file an application for issuing the personal identity card for aliens within 8 days from the day of obtaining approval.

#### **Article 145**

A personal identity card shall be replaced:

1. if there has been a change in the data included in the personal identity card,
2. if it does not serve its purpose due to its damaged or worn out condition,
3. if the photograph on the personal identity card no longer corresponds to the person's appearance,
4. upon the expiry of the validity period.

Aliens shall be obliged to submit an application for a replacement of the personal identity card for aliens within 8 days from the day any of the circumstances referred to in paragraph 1 have occurred.

#### **Article 146**

Aliens shall be obliged to return the identity card for aliens in the following cases:

1. emigration,
2. the stay has ceased to be valid,
3. they have acquired Croatian nationality.

#### **Article 147**

Aliens shall be obliged to report immediately the loss, disappearance or theft of the travel document of the personal identity card for aliens to the competent police administration or station according to the location or the best knowledge of the incident, and a receipt thereof shall be issued.

Aliens who have lost or in some other way misplaced the travel document for aliens or identity card for aliens abroad shall be obliged to immediately notify the nearest diplomatic mission or consular office of the Republic of Croatia thereof.

The lost identity card for aliens and travel document for aliens shall be declared invalid in the Official Gazette at the alien's expense.

#### **Article 148**

The competent police administration or station shall temporarily confiscate the document proving the aliens' identity when:

1. there is a reasonable suspicion that they have committed a criminal act subject to official prosecution or a minor offence;
2. they have failed to fulfil a due proprietary obligation at the request of the competent court or another competent authority;
3. it is necessary on the grounds of protecting the legal system, national security or public health.

The document referred to in paragraph 1 of this Article shall be confiscated as long as there are grounds for its confiscation, and a receipt thereof shall be issued.

### **IX. TEMPORARY AND PERMANENT RESIDENCE OF ALIENS**

#### **Article 149**

Temporary residence shall imply the place where an alien stays for a short-term and temporary period of time.

Permanent residence shall imply the place where an alien, holding a permanent stay permit, resides with the intention to live there.

#### **Article 150**

Aliens temporarily staying in the Republic of Croatia shall be obliged to report their temporary residence within 48 hours from their entry into the Republic of Croatia; temporary residence shall be reported by the following categories of persons:

1. legal and natural persons providing accommodation services to aliens – within 24 hours from the day of providing the accommodation service,
2. legal and natural persons providing berth services in nautical tourism ports, provided that an alien has for the first time embarked on a vessel where he shall be accommodated – within 12 hours from providing the accommodation service,
3. any other legal and natural person who provides berth services in nautical tourism ports, provided that a vessel remains on berth for more than 6 hours – within 12 hours from reaching the berth,
4. legal and natural persons renting vessels to aliens, provided that the vessel is taken over on a location where berthing is free of charge – within 12 hours from taking over the vessel,
5. health care institutions, i.e. health care workers in private practice receiving aliens for treatment - within 48 hours from the day of admission

Aliens arriving on board of foreign vessels intended for sports and entertainment and using the accommodation on board of such vessels shall be obliged to register their temporary residence to the police station competent for controlling the crossing of the state border in the port where border control is carried out at the moment of entry into the Republic of Croatia.

Legal and natural persons who rent vessels to aliens shall be obliged to immediately notify the person referred to in paragraph 1 item 2 of this Article for the purpose of temporary residence registration.

The registration referred to in paragraph 1 item 1 of this Article may be carried out by legal and natural persons through a tourist association in the municipality or city where the alien resides.

#### **Article 151**

Aliens temporarily staying in the Republic of Croatia shall be obliged to report their temporary residence and home address and any change in their temporary residence and home address to the competent authority within three days from their entry into the Republic of Croatia and from the day of changing the home address, respectively. Aliens with a permanent residence in the Republic of Croatia shall be obliged to report their permanent residence and home address and any change in their permanent residence and home address to the competent authority within eight days from the day of changing their permanent residence and home address.

#### **Article 152**

Persons referred to in Articles 150 and 151 of this Act shall be obliged to revoke the temporary or permanent residence of aliens.

#### **Article 153**

Legal and natural persons providing accommodation services to aliens shall be obliged to keep regular records on aliens for whom accommodation services are provided, in line with specific regulations.

The persons referred to in paragraph 1 of this Article shall be obliged to provide insight into the aliens' data records to an official of the competent authority.

## **X. MOVEMENT OF ALIENS IN UNIFORM**

### **Article 154**

During their residence in the Republic of Croatia, aliens may travel in foreign military uniforms if:

1. they are staying as members of a diplomatic mission or consular post of a foreign country or some other foreign mission with a diplomatic status in the Republic of Croatia as military representatives while the mission is under way,
2. they are on an official visit as members of a foreign military mission or foreign military delegation,
3. they are studying at a military school,
4. they are passing through the territory of the Republic of Croatia as members of foreign military missions or foreign military delegations with diplomatic or official passports,
5. they are participating in foreign military exercises and training.

### **Article 155**

During their stay in the Republic of Croatia, aliens may wear foreign police or customs uniforms if:

1. they are on an official visit as members of delegations of foreign police or customs authorities,
2. they are carrying out their duties on the basis of an international treaty,
3. they are studying at a police academy,
4. they are passing through the territory of the Republic of Croatia as members of foreign police or foreign customs delegations with diplomatic or official passports.

## **XI. ENTRY, STAY AND WORK OF NATIONALS OF EEA MEMBER STATES AND THEIR FAMILY MEMBERS**

### **Article 156**

Aliens holding the nationality of EEA Member States shall be regarded as nationals of EEA Member States.

The following categories shall be regarded as family members of nationals of EEA Member States:

1. the spouse,
2. the common-law spouse, in line with Croatian legislation,
3. relatives of nationals of EEA Member States and of their spouse or common-law spouse by blood in the vertical line downwards, until they have reached 21 years of age,
4. adopted children and step-children of nationals of EEA Member States or their spouse or common-law spouse, until they have reached 21 years of age,
5. persons referred to in items 3 and 4 of this paragraph who are above 21 years of age and who must be and are actually supported by nationals of EEA Member States or their spouse or common-law spouse,
5. relatives by blood in the vertical line upwards, who must be and are actually supported by nationals of EEA Member States or their spouse or common-law spouse.

Nationals of EEA Member States and their family members may work and provide

services in the Republic of Croatia without a work permit or operating licence. The provisions of this Act relating to family members of nationals of EEA Member States shall be applied to aliens – family members of Croatian nationals.

#### **Article 157**

Nationals of EEA Member States shall not be granted entry into the Republic of Croatia if:

1. they do not hold a valid travel document or personal identity card,
2. their entry and stay have been prohibited,
3. their entry and stay in the Republic of Croatia may be detrimental to the legal system, national security or public health.

If a national of an EEA Member State does not hold the document referred to in paragraph 1 item 1 of this Article, the border police officer shall give him the opportunity to obtain the required documents or to prove in a different manner that he is a national of an EEA Member State.

#### **Article 158**

A national of an EEA Member State shall have the right to reside in the Republic of Croatia for a period which shall not exceed 90 days from the day of entry into the Republic of Croatia, provided that he holds a valid document or personal identity card.

Nationals of EEA Member States who intend to reside in Croatia for more than 90 days shall, prior to the expiry of the period of 90 days, register temporary stay with the competent police administration or station. A receipt confirming that temporary stay has been registered shall be issued.

#### **Article 159**

Nationals of EEA Member States who intend to work or already work in the Republic of Croatia shall exercise the right to temporary stay for the purposes of work if they have:

1. a valid personal identity card or valid passport,
2. an employment contract or another corresponding contract or confirmation that they are self-employed or providers of services.

#### **Article 160**

Temporary stay of nationals of EEA Member States for the purpose of work shall not cease:

1. if their employment has ceased on the grounds of temporary incapacity for work due to illness or accident,
2. if they have become unemployed without their own fault, provided that they have been employed in the Republic of Croatia for a minimum of one year and have been registered as employment seekers,
3. if they attend a professional training programme.

The provisions of this Article shall also apply to aliens referred to in Article 161 paragraph 2 of this Act.

### **Article 161**

Temporary stay of nationals of EEA Member States for the purposes of work shall last for 6 months following the termination of employment if:

1. their employment on the basis of an employment contract, concluded for a period of up to one year, has ceased and they have registered themselves as unemployed persons,
2. their permanent employment has ceased in the first 12 months without their own fault and they have registered themselves as employment seekers.

The provisions of this Article shall also apply to nationals of EEA Member States who perform voluntary service and are employed with an employer from a different EEA Member State and provide services for a foreign employer in the Republic of Croatia on the basis of a contract concluded between the foreign contractor and ordering party from the Republic of Croatia.

### **Article 162**

Nationals of EEA Member States who:

1. hold a valid personal identity card or passport,
2. are enrolled to a university or attend another form of education,
3. submit a statement concerning means of subsistence,
4. have health insurance,

shall exercise the right to temporary stay for the purposes of education or studies.

### **Article 163**

Nationals of EEA Member States who:

1. hold a valid personal identity card or passport,
2. have sufficient means of subsistence,
3. have health insurance,

shall exercise the right to temporary stay for the purposes other than work, education or studies.

### **Article 164**

Nationals of EEA Member States shall not exercise the right to temporary stay if:

1. their stay in the Republic of Croatia may pose a threat to the legal system, national security or public health,
2. their entry and stay have been prohibited.

### **Article 165**

Nationals of EEA Member States shall have the right to temporary stay as long as they meet the conditions for temporary stay provided for in this Act.

### **Article 166**

Temporary stay of nationals of EEA Member States shall cease:

1. if their entry and stay have been prohibited,
2. with the revocation of stay,
3. if they have acquired temporary stay in a deceitful manner,

4. if they no longer meet the conditions for temporary stay.

#### **Article 167**

Nationals of EEA Member States who have had registered temporary stay for an uninterrupted period of 5 years prior to submitting the application shall have the right to permanent stay.

The uninterrupted stay from paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia:

1. of up to 6 months per year,
2. of up to 12 months incessantly for justified reasons (e.g. pregnancy, birth of children, severe illness, studies, professional training, work assignment in another state),
3. for military service.

#### **Article 168**

Nationals of EEA Member States who have not had registered temporary stay for an uninterrupted period of 5 years shall exercise the right to permanent stay:

1. if their employment or self-employment has ceased and they meet the old-age pension requirements in the Republic of Croatia, they were employed for at least 12 preceding months and resided uninterruptedly in the Republic of Croatia for more than 3 years on the basis of temporary stay,
2. if they have gone into early retirement, provided that they were employed for at least 12 preceding months and resided uninterruptedly in the Republic of Croatia for more than 3 years on the basis of temporary stay,
3. if their employment or self-employment in the Republic of Croatia has ceased due to permanent incapacity for work, provided that they resided uninterruptedly in the Republic of Croatia for more than two years,
4. if their employment or self-employment in the Republic of Croatia has ceased due to permanent incapacity for work which is a result of an occupational injury or professional disease, based on which they have met the disability pension requirements in the Republic of Croatia, irrespective of the duration of permanent stay,
5. if they as employees or self-employed persons, following 3 years of uninterrupted employment and temporary stay in the Republic of Croatia, become employed in another EEA Member State, but retain temporary stay in the Republic of Croatia and return to the Republic of Croatia on a daily basis or at least once a week. The period of employment of employees or self-employed persons referred to in paragraph 1 item 5 of this Article in another EEA Member State shall be regarded as the period spent in the Republic of Croatia if they exercise the right to permanent stay under the conditions listed in paragraph 1 items 1 to 4 of this Article.

The period of forcemajeure unemployment registered with the Croatian Employment Institute and the period in which an employee was prevented from working due to illness or injury shall be regarded as the period of employment.

Irrespective of the duration of stay and employment in the Republic of Croatia permanent stay shall be granted to nationals of EEA Member States referred to in paragraph 1 items 1, 2, 3, and 4 of this Article, whose spouse resides with them in the Republic of Croatia and is a Croatian national or his nationality ceased after a marriage was concluded.

The right to permanent stay shall be exercised by a family member who resides in the Republic of Croatia with a national of an EEA Member State who has acquired the right to permanent stay, in line with paragraph 1 of this Article.

#### **Article 169**

A document confirming permanent stay shall be issued to nationals of an EEA Member State who have been granted permanent stay in the Republic of Croatia.

#### **Article 170**

Permanent stay of nationals of EEA Member States shall cease:

1. if their entry and stay have been prohibited,
2. with the revocation of stay,
3. if they have resided outside the Republic of Croatia for more than two years for an interrupted period of time.

#### **Article 171**

A family member from Article 156 paragraph 2 of this Act who is not a national of an EEA Member State may, for the purposes of family reunification, enter the Republic of Croatia with a national of an EEA Member State on the basis of a valid passport and an affixed visa, if necessary, or a valid passport and residence card issues by another EEA Member State, unless otherwise provided in an international treaty.

A family member from Article 156 paragraph 2 of this Act who is a national of an EEA Member State and holds a valid travel document or personal identity card may enter the Republic of Croatia for the purpose of family reunification.

A family member referred to in paragraphs 1 and 2 of this Article shall be denied entry into the Republic of Croatia if:

1. he holds no documents as per paragraph 1 of this Article,
2. his entry and stay has been prohibited,
3. his entry and stay in the Republic of Croatia would pose a threat to the legal system, national security or public health.

If a family member referred to in Article 156, paragraph 2 of this Article, regardless whether a national of an EEA Member State or not, does not hold a valid travel document or required visa, the border police officer shall give him the opportunity to obtain the required documents or to prove in another manner that he is a family member of a national of an EEA Member State.

#### **Article 172**

Family members from Article 171 paragraph 1 of this Act shall have the right to reside on the territory of the Republic of Croatia for no longer than 90 days from the day of entry into the Republic of Croatia, if the national of an EEA Member State with whom he is reuniting has the right to reside in the Republic of Croatia.

#### **Article 173**

If family members referred to in Article 171 paragraph 1 of this Act intend to reside in the Republic of Croatia for more than 90 days, they shall be obliged to submit an application for obtaining a residence document for the family member of the national

of an EEA Member State to the competent police administration or station. A receipt confirming that an application for obtaining a residence document has been submitted shall be issued.

The residence document referred to in paragraph 1 of this Article shall have a validity period of one year or less, if the national of an EEA Member State intends to reside for a period of less than five years.

#### **Article 174**

The right to temporary stay shall be granted to family members referred to in Article 171 of this Act if they are family members of a national of an EEA Member State who has registered temporary or permanent stay in the Republic of Croatia or are family members of a Croatian national who resides in the Republic of Croatia.

Family members referred to in Article 171 of this Act cannot exercise the right to temporary stay if obstacles thereto exist as set out in Article 164 of this Act.

#### **Article 175**

In the case of death or departure of a national of an EEA Member State, his family member who is also a national of an EEA Member State shall retain the right to temporary stay if he proves that he is employed or self-employed or that he has sufficient means of supporting himself and his family members and health insurance, or if he resides in the Republic of Croatia for the purposes of studies and presents a statement concerning means of supporting himself and his family members and if he has health insurance, or if he is a family member of a person meeting these requirements.

In the case of death of a national of an EEA Member State with whom the family member resided in the Republic of Croatia for at least a year, his family member who is not a national of an EEA Member state shall retain the right to temporary stay if he proves that he is employed or self-employed or that he has sufficient means of supporting himself and his family members and health insurance, or if he is a family member of a person meeting these requirements.

In the case of divorce or marriage annulment, a family member of a national of an EEA Member State, who is a national of an EEA Member State, shall retain the right to temporary stay if he is employed or self-employed or has sufficient means of supporting himself and his family members and health insurance, or if he resides in the Republic of Croatia for the purposes of studies and presents a statement concerning means of supporting himself and his family members and if he has health insurance, or if he is a family member of a person meeting these requirements.

In the case of divorce or marriage annulment, a family member of a national of an EEA Member State, who is not a national of an EEA Member State and who is employed or self-employed, or who has sufficient means of supporting himself and his family members and health insurance, or who is a family member of a person meeting these requirements, shall retain the right to temporary stay:

1. if the marriage lasted for at least 3 years, provided that the spouses resided in the Republic of Croatia one year,
2. for the purpose of exercising the parental right over the children of the national of an EEA Member State, who have been referred to care or upbringing on the basis of an agreement among the spouses or a court decision,
3. for the purpose of exercising the parental right over the minor children who reside in the Republic of Croatia who have been referred to the other parent for care or upbringing on the basis of an agreement among the spouses or a court decision,

4. if this is justified by exceptionally severe circumstances, such as family violence.

#### **Article 176**

A family member referred to in Article 156 paragraph 2 of this Act shall not exercise the right to temporary stay if:

1. his stay in the Republic of Croatia may pose a threat to the legal system, national security or public health,
2. his entry and stay have been prohibited.

#### **Article 177**

Temporary stay of a family member referred to in Article 156 paragraph 2 of this Act shall cease:

1. if his entry and stay have been prohibited,
2. if stay has been revoked,
3. if he has acquired temporary stay approval in a deceitful manner,
4. if he no longer meets the requirements for temporary stay,
5. if he resided outside the Republic of Croatia for more than 6 months per year during the validity period of temporary stay,
6. if he resided outside the Republic of Croatia for more than one year incessantly during the validity period of temporary stay, save for justified reasons (e. g. pregnancy, birth of children, severe illness, studies, professional training, work assignment in another state, military service).

#### **Article 178**

A family member referred to in Article 156 paragraph 2 of this Act who is not a national of an EEA Member State shall have the right to permanent stay, provided that he has had temporary stay in the Republic of Croatia for an uninterrupted period of 5 years prior to the day of submitting the application.

Uninterrupted stay from paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia:

1. of up to 6 months per year,
2. of up to 12 months incessantly for justified reasons (e.g. pregnancy, birth of children, severe illness, studies, professional training, work assignment in another state),
3. for military service.

#### **Article 179**

A family member referred to in Article 156 paragraph 2 of this Act shall have the right to permanent stay although he has not had temporary stay in the Republic of Croatia for an uninterrupted period of 5 years, provided that the national of an EEA Member State has deceased during the validity period of temporary stay for the purposes of work and the temporary stay lasted for an uninterrupted period of 2 years, or the death of the national of an EEA Member State is a consequence of an occupational injury or professional disease.

The right to permanent stay shall be exercised by a spouse of a national of an EEA Member State, whose Croatian nationality expired with the conclusion of marriage with a national of an EEA Member State and they resided together in the Republic of Croatia, in the case of death of the national of an EEA Member State who has been granted temporary stay for the purposes of work.

The right to permanent stay as per paragraphs 1 and 2 of this Article shall be exercised irrespective of the duration of stay.

#### **Article 180**

A family member who is not a national of an EEA Member State and intends to exercise the right to permanent stay shall submit an application for obtaining a permanent stay document prior to the expiry of the validity period of the residence document.

The document referred to in paragraph 1 of this Article shall be issued for a validity period of 10 years.

#### **Article 181**

Permanent stay of a family member referred to in Article 156 paragraph 2 of this Act shall cease:

1. if his entry and stay have been prohibited,
2. if stay has been revoked,
3. if he has resided outside the Republic of Croatia for more than two years incessantly.

#### **Article 182**

Stay of a national of an EEA Member State may be revoked if:

1. he no longer meets the requirements for stay,
2. he does not have sufficient means of subsistence.

Stay may not be revoked to a national of an EEA Member State and a family member who do not have sufficient means of subsistence during their stay in the Republic of Croatia if the national of an EEA Member State is employed or self-employed, or if he has entered into the Republic of Croatia for the purposes of employment, and he may prove that he continues to seek employment actively and it is justifiably assumed that he shall become employed.

#### **Article 183**

A national of an EEA Member State and a family member may be expelled if it is necessary on the grounds of protecting the legal system, national security or public health.

An appeal against a decision on expulsion shall postpone the execution of the decision, provided that the decision on expulsion is not based on a court decision.

#### **Article 184**

Stay may not be revoked to a national of an EEA Member State and a family member, nor may he be expelled, if the disease posing a threat to public health occurred 3 months after his entry into the Republic of Croatia.

#### **Article 185**

The provisions of other Titles of this Act which are not in contravention to and are not set out in this Title shall apply to nationals of EEA Member States and their family members accordingly.

## **XII. STAY AND WORK OF THIRD-COUNTRY NATIONALS WHO HAVE BEEN GRANTED PERMANENT STAY IN ANOTHER EEA MEMBER STATE AND THEIR FAMILY MEMBERS**

#### **Article 186**

Third-country nationals shall be aliens who are not nationals of an EEA Member State and who have been granted permanent stay in an EEA Member State.

Temporary stay shall be granted to third-country nationals who have been approved permanent stay in an EEA Member State if they:

1. hold a valid travel document,
2. have sufficient means of supporting themselves and their family members,
3. have health insurance,
4. meet other requirements for the approval of temporary stay pertaining to purpose.

#### **Article 187**

A family member of a third-country national who has been granted temporary or permanent stay in the Republic of Croatia shall be granted temporary stay for the purposes of family reunification if:

1. the family member has been granted stay in another EEA Member State, and
2. the family member resided in the same household with the third-country national in the state in which the third-country national holds permanent stay.

#### **Article 188**

A third-country national may reside on the territory of the Republic of Croatia for not more than 90 days from the day of entry into the Republic of Croatia although he has not been granted stay, or until the validity period of the visa or stay permit expires if it the validity period of the visa or stay permit is set at less than 90 days.

If a third-country national intends to reside in the Republic of Croatia for more than 90 days, he shall be obliged to file an application for temporary stay with the competent police administration or station prior to the expiry of the period set out in paragraph 1 of this Article or prior to the expiry of the validity period of the visa or residence card. A receipt confirming the submitting of an application shall be issued.

A third-country national may reside in the Republic of Croatia on the basis of the receipt referred to in paragraph 2 of this Article until the decision on the application becomes final.

#### **Article 189**

Family members of third-country nationals shall be:

1. the spouses,
2. the minor children who have not established their own family.

#### **Article 190**

A third-country national and a member of his family shall submit the application for temporary stay to a diplomatic mission or consular post of the Republic of Croatia in the EEA Member State in which they have been granted stay.

#### **Article 191**

A third-country national and a member of his family may enter into the Republic of Croatia before a decision on the application for temporary stay has been issued, and shall be obliged to notifying the competent police administration or station thereof.

The competent police administration or station or a diplomatic mission or consular post of the Republic of Croatia abroad shall issue a receipt confirming the submitting of an application for temporary stay.

Based on the receipt set out in paragraph 2 of this Article, a third-country national and a member of his family may reside in the Republic of Croatia until the decision on the application becomes final.

#### **Article 192**

The Ministry shall notify the competent authority of another EEA Member State in which the alien has been granted permanent stay about the approval of temporary or permanent stay, extension of temporary stay or the decision based on which he is obliged to leave the country.

#### **Article 193**

The provisions of other Titles of this Act which are not in contravention to and are not set out in this Title shall apply to third-country nationals and their family members accordingly.

### **XIII. RECORDS**

#### **Article 194**

With a view to efficiently controlling the implementation of procedures laid down in this Act, the Ministry shall keep records on:

- aliens who have been issued a travel document and visa,
- entry and exit prohibitions for aliens,
- aliens on short-term, temporary and permanent stay,
- aliens who have been granted a work permit or operating licence,
- aliens whose stay has ceased,
- aliens on temporary stay,
- aliens against whom the measure of leaving the country has been applied,
- personal identity cards issued for aliens,
- travel documents for aliens,
- temporarily confiscated travel documents,
- registration and cancellation of the places of temporary and permanent residence and home address of aliens whose stay has been approved,
- taken fingerprints and photographs of aliens against whom the measures of leaving the country have been prescribed,
- documents for aliens referred to in Title XI of this Act.

#### **Article 195**

The Ministry competent for foreign affairs shall keep records on the applications for the issue of visas, visas issued and revoked.

The records referred to in paragraph 1 of this Article shall be kept within an information system and shall be considered the Croatian Visa Data Base.

The Ministry competent for foreign affairs shall keep records on the applications for the issue of travel documents, travel documents and stay granted to aliens, which have been submitted and issued in a diplomatic mission or consular post of the Republic of Croatia.

#### **Article 196**

Personal data contained in the records specified in Articles 194 and 195 of this Act shall be collected, stored and processed in line with the regulation pertaining to personal data protection.

## **XIV. SUPERVISION BY INSPECTION**

### **Article 197**

State administrative bodies within the framework of their competences shall exercise supervision by inspection of the implementation of the part of this Act related to alien employment.

The Ministry shall exercise supervision by inspection of the implementation of the part of this Act related to the obligation to register the stay of aliens.

### **Article 198**

Insofar as the inspection supervision has established that aliens are employed in the Republic of Croatia contrary to the provisions of this Act, legal or natural persons who have employed aliens or use aliens' work, responsible persons within legal persons or aliens who provide services on behalf of a foreign employer shall submit a request for initiating a misdemeanour procedure.

### **Article 199**

Insofar as the competent inspector of the bodies referred to in Article 197 paragraph 1 of this Act establishes:

1. that the work of aliens is in contravention to the provisions of this Act which lay down the obligation to obtain an operating licence or a receipt of the police administration on registering work without an operating licence, he shall prohibit the performance of an activity, free profession or provision of services for foreign employers to the legal or natural person by means of an on-the-spot decision to the minutes for a period of at least 30 days, or as long as the detected shortcomings are not eliminated,

2. that the work of aliens is in contravention to the provisions of this Act which lay down the obligation to obtain a work permit or a receipt of the police administration on registering work without a work permit, he shall prohibit the performance of an activity in the supervised business facilities or premises to the employer by means of an on-the-spot decision to the minutes for a period of 30 days.

The decision referred to in paragraph 1 of this Article shall be enforced by sealing of the business premises, machinery, equipment and other working equipment, or in another appropriate manner within 2 days from the day of issuing an on-the-spot decision to the minutes.

Exceptionally, the measure of prohibiting the performance of an activity as per paragraph 1 of this Article shall not be enforced and the made on-the-spot decision shall be annulled if the legal or natural person against whom the measure has been prescribed, within 2 days from the day of prescribing the measure, presents evidence to the competent inspector referred to in paragraph 1 of this Article that a fine amounting to up to HRK 30,000.00 per alien has been paid to the benefit of the State budget.

If the legal or natural person against whom the measure referred to in paragraph 1 of this Article has been prescribed fails to act in line paragraph 3 of this Article, the competent body referred to in paragraph 1 of this Article shall forward a written decision to the party within 8 days from the day of issuing an on-the-spot decision.

If a police officer of the Ministry establishes within the framework of his competences that the circumstances referred to in paragraph 1 items 1 and 2 of this Article exist, he shall submit an application for initiating misdemeanour proceedings and inform

thereof the competent body referred to in Article 197 paragraph 1 of this Act without delay.

#### **Article 200**

An appeal may be lodged against a decision referred to in Article 199 paragraph 6 of this Act within 8 days from the day of receiving the written receipt of the on-the-spot decision. An appeal shall not postpone the execution of the decision.

#### **Article 201**

During the measure of sealing of business premises, a legal or natural person to whom the on-the-spot decision referred to in Article 199 paragraph 1 of this Act relates may request in writing that the sealed premises be temporarily unsealed, immediately remove damageable foodstuffs in the presence of the inspector and take other safety measures for the purpose of damage prevention.

#### **Article 202**

For the purposes of supervision by inspection, legal and natural persons shall provide all data and enable access to the closed or enclosed premises and business facilities.

### **XV. PENAL PROVISIONS**

#### **Article 203**

A fine of between HRK 500.00 and HRK 3,000.00 shall be imposed on aliens if they:

1. fail to exit the Republic of Croatia with the travel document used for entering the Republic of Croatia (Article 38),
2. fail to apply for an extension of the permanent stay permit within 30 days from the expiry of the validity period of temporary stay (Article 49 paragraph 1),
3. resides in the Republic of Croatia in contravention to the purpose for which temporary stay has been granted (Article 55 paragraph 1 item 1),
4. fail to report to the police officer at a border crossing (Article 86 paragraph 3),
5. fail to return the temporary stay document (Article 112 paragraph 3),
6. fail to inform the competent police administration or station about the cessation of conditions based on which a work permit has been issued (Article 131 paragraph 2),
7. fail to inform the competent police administration or station about the occurrence of circumstances leading to the expiry of an operating licence (Article 137),
8. fail to hold a confirmation of the competent police administration or station about work registration without a work permit or operating licence (Article 139 paragraph 2),
9. fail to present the contract to the competent tax administration prior to starting with the contracted work (Article 139 paragraph 4),
10. fail to present a document proving their identity to the official of the competent authority or fail to carry it (Article 142 paragraph 2),
11. fail to file an application for issuing a personal identity card for aliens within the prescribed time limit (Article 144 paragraph 2),
12. fail to file an application for replacing the personal identity card for aliens within the prescribed time limit (Article 145 paragraph 2),
13. fail to return the personal identity card to the competent authority, in the cases referred to in Article 146 of this Act,

14. fail to report to the competent authority the loss, disappearance or theft of the documents referred to in Article 147 paragraphs 1 and 2 of this Act,
15. fail to report or cancel the place of temporary residence to the competent authority within the prescribed time limit (Article 150 paragraphs 1 and 2 and Article 152),
16. fail to report or cancel to the competent authority their place of temporary or permanent residence, or a change in address within the prescribed time limit (Articles 151 and 152),
17. wear a foreign military, police or customs uniform during their stay in the Republic of Croatia contrary to Articles 154 and 155 of this Act.

A fine of between HRK 500.00 and HRK 3,000.00 shall be imposed on employers – natural persons, whereas a fine of between HRK 5,000.00 and HRK 7,000.00 shall be imposed on employers – legal persons, if they:

1. fail to deliver an employment contract or another corresponding contract (Article 124),
2. fail to submit an application for the extension of a work permit within the prescribed time limit (Article 126),
3. fail to notify the competent police administration or station about the cessation of conditions based on which the work permit has been issued (Article 131 paragraph 2),
4. fail to submit an application for the extension of an operating licence within the prescribed time limit (Article 134 paragraph 4),
5. fail to conclude a contract or do not have another appropriate paper with aliens whose services they use (Article 139 paragraph 3).

#### **Article 204**

A prison sentence of up to 60 days or a fine of between HRK 3,000.00 and HRK 7,000.00 shall be imposed on aliens if they:

1. illegally reside in the Republic of Croatia (Article 87),
2. obstruct deportation (Article 93 paragraph 2),
3. abandon the Centre without approval or fail to abide by the Centre's rules of stay (Article 105),
4. are on temporary stay and abandon the place of temporary residence without approval or fail to regularly report to the competent police station (Article 112 paragraph 4),
5. act contrary to the provision of Article 127 paragraph 1 of this Act,
6. act contrary to the provision of Article 136 paragraph 1 item 2 of this Act,
7. refuse to produce to a police officer a document based on which they have entered into the Republic of Croatia (Article 142 paragraph 3),
8. fail to carry an identity document and to present the requested personal data to a police officer (Article 142 paragraph 4),
9. allow another person to use the document proving their identity, or if they use an invalid document or another person's document as their own (Article 142 paragraph 5).

In the case of the offences referred to in paragraph 1 of this Article, the protective measure of expulsion not accompanied by a fine may be imposed on an alien.

A fine of between HRK 5,000.00 and HRK 7,000.00 shall be imposed on employers who conclude an employment contract for the period not equal to the duration of seasonal works (Article 124 paragraph 2).

Misdemeanour proceedings for the offences referred to in paragraphs 1 and 2 of this Article may not be initiated after 4 years since the day on which the offence was committed.

#### **Article 205**

A fine of between HRK 7,000.00 and HRK 10,000.00 shall be imposed on aliens, if they:

1. perform an activity without a work permit or operating license (Article 114 paragraph 1),
2. start performing an activity prior to having been granted temporary stay (Article 114 paragraph 2).

In the case of the offences referred to in paragraph 1 of this Article, the protective measure not accompanied by a fine may be imposed on an alien.

Misdemeanour proceedings for the offences referred to in paragraph 1 of this Article may not be initiated after 4 years since the day on which the offence was committed.

#### **Article 206**

A fine of HRK 10,000.00 per transported alien shall be imposed on hauliers – natural persons who fail to transport an alien from a border crossing or from the Republic of Croatia at their own cost or fail to assume the costs of aliens' return (Article 39).

A prison sentence of up to 60 days or a fine of HRK 10,000.00 per aided alien shall be imposed on natural persons aiding an alien in illicit crossing, transit and illicit stay in the Republic of Croatia (Article 41).

A fine of HRK 50,000.00 shall be imposed on the legal persons referred to in paragraphs 1 and 2 of this Article, whereas a fine of HRK 15,000.00 shall be imposed on the responsible person within legal persons per transported or aided alien.

For the offences referred to in paragraphs 2 and 3 of this Article the protective measure of confiscation of items and the protective measure of the prohibition of the performance of an activity may be prescribed.

For the offences referred to in paragraphs 1 and 2 of this Article the protective measure of expulsion from the country not accompanied by a fine may be prescribed for an alien.

Misdemeanour proceedings for the offences referred to in paragraphs 1, 2 and 3 of this Article may not be initiated after 4 years since the day on which the offence was committed.

#### **Article 207**

A fine of between HRK 10,000.00 and 15,000.00 per alien shall be imposed on employers – natural persons, and a fine of between HRK 50,000.00 and HRK 100,000.00 per alien shall be imposed on employers – legal persons, if they:

1. employ aliens not holding a work permit or operating licence (Article 114),
2. employ aliens contrary to the provision of Article 127 paragraph 2 of this Act.

For the offences referred to in paragraph 1 of this Article the protective measure of the prohibition of the performance of an activity may be prescribed.

A fine of between HRK 10,000.00 and HRK 15,000.00 shall be imposed on natural persons, and a fine of between HRK 50,000.00 and HRK 100,000.00 shall be imposed on legal persons if they fail to present data or to enable access to the closed or enclosed premises or business facilities.

(Article 202)

Misdemeanour proceedings for the offences referred to in paragraph 1 of this Article may not be initiated after 4 years since the day on which the offence was committed.

#### **Article 208**

A fine of between HRK 300.00 and HRK 2,000.00 shall be imposed on natural persons, and a fine of between HRK 5,000.00 and HRK 7,000.00 shall be imposed on legal persons if they:

1. fail to report or cancel the temporary residence of aliens within the prescribed time limit (Article 150 paragraph 1 items 1, 2, 3, 4 and 5 and paragraph 3 and Article 152),
2. fail to keep records or irregularly keep records on aliens to whom they provide accommodation services or fail to store records on aliens for the prescribed time limit (Article 153 paragraphs 1),
3. fail to provide insight into the records on aliens to whom accommodation services are provided to an official of the competent authority (Article 153 paragraph 2).

### **XVI. FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 209**

The Government of the Republic of Croatia shall adopt the legislation on the Croatian visa system referred to in Article 15 paragraph and the method for the calculation and the amount of subsistence means as laid down in Articles 31, 52, 67, 83, 162, 163, 175, 182 and 186 of this Act.

#### **Article 210**

The Minister of the Interior shall adopt regulations regarding:

1. the method of issuing travel documents and the form of travel documents,
2. the method of issuing visas issued by the police station competent for supervising the crossing of the state border,
3. the method of determining the conditions for entry, stay and work in the Republic of Croatia,
4. the design and content of the form on denying entry into the Republic of Croatia,
5. the design and content of the form on expelling aliens,
6. the design and content of the application form for granting temporary and permanent stay,
7. the design and content of the sticker denying stay,
8. the design and content of the form on prescribing exit from the Republic of Croatia, short-term stay permits, denied entry and stay stickers, receipts for confiscated funds, receipts for covering deportation costs, temporary stay documents,
9. the method of proving the legality of stay in the Republic of Croatia,
10. the method of determining the time limit for exiting from the Republic of Croatia,
11. the method of assistance in cases of transit for the purposes of removal by air,
12. the design and content of the application form for obtaining a work permit or operating licence,
13. the design and content of the confirmation of alien's registration for work without a work permit or operating licence,
14. the design and content of the form for personal identity cards for aliens,
15. the design and content of the application form for registration and cancellation of the place of temporary and permanent residence and a change in address,
16. the content and method of keeping records set out in Article 194 of this Act.

The Minister of the Interior shall set out:

1. border crossing points on which the police station competent for supervising the crossing of the state border may issue visas,
2. the method of calculation of deportation costs,
3. the rules of stay at the Centre.

#### **Article 211**

The Minister of Foreign Affairs, with the consent of the Minister of the Interior, shall adopt regulations regarding:

1. the conditions and procedure of receiving visa applications and issuing visas for aliens in diplomatic missions or consular posts of the Republic of Croatia abroad,
2. the Croatian data base on visas,
3. the design and content of the visa application form, visas and the form for entering a visa into the country.

#### **Article 212**

The Minister of Science, with the consent of the Minister of the Interior, shall adopt the regulation regarding the method of setting out the conditions for granting temporary stay for the purposes of scientific research.

#### **Article 213**

The Minister of the Economy, with the consent of the Minister of the Interior, shall lay down the conditions in which approval as per Article 132 paragraphs 4 and 5 and Article 133 paragraph 3 of this Act is granted.

#### **Article 214**

Implementing regulations, adopted pursuant to the Aliens Act (Official Gazette 109/03) shall remain in force until the implementing regulations adopted on the basis of powers vested by this Act come into effect, unless they are contrary to its provisions.

By way of derogation from paragraph 1 of this Article, the part of the provisions of the Ordinance on issuing *laisser-passers*, visas and special personal identity cards (Official Gazette 82/05) relating to the issuing of special personal identity cards shall remain valid.

Implementing regulations shall be adopted on the basis of powers vested by this Act, within 3 months from the day this Act comes into effect.

#### **Article 215**

Proceedings initiated prior to the onset of the application of this Act shall be completed pursuant to the provisions of this Act.

#### **Article 216**

The provisions of the General Administrative Procedure Act shall apply to the procedures set out in this Act, unless stipulated otherwise by this Act.

If an alien fails to notify the competent police administration or station of a change in address or if he may not be located at the home address, the decisions issued on the basis of this Act shall be served by means of a notice-board of the competent police administration or station.

#### **Article 217**

The prohibition of entry and stay for aliens on whom a legally valid security or

protective measure of expulsion is imposed by the entry into effect of this Act shall be counted from the day the decision becomes legally valid.

Aliens who exercised the right of stay on the basis of Article 31 of the Aliens Act (Official Gazette 109/03) or whose stay was revoked may re-enter and reside in the Republic of Croatia prior to the expiry of 6 months, in line with Article 43 paragraph 2 of this Act, after the expiry of 6 months from the day of first entry.

Decisions on the time limits for exiting from the Republic of Croatia, issued on the basis of the Aliens Act (Official Gazette 109/03) shall remain in effect.

Temporary stays granted on the basis of the Aliens Act (Official Gazette 109/03) shall cease to be valid as of the day this Act comes into force.

Personal identity cards for aliens and special personal identity cards issued on the basis of the Aliens Act (Official Gazette 109/03) shall remain valid until the expiry of their validity period.

Aliens who have been granted an operating licence on the basis of the Aliens Act (Official Gazette 109/03) shall be obliged to meet the requirements for obtaining an operating licence set out in this Act, within 10 months from the day this Act comes into force.

The operating licence of aliens who fail to act in line with the provision of paragraph 6 of this Article shall be revoked.

#### **Article 218**

With the date of entry into force of this Act, the Aliens Act (Official Gazette 109/03) shall cease to be valid, except for the provisions of Article 70 paragraph 3 and Article 71 paragraph 2 and the provisions of Article 113 paragraph 3, in the part pertaining to special personal identity cards.

With the date of entry into force of this Act, item 1 of Article 62 paragraph 1 of the State Inspectorate Act (Official Gazette 76/99, 96/03, 151/03, 160/04, 174/04, 33/05, 48/05, 129/05, 140/05 and 138/06) shall cease to be valid.

#### **Article 219**

This Act shall enter into force on 1 January 2008, except for Article 67 paragraph 3, Articles 94, 96, 97 and 98 and Titles XI and XII, which shall enter into force on the day of accession of the Republic of Croatia to the European Union.

No: 217-01/07-01/01

Zagreb, 13 July 2007

THE CROATIAN PARLIAMENT  
The President of the Croatian Parliament  
Vladimir Šeks, m. p.