

THE ALIENS ACT (Official Gazette 130/11)

I GENERAL PROVISIONS

Article 1

(1) This Act regulates conditions for the entry, movement and the work of aliens and the conditions of work, and the rights of posted workers in the Republic of Croatia.

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

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

(4) This Act is aligned with the following documents of the *acquis*:

- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), which entered into force on 5 April 2010, governing the procedure of issuing uniform visas;
- Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation);
- Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals;
- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985;
- Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals;
- Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence;
- Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals;

- Council Decision of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (2004/573/EC);
- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;
- Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;
- Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals;
- Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services;
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;
- Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service;
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research;
- Council Resolution 97/C 382/01 of 4 December 1997 on measures to be adopted on the combating of marriages of convenience
- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals.

Article 2

(1) For the purposes of this Act, the following terms have the following meanings:

1. An alien means any person who is not a Croatian national.
2. A stateless person means an alien who is not considered to be a national by any state under its national legislation.
3. A travel document means a foreign travel document and the travel document for aliens.
4. A foreign travel document means a document that the competent body of another state issues to its nationals or aliens for travel abroad.
5. The travel document for aliens means the laissez-passer for aliens, the travel document for stateless persons, and the travel document for asylees issued in accordance with the provisions of the Asylum Act.

6. A carrier means a natural or legal person registered for the performance of the activity of rendering transport services to persons.

7. An employer means a legal or natural person who entered into an employment relationship with an alien or takes advantage of his work.

8. A subcontractor means an employer - legal or natural person who entered into a works subcontracting agreement with another legal or natural person and who entered into an employment relationship with an alien or takes advantage of his work.

9. A daily migrant means a national of a neighbouring state in which he has permanent residence and who enters the Republic of Croatia to work and returns to his home country on a daily basis.

10. A seasonal worker means an alien residing in a state of his nationality or in a state in which he has approved permanent stay who concluded a contract for the performance of a particular job within a particular time period with an employer having his registered office (seat) in the Republic of Croatia.

11. A national of a Member State of the European Economic Area (hereinafter the EEA) means an alien having the nationality of one of the EEA Member States.

12. A third-country national means an alien not having the nationality of an EEA Member State.

13. A high-skilled worker means a third-country national employed in the Republic of Croatia pursuant to special regulations governing employment-legal relations in the Republic of Croatia, who is paid for the work concerned and who has the required, that is, adequate and special expertise as demonstrated by highly professional qualifications.

14. Highly professional qualifications means completed university education or completed undergraduate and graduate university studies or an integrated undergraduate and graduate university study or specialised graduate occupational study.

15. The Agency for Temporary Employment is an employer that on the basis of an agreement on the assignment of workers assigns workers to a particular user for the performance of temporary jobs.

Article 3

(1) An alien holding multiple nationalities shall use during his stay in and leave the Republic of Croatia with the travel document he used to enter the Republic of Croatia.

Article 4

(1) An alien shall comply with laws and regulations, and decisions of the state authorities during his movement and stay in the Republic of Croatia.

(2) An alien whose movement is restricted to a particular area may move only within such area.

(3) The document for movement within a particular area may be taken away from an alien acting contrary to the provision of paragraph 2 of this Article, subject to the issuing of a certificate.

Article 5

(1) Security checks for aliens for the purpose of establishing national security reasons shall be carried out by the Security and Intelligence Agency.

(2) An explanation of the decision rejecting or terminating the stay of an alien or expelling an alien under the grounds of national security shall specify the legal provision, where an elaboration of the grounds decisive to adopt the decision is not to be included.

II TRAVEL DOCUMENTS

Article 6

(1) Travel documents for aliens shall be issued to persons who have turned 14 years of age.

(2) Persons under 14 years of age shall be registered in the travel document for aliens of one of the parents or in the document of their legal representative.

(3) Exceptionally, where there are well-founded reasons to do so, a travel document for aliens referred to in paragraph 1 of this Article may be issued to persons under 14 years of age.

(4) The travel document for stateless persons shall be issued under the conditions laid down in international conventions.

(5) The laissez-passers for aliens shall be issued with the term of validity of up to 30 days.

Issuing of the laissez-passers for aliens

Article 7

(1) The laissez-passers for aliens shall be issued to an alien who does not have a foreign travel document if:

1. his Croatian nationality 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 lost his travel document for asylees or travel document for stateless persons abroad, issued by the police administration or police station – for returning to the Republic of

Croatia,

4. he is in the procedure of removal (forced return) – for going abroad.

By way of derogation from paragraph 1 of this Article, the laissez-passers for aliens may also be issued to other aliens where there are justified reasons to do so.

Article 8

(1) The laissez-passers for aliens shall be issued:

1. in the events referred to in Article 7, items 1, 2 and 4 of this Act – by the police administration or police station according to the temporary residence or permanent residence of the alien,

2. in the events referred to in Article 7, item 3 of this Act – by the diplomatic mission or consular post of the Republic of Croatia subject to prior approval of the Ministry of the Interior (the "Ministry"),

3. in the cases referred to in Article 7, paragraph 2 of this Act – by the police administration or police station, or diplomatic mission or consular post of the Republic of Croatia subject to prior approval of the Ministry.

(2) The travel document for stateless persons shall be issued by the police administration or police station according to the temporary residence or permanent residence of an alien.

Refusal to issue the travel document for aliens

Article 9

(1) The travel document for aliens shall not be issued to an alien:

1. against whom a criminal or misdemeanour procedure is pending, unless the state body conducting the procedure issued its approval,

2. sentenced to imprisonment or issued a fine until he serves the sentence or pays the fine,

3. who did not perform his mature property and legal obligations for which there is an enforceable title,

4. if required on the grounds of public policy, national security or public health.

(2) A laissez-passers for aliens may be issued to aliens in the removal process, regardless of the existence of the circumstances referred to in paragraph 1, items 1, 2 and 3 of this Article.

(3) In the case referred to in paragraph 1 of this Article an alien is entitled to an appeal which is decided by the Review Commission appointed by the Government of the Republic of Croatia (hereinafter the Commission).

Seizure of the travel document for aliens

Article 10

- (1) The police administration or police station shall seize a travel document for alien where it establishes the existence of any of the reasons referred to in Article 9 of this Act.
- (2) The seizure of a travel document for aliens shall be subject to the issuance of a decision. An alien is entitled to appeal against the decision, where the Ministry shall decide about the appeal.

III VISAS

Article 11

- (1) Visas are the approval of the following:
 1. transit through the territory of the Republic of Croatia or stay in the territory of the Republic of Croatia in the maximum duration of 3 months in any six-month period from the date of initial entry to the territory of the Republic of Croatia,
 2. transit through the international transit area of an airport.
- (2) On the basis of a visa, aliens may not work in the territory of the Republic of Croatia.
- (3) 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.
- (4) The ministry competent for foreign affairs shall be the central state body for the field of visas.

Article 12

- (1) The types of visas are the following:
 1. Airport transit visa (Visa A),
 2. Short-term visa (Visa C).

Airport transit visa

Article 13

- (1) Any alien who is not to leave the international transit area in between flights at an airport in the Republic of Croatia or on international flights shall not require a visa.
- (2) By way of derogation from paragraph 1 of this Article, the Government of the Republic of Croatia may prescribe that the nationals of certain states and the holders of travel

documents issued by the competent bodies of such states do require an airport transit visa.

- (3) The airport transit visa shall be issued to an alien for one, two or multiple passes through the international transit area of an airport.
- (4) The term of validity of an airport transit visa shall include an additional term of 15 days.
- (5) By way of derogation from paragraph 4 of this Article, an additional time period shall not be approved if so required by reasons of public policy.
- (6) A multiple airport transit visa shall be issued with a term of validity of up to 6 months.

Short-term visa

Article 14

- (1) Short-term visas shall be issued for transit through the Republic of Croatia or for stay in the territory of the Republic of Croatia.
- (2) Short-term visas shall be issued for one, two or multiple entries in the Republic of Croatia.
- (3) The period of validity of short-term visas shall not exceed five years.
- (4) Short-term visas for multiple entries shall be issued with a period of validity between 6 months and 5 years, where the alien proves the following:
 1. the need, or justifies the intention to travel frequently and/or regularly, in particular as the result of business or family reasons, and
 2. his integrity and reliability, in particular the lawful use of previous visas, his economic situation in the country of origin and his genuine intention to leave the territory of the Republic of Croatia before the expiry of the visa applied for.
- (5) In the case of transit, the length of authorised stay shall correspond to the time necessary for the purpose of the transit.
- (6) The period of validity of the visa shall include an additional period of 15 days.
- (7) By way of derogation from paragraph 6 of this Article, such an additional period shall not be granted on the grounds of public policy.
- (8) A visa issued is not a guarantee that entry to the Republic of Croatia is to be granted to an alien.

Cooperation with commercial agents and outside service providers

Article 15

- (1) Commercial agents and/or outside service providers may take part in the collection of visa applications as prescribed in subordinate legislation regulating the issuing of visas.
- (2) Outside service providers may also collect biometric data from visa applicants as prescribed in subordinate legislation regulating the issuing of visas.

Article 16

- (1) Aliens requiring a visa to enter the Republic of Croatia shall obtain such visa prior to their entry into the Republic of Croatia.
- (2) Visas are issued by diplomatic missions or consular posts of the Republic of Croatia, and may also be issued by a diplomatic mission or consular post of another state with which the Republic of Croatia concluded an agreement on representation in the issuing of visas.
- (3) Before a visa is issued, the diplomatic mission or consular post shall request prior approval of the ministry competent for foreign affairs in cases stipulated in subordinate legislation.
- (4) Before an approval referred to in paragraph 3 of this Article is issued, the ministry competent for foreign affairs shall request an opinion of the Ministry and the Security Intelligence Agency in cases stipulated in subordinate legislation.
- (5) By way of derogation from paragraph 2 of this Article, visas may be issued at a border crossing in accordance with Article 26 of this Act.

Submitting visa applications

Article 17

- (1) Visa applications shall be submitted on the prescribed form at most 3 months before commencement of the intended journey.
- (2) An alien who is entered in the travel document of an alien submitting a visa application shall submit a visa application on a separate form referred to in paragraph 1 of this Article.
- (3) Documents concerning the purpose and conditions of transit or stay in the Republic of Croatia shall be enclosed to the visa application.
- (4) An alien arriving for a private or business visit to a natural or legal person in the Republic of Croatia may be asked to enclose a guarantee letter and/or other proof that the natural or legal person shall bear the costs of his stay in the Republic of Croatia, including the costs of accommodation and maintenance, and the costs of his return.
- (5) Launching of the procedure for the collection of costs referred to in paragraph 4 of this Article is within the competence of the Ministry.
- (6) The form referred to in paragraph 1 of this Article, the documents referred to in paragraph 3 of this Article and the guarantee letter and other proof referred to in paragraph 4 of this Article shall be stipulated in subordinate legislation governing the visa issuing procedure.

Article 18

(1) Visas shall be entered in the travel document in the form of a sticker.

(2) By way of derogation from paragraph 1 of this Article, if required on humanitarian grounds or national interests of the Republic of Croatia, and if the travel document is not recognised as valid for crossing the state border and affixing a visa, the visa may be entered on the form for affixing a visa.

(3) 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 or by the police station competent for controlling the crossing of the state border.

Travel medical insurance

Article 19

(1) Aliens submitting an application for the issuing of a short-term visa for one or two entries shall prove that they are in possession of adequate and valid travel medical insurance to cover any expenses which might arise in connection with repatriation for medical reasons, urgent medical attention and/or emergency hospital treatment or death, during their stay in the territory of the Republic of Croatia.

(2) Aliens submitting an application for the issuing of a short-term visa for multiple entries shall prove that they are in possession of adequate and valid travel medical insurance covering the period of their first intended visit, and sign the statement concerning the obligation to be in possession of travel medical insurance for subsequent stays.

(3) By way of derogation from paragraphs 1 and 2 of this Article, the following persons shall not be obligated to enclose proof of travel medical insurance:

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

Croatian Visa Information System

Article 20

(1) Visa applications and data collected from an alien and natural or legal person referred to in Article 17, paragraph 4 of this Act shall be entered and processed in the Croatian Visa Information System (hereinafter: Croatian VIS), in conformity with subordinate legislation governing the Croatian VIS and the legislation governing the protection of personal data.

(2) Data on issued, extended, refused, annulled and revoked visas shall be entered in the Croatian VIS in conformity with subordinate legislation governing the Croatian VIS.

Collecting biometric data

Article 21

(1) At the time of submission of the first short-term visa application, the alien shall be required to appear in person at the diplomatic mission or consular post of the Republic of Croatia, so that the following biometric identifiers of the alien might be collected:

- photograph, scanned or taken at the time of application in line with subordinate legislation governing the visa issuing procedure, and

- his 10 fingerprints taken flat and collected digitally, in conformity with subordinate legislation governing the Croatian VIS.

(2) Biometric identifiers referred to in paragraph 1 of this Article shall be entered in the Croatian VIS.

(3) By way of derogation from paragraph 1 of this Article, the following applicants shall be exempt from the requirement to give fingerprints:

1. children under the age of 12;

2. persons for whom fingerprinting is physically impossible. If the fingerprinting of fewer than 10 fingers is possible, the maximum number of fingerprints shall be taken. If the impossibility of fingerprinting is temporary, the alien shall be required to give the fingerprints at the submission of the following application;

3. heads of state and members of a national government with accompanying spouses, and the members of their official delegation when they are invited by the Government of the Republic of Croatia or by international organisations for an official purpose.

4. rulers and other high-ranking members of the royal family if the Government of the Republic of Croatia or an international organisation invited them for an official visit.

Criteria for admitting visa applications

Article 22

(1) A visa application shall be admitted if:

1. it was not submitted more than three months before the intended trip,

2. it was submitted on the form referred to in Article 17 of this Act,

3. it includes a travel document in line with Article 24, paragraph 1 of this Act,

4. it includes a photograph,

5. biometric identifiers were collected,

6. the administrative fee prescribed was paid.

(2) In the case referred to in paragraph 1 of this Article, all documents enclosed shall be returned to the alien, biometric identifiers shall be destroyed and the amount of administrative fees paid refunded.

(3) By way of derogation from paragraph 2 of this Article, an application shall be admitted on humanitarian grounds or national interests of the Republic of Croatia.

Deadline for deciding on visa applications

Article 23

(1) Visa applications shall be decided on within 15 days of the date of the lodging of an application.

(2) The period referred to in paragraph 1 of this Article may be extended up to a maximum of 30 or 60 days, if there are justified reasons to do so.

Travel documents

Article 24

(1) Visas are affixed into a travel document which meets the following criteria:

1. must be valid for at least three months after the intended date of departure from the Republic of Croatia or, in the case of multiple visits, after the last intended date of departure from the Republic of Croatia,
2. must include at least two empty pages,
3. must be issued in the preceding 10 years.

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

Issuing visas at a border crossing

Article 25

(1) Short-term visas may be issued at a border crossing point:

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

Article 26

(1) Visas may be issued at a border crossing point, provided that the alien satisfies the following conditions:

1. holds a valid travel document or another document authorising the crossing of the state border,
2. justifies the purpose and has sufficient resources to maintain himself during his stay in the Republic of Croatia and for returning to the country from which he came or for travelling to a third country,
3. his return to the country of origin or temporary residence or transit is regarded as safe,
4. he was not issued the prohibition of entry and stay and is not covered by international measures for restricted entry which are binding on the Republic of Croatia,

5. does not pose a threat to public policy, national security or public health of the Republic of Croatia.

Article 27

(1) The visa referred to in Article 26 of this Act may be issued only if an alien is not in the position to submit an application for the issuing of a visa in a diplomatic mission or consular post of the Republic of Croatia and if he enclosed, where necessary, documents proving unforeseen and unpostponeable reasons for entry in the Republic of Croatia.

Article 28

(1) Short-term visas for the purpose of transit at a border crossing point shall be issued to a seafarer if:

1. holds the seafarer's travel document or other documents recognised as seafarer's identification document under international treaties,
2. meets the conditions referred to in Articles 26 and 27 of this Act and crosses the state border in order to embark on, re-embark on or disembark from a ship on which he works, will work or on which he worked as a seafarer.

Article 29

(1) The issuing of a visa at a border crossing point shall be refused if the criteria referred to in Articles 26 and 27 of this Act are not met or if there are grounds stipulated in Article 31, paragraph 1 of this Act.

(2) The decision refusing a visa shall be submitted to an alien on the prescribed form.

(3) An alien is entitled to file an appeal against the decision referred to in paragraph 2 of this Article through the competent diplomatic mission or consular post of the Republic of Croatia. An appeal is decided on by the Appeals Commission with the ministry competent for foreign affairs.

Extending a visa

Article 30

(1) Visas may not be extended.

(2) By way of derogation from paragraph 1 of this Article, the period of validity and/or the duration of stay of an issued visa:

1. shall be extended for force majeure or humanitarian grounds,
2. may be extended for serious personal reasons.

(3) An application for extending a visa and/or the duration of stay approved further to an issued visa shall be submitted to a police administration or police station before the expiration

of the period of validity of the visa and/or stay approved further to the issued visa, on which application the Ministry shall decide within seven days.

(4) Until the decision referred to in paragraph 3 of this Article is made, an alien may stay in the territory of the Republic of Croatia.

Refusing a visa

Article 31

(1) Visas shall be refused:

1. if the alien:
 - presents a travel document which is false, counterfeit or belonging to another person;
 - does not provide justification for the purpose and conditions of the intended stay;
 - does not have sufficient means of subsistence, both for the duration of the intended stay and for the return to his country of origin or stay, or for the transit to a third country into which he is certain to be admitted, or is not in a position to acquire such means lawfully;
 - has already stayed for three months during the current six-month period in the territory of the Republic of Croatia on the basis of an issued visa;
 - was issued the prohibition of entry and stay or is covered by international measures for restricted entry which are binding on the Republic of Croatia;
 - poses a threat to public policy, national security or public health of the Republic of Croatia;
 - does not provide proof of holding adequate and valid travel medical insurance, where applicable;

or

2. if there are reasonable doubts as to the authenticity of the supporting documents or the veracity of their contents, the reliability of the statements made by the alien or his intention to leave the territory of the Republic of Croatia before the expiry of the visa applied for.

(2) The decision refusing a visa and the grounds on which it is based shall be submitted to the alien on the prescribed form.

(3) An alien is entitled to file an appeal against the decision referred to in paragraph 2 of this Article through the competent diplomatic mission or consular post of the Republic of Croatia. An appeal is decided on by the Appeals Commission with the ministry competent for foreign affairs.

(4) By way of derogation from paragraph 1 of this Article, a visa may be issued if required on humanitarian grounds or national interests or international obligations of the Republic of Croatia.

Filling out the visa sticker

Article 32

- (1) All entries on the visa sticker shall be printed, and no manual changes shall be made to a printed visa sticker.
- (2) Visa stickers may be filled in manually only in case of technical difficulties in view of force majeure. No changes shall be made to a manually filled in visa sticker.

Annulment and revocation of a visa

Article 33

- (1) A visa shall be annulled where it becomes evident that the conditions for issuing it were not met at the time when it was issued or if there are serious grounds for believing that the visa was fraudulently obtained.
- (2) A visa shall be revoked where it becomes evident that the conditions for issuing it are no longer met.
- (3) A visa may be annulled or revoked by a diplomatic mission or consular post of the Republic of Croatia, or by a police administration or police station.
- (4) The decision annulling or revoking a visa and the grounds on which it is based shall be submitted to an alien on the prescribed form.
- (5) An alien is entitled to file an appeal against the decision referred to in paragraph 4 of this Article through the competent diplomatic mission or consular post of the Republic of Croatia.
- (6) An appeal is decided on by the Appeals Commission with the ministry competent for foreign affairs.
- (7) An appeal shall not postpone enforcement of the decision referred to in paragraph 4 of this Article.
- (8) A visa may also be revoked at the request of an alien to whom it was issued, in which case an appeal is not permissible.

IV ENTRY AND DEPARTURE OF ALIENS

Article 34

- (1) An alien is considered to have entered the Republic of Croatia when he passes the point where border controls are carried out at the border crossing point, and in other cases when he crosses the border line.

(2) An alien who is registered in the travel document of another person may enter and leave the Republic of Croatia only if accompanied by the person in whose travel document he is registered.

Article 35

(1) An alien shall be subject to border control at the time of entry into and departure from the Republic of Croatia.

(2) Border controls referred to in paragraph 1 of this Article are carried out in accordance with legislation which regulates surveillance of the state border, and includes the establishing of reasons referred to in Article 36 of this Act.

Approval of an alien's entry into the Republic of Croatia.

Article 36

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

1. he holds a valid travel document or other document used for crossing the state border,
2. he holds a valid visa or valid approval of stay, where necessary,
3. he justifies the purpose and conditions for entry and stay and has sufficient resources to maintain himself during his stay in the Republic of Croatia and for returning to the country from which he came or for travelling to a third country,
4. he was not issued the prohibition of entry and stay and is not covered by international measures for restricted entry which are binding on the Republic of Croatia,
5. he is not considered to be a threat to public policy, national security or public health.

(2) An alien who does not meet the criteria referred to in paragraph 1 of this Article may be granted entry to the Republic of Croatia at a specific border crossing if required on serious humanitarian grounds, national interests or international obligations of the Republic of Croatia.

Article 37

(1) The Government of the Republic of Croatia may lay down that nationals of certain states may enter and leave the Republic of Croatia with a valid personal identity card or other document proving their identity and nationality, provided that they meet the conditions referred to in Article 36, paragraph 1, items 2, 3, 4 and 5 of this Act.

(2) The Government of the Republic of Croatia may lay down that under certain conditions nationals of certain states may enter and leave the Republic of Croatia if they hold a valid travel document which includes a valid stay permit or a valid type C visa issued by a signatory of the Schengen Implementation Agreement, provided that they meet the conditions referred to in Article 36, paragraph 1, items 1, 3, 4 and 5 of this Act.

Refusing an alien's entry into the Republic of Croatia.

Article 38

(1) The police station competent for controlling the crossing of the state border shall issue a decision refusing an alien's entry.

(2) An appeal may be filed against the decision referred to in paragraph 1 of this Article through the competent diplomatic mission or consular post of the Republic of Croatia, which is decided by the Commission. The appeal does not postpone enforcement.

Illegal entry of an alien into the Republic of Croatia.

Article 39

(1) 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 before the expiration of the time period referred to in Article 46, paragraph 4 of this Act,
5. he enters on the basis of another person's or forged travel document or other document necessary for crossing the state border.

Departure of aliens from the Republic of Croatia

Article 40

(1) Aliens are free to leave the Republic of Croatia.

(2) An alien shall be prohibited from leaving the Republic of Croatia if:

1. at the time of leaving the Republic of Croatia, he uses another person's or forged travel document or other document used to cross the state border, or
2. there is a justifiable reason to believe that he intends to avoid prosecution for a criminal offence or prosecution for a misdemeanour, detention, arrest, bringing in or enforcement of the sentence of imprisonment.

Carriers' obligations

Article 41

- (1) A carrier may take an alien to the border crossing point or to the Republic of Croatia if the alien holds a valid travel document or another document intended for crossing the state border, a valid visa, if he requires one, or stay permit.
- (2) The carrier who transports an alien contrary to paragraph 1 of this Article shall take him from the border crossing point or from the Republic of Croatia without any delay and, if that is not possible, the carrier shall bear the cost of some other way of transport or, if such other type of transport is not readily available, assume the costs incurred during the stay and return of the alien.
- (3) The provisions of paragraph 2 of this Article also relate to carriers who transported an alien in transit:
1. if the carrier who should have taken him to the country of destination refused to do so, or
 2. if he is prohibited to enter the country of destination.
- (4) The provisions of this Article also refer to the commander of a sports and leisure vessel.

Obligations of the organisers of tourist or business trips

Article 42

If the alien stays 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 trip of the alien if it is established that the illegal stay of the alien is a consequence of an omission by the organiser.

Prohibition to assist an alien

Article 43

- (1) It is prohibited to assist an alien in illegal crossing of the state border, in transit across the state territory if the alien entered the Republic of Croatia illegally, and in his illegal stay.
- (2) Assisting an alien in the realisation of the rights referred to in Article 107, paragraph 5 of this Act are not regarded as assistance within the meaning of paragraph 1 of this Article.

V STAY OF ALIENS

Article 44

(1) An alien may stay in the Republic of Croatia on a short-term stay, temporary stay or permanent stay.

Short-term stay

Article 45

(1) Short-term stay shall be the stay of an alien of up to 3 months, on the basis of a visa or without a visa.

(2) 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 3 months over a period of six months, counting from the date of his first entry.

(3) The alien referred to in paragraph 2 of this Article who used the 3-month stay period before the expiration of the six-month period may re-enter and stay in the Republic of Croatia after the expiration of the period of six months counting from the date of his first entry.

Cancellation and termination of short-term stay

Article 46

(1) Short-term stay of an alien shall terminate:

1. if he is prohibited entry and stay in the Republic of Croatia,
2. on expiration of the term of validity of his visa,
3. if he already used the visa,
4. if he used the 3-month stay referred to in Article 45, paragraph 2 of this Act,
5. on cancellation of his stay.

(2) Short-term stay of an alien shall be cancelled:

1. if he does not hold a valid travel document or another document used for crossing the state border,
2. if he does not justify the purpose and conditions for entry and stay,
3. if he 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. if he does not settle mature financial obligations in the Republic of Croatia,
5. if there is a well-founded reason to believe that his stay was not used for the intended purpose.

(3) An appeal may not be filed against the decision of the police administration or police station referred to in paragraph 2 of this Article, but an administrative dispute may be initiated.

(4) An alien whose stay was cancelled may re-enter the Republic of Croatia on expiration of 30 days counting from the expiration of the deadline for leaving the Republic of Croatia.

Temporary stay

Article 47

(1) Temporary stay shall be granted to an alien who intends to stay or staying in the Republic of Croatia for the following purposes:

1. family reunification,
2. secondary school education and university studies,
3. scientific research,
4. humanitarian grounds,
5. work,
6. work of the posted worker.

(2) Temporary stay for the purpose of work referred to in paragraph 1 item 5 of this Article shall be granted as a stay and work permit.

(3) Temporary stay for the purpose of work of a posted worker shall be granted to a third-country national if he meets the criteria referred to in Article 54 and Article 86, paragraph 1 of this Act.

(4) By way of derogation from paragraph 1 of this Article, an alien may be granted temporary stay for other purposes, at most up to six months in the course of one year.

(5) The national of an EEA Member State who owns real property in the Republic of Croatia may be granted temporary stay for other purposes in the duration of up to one year.

(6) Temporary stay may be granted as autonomous stay in the duration of up to one year in accordance with Article 60 of this Act.

Submitting an application for temporary stay

Article 48

(1) Temporary stay applications shall be submitted to the diplomatic mission or consular post of the Republic of Croatia.

(2) Temporary stay applications for aliens who do not require a visa for entry into the Republic of Croatia may be submitted to the police administration or police station based on the place of the intended stay of the alien, the registered office (seat) of the employer or the place of work of the alien.

(3) By way of derogation from paragraph 1 of this Article, an alien who needs a visa for entry in the Republic of Croatia, and who is to study at a university as a full-time student at undergraduate, graduate and postgraduate level, and an alien referred to in Article 76, paragraph 1, items 12, 13, 14 and 15 of this Act and members of his immediate family may submit an application for the approval of temporary stay at a police administration or police station.

(4) An alien referred to in paragraphs 2 and 3 of this Article who submits a temporary stay application before the expiration of short-term stay may remain in the Republic of Croatia until the decision concerning his application becomes enforceable.

Article 49

(1) An application for approving temporary stay shall be submitted by the alien, and an application for the issuing of a stay and work permit may be submitted by the employer.

Deciding on the temporary stay application

Article 50

(1) The police administration or police station based on the place of temporary residence or intended stay of an alien decides on the temporary stay application.

(2) An appeal against the decision referred to in paragraph 1 of this Article may be filed, where the Commission shall decide about the appeal.

(3) An appeal is not permissible against a decision refusing the issuing of a stay and work permit if the annual quota is full or if the annual quota for extension, new employment or seasonal employment was not set, but an administrative dispute may be initiated.

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

Article 51

(1) The parent or guardian of a child born in the territory of the Republic of Croatia shall submit a temporary stay application for the child before the child turns three months of age.

(2) Temporary stay referred to in paragraph 1 of this Article may be granted for the time period granted for temporary stay to one of the parents or the guardian of the child, that is, up to one year if one of the parents or the guardian is an alien on permanent stay.

Term of validity of temporary stay

Article 52

- (1) The temporary stay permit shall be issued for the term of validity of up to one year.
- (2) The term of validity of the travel document shall be at least 3 months longer than the time period for which the temporary stay permit is issued.
- (3) A decision approving temporary stay shall be issued to an alien who does not hold a valid foreign travel document, and the temporary stay application was submitted in the Republic of Croatia.
- (4) An alien referred to in paragraph 3 of this Article shall enclose the foreign travel document to the application for extending his temporary stay.

Extending temporary stay

Article 53

- (1) Applications for the extension of temporary stay shall be submitted at the latest 30 days before the expiration of the term of validity of the valid temporary stay permit, at the police administration or police station based on the place of temporary residence or the registered office (seat) of the employer or the place of work of the alien.
- (2) An alien who submitted an application for the extension of temporary stay before the expiration of the valid temporary stay may remain in the Republic of Croatia until the decision on his application becomes enforceable.

Deciding on the temporary stay application

Article 54

- (1) Temporary stay of an alien shall be granted if:
 1. he proves the purpose of temporary stay,
 2. he holds a valid travel document;
 3. he has funds to support himself,
 4. he holds health insurance,
 5. he is not prohibited entry and stay in the Republic of Croatia,
 6. he is not considered to be a threat to public policy, national security or public health.

Temporary stay for the purpose of family reunification

Article 55

(1) Temporary stay for the purpose of family reunification may be granted to an alien who is a member of the immediate family of:

1. a Croatian national,
2. an alien having approved permanent stay,
3. an alien having approved temporary stay,
4. an alien granted protection under the Asylum Act.

(2) By way of derogation from paragraph 1, item 3 of this Article, a member of the immediate family of an alien staying in the Republic of Croatia based on a valid stay and work permit approved for a year in accordance with the annual quota for the employment of aliens may be granted temporary stay for the purpose of family reunification only if the alien with whom family reunification is sought had temporary stay in the Republic of Croatia granted for at least 2 years.

(3) Temporary stay for the purpose of family reunification shall not be granted to the family member of an alien to whom a stay and work permit for the purpose of seasonal work was issued.

Family members

Article 56

(1) Members of the immediate family within the meaning of this Act are the following:

1. spouse,
2. common law partners,
3. the underage children of married couples and common law partners, their underage adopted children, and the underage children of each of them, who have not formed families of their own,
4. parents or adoptive parents of underage children.

(2) By way of derogation from paragraph 1 of this Article, some other relatives may also be regarded as a member of the immediate family of a Croatian national, an alien granted temporary or permanent stay and an alien holding asylee status, provided that there are special personal or serious humanitarian grounds for family reunification in the Republic of Croatia.

(3) In the case of a polygamous marriage, family reunification in the territory of the Republic of Croatia shall be granted to only one spouse.

(4) Family reunification shall not be granted if the spouse or common law partner is married or in a durable relationship with another person.

(5) Common law marriage within the meaning of this Act means the union of life of an unmarried woman and an unmarried man at least three years in duration or shorter if a child was born into such union.

Marriage of convenience

Article 57

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

(2) Marriage of convenience within the meaning of this Act means any marriage concluded with a view to circumventing the requirements necessary for the entry and stay of aliens.

(3) 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. material assets were exchanged for the conclusion of marriage, unless the assets represent 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.

(4) The provisions of this Article shall apply accordingly to common law marriages and in the procedure of approving permanent stay.

Regulating temporary stay for the family member of a person enjoying protection under the Asylum Act

Article 58

(1) A member of the immediate family of a person who was granted protection under the Asylum Act shall not be obligated to meet the criteria referred to in Article 54, paragraph 1, items 3 and 4 of this Act for the approval of temporary stay for the purpose of family reunification.

Term of validity of temporary stay for the purpose of family reunification

Article 59

(1) 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 validity period of the temporary stay

permit of the alien with whom family reunification is sought.

(2) An alien who had an uninterrupted temporary stay permit for the purpose of family reunification in the duration of at least 2 years may be granted temporary stay for the same purpose with the term of validity of up to 2 years or until the expiration of the validity of the temporary stay permit of the alien with whom family reunification is sought.

Autonomous stay

Article 60

(1) The spouse or common law partner and child who came of age may be granted autonomous stay, provided that they meet the criteria referred to in Article 54, paragraph 1, items 2 through 6 of this Act and that they have approved temporary stay for the purpose of family reunification in the uninterrupted duration of 4 years.

(2) Exceptionally, aliens referred to in paragraph 1 of this Article may be granted autonomous stay if they meet the criteria referred to in Article 54, paragraph 1, items 2 through 6 of this Act and if they have approved temporary stay for the purpose of family reunification in the uninterrupted duration of 3 years, in the case where the person through whom they were granted temporary stay for the purpose of family reunification died.

Rights of aliens on temporary stay further to family reunification and on autonomous stay

Article 61

(1) An alien granted temporary stay for the purpose of family reunification and an alien referred to in Article 60 of this Act shall exercise their right to education, professional development, work and self-employment in accordance with the provisions of this Act.

Temporary stay for the purpose of secondary education

Article 62

(1) Temporary stay for the purpose of secondary education shall be granted to an alien who along with the criteria referred to in Article 54 of this Act also meets the following conditions:

1. he is not over 18 years of age if he is enrolling in the last year of education,
2. he is enrolled in a secondary school,
3. he participates in a recognised pupil exchange programme approved by the ministry competent for education and science, and
4. he encloses the consent of his parent or legal guardian for his planned stay for the purpose of secondary education in the Republic of Croatia,
5. he encloses proof that the organisation carrying out the pupil exchange programme is to be responsible for him during his stay in the Republic of Croatia, especially in terms of funds for support, learning, health care and costs of his return, and

6. that the family with whom he is staying meets the criteria stipulated in special regulations and that the family was selected in accordance with the pupil exchange programme.

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

Temporary stay for the purpose of studies

Article 63

(1) Temporary stay for the purpose of studies shall be granted to an alien meeting the conditions referred to in Article 54 of this Act, and:

1. studying at a higher education institution in the Republic of Croatia,
2. has arrived as part of a student exchange programme or youth mobility, or
3. is to undergo practice through an authorised organisation or based on international or interuniversity agreements.

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

(3) Performance of professional practice by an alien referred to in paragraph 1 of this Article shall not be considered work within the meaning of the provisions of this Act.

Temporary stay for the purpose of scientific research

Article 64

(1) Temporary stay for the purpose of scientific research shall be granted to an alien who concluded a hosting contract and who meets the criteria referred to in Article 54 of this Act, other than proof of medical insurance.

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

(3) An alien who concluded a hosting agreement to work in an EEA Member State and who was granted stay in the state concerned pursuant to such agreement may stay in the Republic of Croatia up to 90 days in order to carry out research if he has funds to support himself and if he does not pose a threat to public policy, national security and public health.

Temporary stay under humanitarian grounds

Article 65

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

1. if as a victim of trafficking (hereinafter: the victim), he agreed to participate in an assistance and protection programme,
2. if he is a minor who was abandoned or who is a victim of organised crime or who remained without parental protection, guardianship or escort for some other reasons,
3. an alien who had the status of refugee for at least 10 years before the date of submission of the application or who is included in a reconstruction, return or housing care programme for refugees from the Republic of Croatia, as evident from the certificate of the competent state body for refugees,
4. an alien cooperates with the competent bodies and his participation is indispensable in the criminal procedure being conducted against the employer who employed him illegally,
5. serious justified humanitarian grounds.

(2) An alien referred to in paragraph 1 of this Article shall not be required to meet the criteria referred to in Article 54, paragraph 1, items 3 and 4 of this Act.

(3) Before issuing the temporary stay permit referred to in paragraph 1, item 5 of this Article, the police administration or the police station shall request an approval of the Ministry.

Victim of human trafficking

Article 66

(1) 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.

(2) The Operative Team of the National Committee for the Suppression of Trafficking in Persons (hereinafter referred to as: the Operative Team) shall notify the Ministry of the agreement of the victim to participate in an assistance and protection programme.

(3) 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.

(4) The person shall lose the right to assistance and protection if he based his testimony on false

facts, if the circumstances under which he acquired the right to assistance and protection 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 right to assistance and protection.

Article 67

(1) An alien identified as a victim shall be entitled to decide whether to participate in an assistance and protection programme within a term of 60 days.

(2) The guardian of a minor identified as a victim shall be entitled, subject to the approval of the social welfare centre, 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.

(3) 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 68

(1) A victim granted temporary stay shall be entitled to safe accommodation, health protection, financial assistance, education and work.

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

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

(4) 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.

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

(6) An alien granted temporary stay under humanitarian grounds in accordance with Article 65, paragraph 1, item 4 of this Act shall exercise his rights referred to in paragraph 1 of this Article.

Article 69

(1) All bodies involved in the assistance and protection programme of a victim who is a minor shall bear in mind the best interests of the minor.

(2) 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.

(3) The body competent for social welfare shall appoint a guardian for the victim who is a minor.

Article 70

(1) 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.

(2) 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 71

(1) Temporary stay under humanitarian grounds shall terminate if:

1. the victim 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.

(2) When deciding on the termination of temporary stay of a victim who is a minor, the competent body for social welfare shall be requested to issue its opinion.

(3) Temporary stay under humanitarian grounds referred to in Article 65, paragraph 1, items 2, 3, 4 and 5 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.

(4) An appeal may be filed against the decision of the police administration or police station referred to in paragraphs 1 and 3 of this Article, where the Commission shall decide about the appeal.

Termination of temporary stay

Article 72

(1) Short-term stay of an alien shall terminate:

1. when the circumstances for the approval of temporary stay cease to exist,
2. if he is prohibited entry and stay,
3. if within 30 days after the approval of temporary stay he fails to register his temporary residence with the police administration or police station,
4. if he moved out of the Republic of Croatia or stays abroad without interruptions for a period over 30 days,

5. if he stays in the Republic of Croatia contrary to the purpose of the temporary stay permit.

(2) The decision referred to in paragraph 1, items 2 and 3 of this Article may be adopted without a preliminary interview with the alien if he was notified in advance of the procedure for termination of his temporary stay.

(3) The police administration or police station shall not adopt a decision on the termination of temporary stay if the prohibition of entry and stay referred to in paragraph 1, item 2 of this Article was issued in a decision on expulsion.

(4) An appeal may be filed against the decision of the police administration or police station referred to in paragraph 1 of this Article, where the Commission shall decide about the appeal.

(5) By way of derogation from paragraph 1, item 4 of this Article, the temporary stay of any alien who stays out of the Republic of Croatia for a period of up to 90 days for justified reasons shall not terminate if he notifies the relevant police administration or police station thereof, at the latest 10 days of the day of return to the Republic of Croatia.

Work of aliens in the Republic of Croatia

Article 73

(1) An alien may work in the Republic of Croatia further to an issued stay and work permit or a work registration certificate, unless provided otherwise in this Act.

(2) The stay and work permit may be issued based on the annual quota and outside the annual quota.

(3) Without a stay and work permit or a work registration certificate, aliens who have the following may work in the Republic of Croatia:

1. permanent stay,

2. asylum, subsidiary or temporary protection,

3. temporary stay for the purpose of family reunification with a Croatian national, an alien on permanent stay, an asylee and an alien who was granted subsidiary or temporary protection,

4. temporary stay under humanitarian grounds,

5. autonomous stay,

6. the status of a full-time pupil or student where they perform their work through authorised agents, without contracting employment,

7. temporary stay for the purpose of scientific research referred to in Article 64 of this Act.

(4) Within the meaning of this Act, the performance of preliminary actions for the establishment and registration of a company or trade is not regarded as work.

(5) An alien may work in the Republic of Croatia only on such jobs for which he was issued a stay and work permit or a work registration certificate, that is, only with the employer with whom he contracted employment.

(6) An employer may assign an alien only to such jobs for which he was issued a stay and work permit or a work registration certificate.

(7) An employer may not employ an alien staying in the Republic of Croatia illegally or use his work.

(8) Before the commencement of work, an employer must ask the alien to provide for review a valid stay and work permit, work registration certificate or stay permit referred to in paragraph 3 of this Article, a copy of which the employer must keep throughout the term of employment.

(9) If an alien presented an invalid permit referred to in paragraph 8 of this Article, the employer shall not be regarded responsible for the employment of the alien staying in the Republic of Croatia illegally unless the employer knew that the document presented as stay and work permit was forged.

(10) An employer employing an alien referred to in paragraph 3 of this Article shall notify the competent police administration or police station thereof within 8 days of the establishment of employment or commencement of work by the alien.

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

Annual quota for the employment of aliens

Article 74

(1) The Government of the Republic of Croatia shall set the annual quota for the employment of aliens at the latest by 31 October of the current year for the following year, for the extension of work permits already issued and for new employment.

(2) The ministry responsible for employment shall draw up a proposal of the annual quota for the employment of aliens on the basis of an opinion of the Croatian Employment Service, the Croatian Chamber of Economy, the Croatian Chamber of Trades and Crafts and representatives of social partners.

(3) The annual quota for the employment of aliens shall be determined in accordance with the migration policy and the situation on the labour market.

(4) The annual quota for the employment of aliens shall set out the activities and occupations in which the employment is permitted, and the number of work permits for each of the activities and occupations.

(5) The annual quota for the employment of aliens may set out the quota for seasonal employment.

Stay and work permit further to the annual quota for employment of aliens

Article 75

(1) The stay and work permit further to the annual quota referred to in Article 74 of this Act shall be granted to an alien who meets the criteria referred to in Article 54 of this Act, and encloses the following:

1. an employment contract or a written certificate of the conclusion of an employment contract or other relevant contract,
2. proof of the academic qualifications acquired and the skills of the alien,
3. proof of the registration of a company, branch office, representative office, trade, association or institution in the Republic of Croatia.

Stay and work permit outside the annual quota

Article 76

(1) The stay and work permit outside the annual quota may be issued to:

1. daily migrant workers under the condition of reciprocity,
2. key personnel, workers and their family members, whose status is regulated by the Stabilisation and Association Agreement between the European Communities and their Member States and the Republic of Croatia,
3. aliens holding key positions in companies, branch offices and representative offices,
4. 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. aliens who are self-employed in a company they own or in a company in which they hold a share in excess of 51% or in their own trade,
6. a worker performing the activities of providing services on behalf or for a foreign employer not entitled to the right of establishment in an EEA Member State,
7. teachers and lecturers at educational institutions in the language and script of a national minority,
8. professional athletes or sports workers working in the Republic of Croatia,

9. artists working in theatres in the Republic of Croatia,
10. aliens who contracted employment in foreign associations registered as a foreign association in the Republic of Croatia and at least three other states,
11. aliens who are members of the trust bodies of the representative offices of foreign trusts and foundations registered in the Register of the Representative Offices of Foreign Trusts and Foundations in the Republic of Croatia,
12. aliens working further to youth mobility programmes being carried out by the Republic of Croatia in cooperation with other states,
13. scientific research and aliens employed for scientific, scientific-teaching or other research work places in scientific legal persons,
14. university professors, native speakers of foreign languages, foreign-language instructors and other lecturers invited by Croatian universities or registered foreign language schools,
15. aliens working pursuant to an international treaty, other than the treaty referred to in Article 79, paragraph 1, item 2 of this Act.

(2) Within the meaning of paragraph 1, item 3 of this Article, an alien holding key activities in a company, branch office or representative office of a foreign company shall be:

1. a person having a higher rank in a company, branch office or representative office, person managing business activities, person under the general supervision or management of the management board or shareholders or members of the company, and person 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. a person working in a company, branch office or representative office who possesses special professional knowledge and/or powers indispensable for providing services, using research equipment, applying technology or carrying out the business operations of a company, branch office or representative office.

Article 77

(1) The stay and work permit referred to in Article 76 of this Act shall be granted to an alien who meets the criteria referred to in Article 54 of this Act, and encloses the following:

1. an employment contract or a written certificate of the conclusion of an employment contract or other relevant contract,
2. proof of the academic qualifications acquired and the skills of the alien,
3. proof of the registration of a company, branch office, representative office, trade, association or institution in the Republic of Croatia,

4. an explanation why the employment of the alien is justified, including information on his professional knowledge, qualifications and working experience of the alien, and reasons why the position cannot be assigned to a Croatian national on the labour market.

(2) It is not necessary to enclose an explanation of the justifiability of employment of an alien to the application for the issuing of the stay and work permit referred to in Article 76, paragraph 1, items 2, 4, 5 and 6 of this Act.

Article 78

(1) A stay and work permit may be issued to an alien referred to in Article 76, paragraph 1, item 3 of this Act if he meets the criteria referred to in Article 77 of this Act, and provided that:

1. the value of share capital of the company, that is, assets of the general partnership or public trading company exceeds the amount of HRK 100,000.00,

2. at least 3 Croatian nationals are employed in the company, the branch office or representative office of a foreign company on jobs other than the procurator, member of the management board or supervisory board, and

3. and his gross salary is at least in the amount of an average gross salary paid in the Republic of Croatia in the previous year.

(2) If there are several aliens referred to in paragraph 1 of this Article performing key activities for the same employer, the stay and work permit may be issued provided that:

1. for each alien employed, there are at least five Croatian nationals employed on jobs other than procurator, member of the management board or member of the supervisory board,

2. the value of share capital of the company, that is, assets of the general partnership or public trading company exceeds the amount of HRK 100,000.00,

3. his gross salary is at least in the amount of an average gross salary paid in the Republic of Croatia in the previous year.

(3) A stay and work permit may be issued to an alien referred to in Article 76, paragraph 1, item 5 of this Act if he meets the criteria referred to in Article 77 of this Act, and provided that:

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

2. at least 3 Croatian nationals are employed,

3. his gross salary is at least in the amount of an average gross salary paid in the Republic of Croatia in the previous year,

4. the company or trade does not do business at a loss,

5. he encloses proof of the settlement of tax obligations and contributions in the Republic of Croatia.

(4) The stay and work permit may be issued to an alien referred to in Article 76, paragraph 1, item 6 of this Act, provided that he meets the criteria referred to in Article 77 of this Act and provided that the service provider is employed with a foreign employer and has adequate qualifications, and that the foreign employer concluded a contract with a company or trade in the Republic of Croatia, provided that the services concerned involve specific services in the area of high technology and that the provision of such services is in the interest of the Republic of Croatia.

(5) Nationals of the Member States of the European Union shall not be obligated to meet the criteria referred to in this Article.

Article 79

The stay and work permit outside the annual quota may be granted to an alien who meets the criteria referred to in Article 54 of this Act, and who:

1. performs key activities referred to in Article 76, paragraph 2 of this Act in a company benefiting from incentives in accordance with a regulation on the award for incentives for investments, or holding an ownership share in such company of at least 51%, or

2. performs jobs or carries out projects in the Republic of Croatia pursuant to international treaties on professional and technical assistance, which the Republic of Croatia concluded with the European Union, some other state or an international organisation.

Article 80

(1) The police administration or police station based on the place of temporary stay of an alien shall issue a decision on the issuing of the stay and work permit. An appeal may be filed against the decision, where the Commission shall decide about the appeal.

(2) The stay and work permit shall be issued to an alien for the time period necessary to perform the job or for the term of the employment contract or some other relevant contract, and at most for a period of up to one year.

(3) By way of derogation from paragraph 2 of this Article, the stay and work permit shall be issued to an alien referred to in Article 76, paragraph 1, item 4 of this Act, with the term of validity of up to two years.

(4) An alien to whom a stay and work permit was issued for the performance of seasonal work may stay in the Republic of Croatia for at most six months in the course of one year, and must stay outside the Republic of Croatia for at least six months before he may enter the Republic of Croatia again and stay for the purpose of work.

(5) A stay and work permit shall be sent by the police administration or police station to the employer and to the regional offices or branch offices of the Tax Administration competent on

the basis of the seat of the legal or natural person using the services of the alien or the place in which the work is to be performed.

Article 81

(1) The police administration or police station may refuse to issue a stay and work permit if the employer is in breach of employment regulations, health and pension insurance regulations, or where the alien or employer did not pay a fine issued against him.

Work registration certificate

Article 82

(1) Based on a work registration certificate, the following aliens may work up to 90 days a year:

1. procurators, key personnel and members of the supervisory board of a company, performing jobs for the company, who are not employed,
2. service providers in tourism, tourist agents or entertainers in accordance with special regulations,
3. scientists on scientific and professional development, scientists-representatives of international organisations and scientists who are to participate in the implementation of scientific projects important for the Republic of Croatia,
4. administrative staff, experts, teachers and lecturers at foreign cultural, educational and scientific institutions performing a job in the Republic of Croatia as part of a cultural and educational cooperation programme, and administrative staff, experts, teachers and lecturers at foreign cultural, educational and scientific institutions having branch offices in the Republic of Croatia, provided that they are from the home institution,
5. civilian and military officials of the governments of other states coming to the Republic of Croatia to work further to a cooperation agreement with the Government of the Republic of Croatia,
6. foreign correspondents, accredited in the Republic of Croatia or foreign media reporters,
7. representatives and the staff of religious communities performing jobs exclusively related to religious or charitable service,
8. students on practice through an authorised organisation further to international and inter-university agreements or performing volunteer work in work camps and similar working and education programmes organised by Croatian associations or institutions, or on practice in diplomatic missions and consular posts accredited in the Republic of Croatia,
9. volunteers working in non-profit associations and institutions in the Republic of Croatia in accordance with special regulations or based on international exchange and volunteer cooperation programmes,
10. aliens coming to the Republic of Croatia to carry out their traineeship in companies, branch offices or representative offices owned by foreign companies, provided that the aliens come from the registered office (seat) of such companies or from its representative office or branch office in some other state,
11. aliens performing the activities of supervision and inspection of overhaul and shipbuilding and aliens performing the activities of supervision or inspection of the production, assembly of equipment, machinery and other facilities under an export or order contract for a foreign client,

12. aliens working on vessels and who are included in the manifest,
13. aliens carrying out professional practice, training or volunteer work within the Community Programmes, Lifelong Learning and Youth in Action, and other programmes and initiatives carried out by the body competent for education and science,
14. experts in the area of cultural heritage protection, library and archives science,
15. aliens carrying out professional training, development or education of workers employed with legal and natural persons in the Republic of Croatia,
16. aliens engaged in activities related to the delivery, assembly or service of machinery and equipment, whose work is a condition for exercising warranty rights or is related to the delivery of machinery or equipment,
17. aliens attending professional training at a legal person with its registered office in the Republic of Croatia which is linked to the foreign employer in organisational terms,
18. pupils on practice through an authorised organisation or pupil exchange programme.

(2) The stay and work permit outside the annual quota may be issued to aliens referred to in paragraph 1, items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this Act intending to stay and work in the Republic of Croatia for a period in excess of 90 days, provided that they meet the conditions referred to in Article 54 of this Act.

Article 83

(1) Based on a work registration certificate, the following aliens may work up to 60 days a year:

1. providers of auditing and consulting services,
2. lecturers taking part in organised professional gatherings and seminars,
3. artists and technical staff participating in opera, ballet, theatre, concert, visual arts and other cultural events, and authors and performers in film and television arts,
4. aliens employed in circuses and amusement parks.

(2) Based on a work registration certificate, the following aliens may work up to 30 days a year:

1. musical, music-and-stage and dancing arts authors and performers, as well as accompanying reporting, organisational and technical staff,
2. aliens participating in fairs and exhibitions where their employers are exhibitors.

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Article 84

(1) Aliens referred to in Article 82 of this Act who will work for less than 90 days and aliens referred to in Article 83 of this Act, or legal and natural persons who will be using their services shall obtain, before the commencement of work, a work registration certificate from the police administration or police station based on the location of the performance of activities.

(2) Based on the work registration certificate issued, an alien may work for the same employer or service recipient throughout the territory of the Republic of Croatia.

(3) An alien referred to in paragraph 1 of this Article shall not be required to obtain a stay and work permit.

Article 85

(1) A legal or natural person using the services of an alien referred to in Articles 82 and 83 of this Act must be in the possession of a contract or other relevant certificate signed with the alien or the external employer who is sending the alien to work in the Republic of Croatia.

(2) The police administration or police station shall submit the work registration certificate to the alien, legal or natural person referred to in paragraph 1 of this Article and the regional service or branch office of the Tax Administration, based on the registered office (seat) of the legal or natural person using the services of the alien or the place where the contracted work is to be performed.

(3) The provisions of paragraphs 1 and 2 of this Article and Article 84 of this Act shall not apply to aliens participating in sports events and competitions in the Republic of Croatia as the representatives of foreign teams, clubs or national teams.

Posted workers

Article 86

(1) A posted worker is a worker employed by a foreign employer referred to in paragraph 2 of this Article, provided that the foreign employer, in the framework of temporary or occasional transnational provision of services, for a limited time period:

1. posts him to the Republic of Croatia for its account and under its guidance, based on a contract concluded between the foreign employer assigning him to such work and the service user doing business in the Republic of Croatia, provided that there is an employment relationship between the foreign employer and the worker during the period of posting or

2. posts him to the Republic of Croatia to an establishment or to a company owned by the same group to which the foreign employer belongs, provided there is an employment relationship between the foreign employer and the worker during the period of posting or

3. posts him as a temporary employment agency to a user established or doing business in the Republic of Croatia, provided that there is an employment relationship between the temporary employment agency and the worker during the period of posting.

(2) A foreign employer is a natural or legal person established in another Member State of the EEA, which in the framework of transnational provision of services, assigns the worker for a limited period of time to work in the Republic of Croatia.

(3) The posted worker is a worker posted by a foreign employer to carry out his or her work for a limited period of time in the Republic of Croatia, which is not a state in which he or she usually works.

(4) The posted worker who is a third-country national legally employed by a foreign employer and posted in the Republic of Croatia for a period over 3 months shall regulate his temporary stay for the purpose of work of the posted worker in accordance with Article 47, paragraph 1, item 6 of this Act.

(5) The posted worker referred to in paragraph 1 of this Article shall be guaranteed the following working conditions:

1. the prescribed maximum duration of working hours and the minimum duration of rest,
2. the minimum duration of paid annual leave
3. the minimum salary, including increased salaries for overtime,
4. health and safety at work,
5. protective measures for work of pregnant women, women who have recently given birth or are breastfeeding and minors,
6. prohibition of discrimination.

(6) The working conditions referred to in paragraph 5 of this Article shall be guaranteed at the level of the rights laid down by legal regulations of the Republic of Croatia, that is, collective agreements which have been declared universally applicable to all employers and workers in a specific area, branch or activity, under a special regulation.

(7) The working conditions referred to in paragraphs 5 and 6 of this Article shall also be guaranteed to posted workers assigned through temporary employment agencies.

(8) The working conditions referred to in paragraphs 5 and 6 of this Article shall also be guaranteed to posted workers who are not citizens of EEA Member States, provided that they are legally employed by a foreign employer.

(9) A foreign employer shall confirm in the posting declaration referred to in Article 89 of this Act with respect to a posted worker referred to in paragraph 8 of this Article that the posted worker is legally employed according to the regulations of a state in which the foreign employer is established.

(10) The working conditions referred to in paragraph 5, items 2 and 3 of this Article shall not apply to a qualified worker posted by a foreign employer to the Republic of Croatia for a period less than 8 days if the foreign employer performing the delivery is sending him to perform the initial assembly and/or the initial set-up essential for making the products delivered available and agreed as an essential component of a supply of goods contract.

(11) Paragraph 10 of this Article shall not apply to workers posted to the Republic of Croatia by a foreign employer to carry out work in civil engineering relating to construction, repairs, maintenance, adaptations or demolition of buildings, and especially excavations, earth works, actual construction works, assembly and disassembly of prefabricated elements, the positioning of installations, alterations, renovation, repairs, disassembly, demolition, regular maintenance, maintenance, painting and cleaning or improvements.

(12) If the guaranteed working conditions referred to in paragraph 5 of this Article are determined in the regulations of the Republic of Croatia in a more favourable manner than in

the regulations of a state in which the employer is established and which apply to the working relationship, the most favourable right for the posted worker shall be applied.

13) The employer established in a state which is not an EEA Member State may not be placed in a position more favourable than the foreign employer established in an EEA Member State.

Referential period

Article 87

(1) The length of the period for which the posted worker referred to in Article 86 of this Act was posted in the Republic of Croatia shall be calculated based on the referential period of 1 year from the commencement of posting.

(2) For the purpose of calculating the duration of posting, all previous periods in which the same job was performed for the same foreign employer by any posted worker sent by the foreign employer shall be taken into account.

Judicial protection and administrative cooperation and informing

Article 88

(1) For the purpose of ensuring protection and enjoyment of the rights to guaranteed working conditions referred to in Article 86 of this Act, the posted worker may initiate a court procedure against a legal or natural person of the foreign employer or service recipient in the Republic of Croatia before the competent court in the Republic of Croatia, in accordance with the regulations of the Republic of Croatia.

(2) For the purpose of exercising the right to full information on the protection and scope of the rights stipulated in Article 86 of this Act and the required international cooperation, the ministry competent for labour shall ensure the required mutual administrative cooperation and assistance, so that the data on the working conditions would be available to all interested parties.

Posting declaration

Article 89

(1) The foreign employer referred to in Article 86 of this Act shall submit a posting declaration at the latest 7 days before the commencement of posting which must include the following:

1. the name and registered office, that is, the name and surname, address of the foreign employer and contact details, such as telephone and telefax numbers, and electronic mail address,

2. the name and surname of the posted worker and information on the state in which the worker habitually works,
3. commencement and the foreseen duration of posting,
4. the name and seat or the name and surname, address of the beneficiary, the place of providing services and a short description of the service,
5. information on the date of issuing, the term of validity, the number and the competent body that issued the valid stay and work permit of the posted worker referred to in Article 86, paragraph 4 of this Act (a third-country national) according to the regulations to the state in which the foreign employer is established.

(2) A foreign employer referred to in paragraph 86 of this Act shall report any change of data referred in paragraph 1 of this Article, during the posting period.

(3) The declaration referred to in paragraph 1 of this Article shall be submitted in writing or electronically to the body designated in a special regulation as the competent body for coordination of the social security systems in the Republic of Croatia.

Termination of validity of the stay and work permit

Article 90

(1) The stay and work permit shall cease to be valid:

1. on fulfilment of the criteria referred to in Article 72, paragraph 1 of this Act,
2. on termination of the existence of conditions based on which it was issued,
3. if an alien performs jobs for which the stay and work permit was not issued,
4. if an alien works for an employer for whom the stay and work permit was not issued,
5. if an alien or his employer do not respect regulations on employment, health and pension insurance and other regulations in accordance with which the activity must be carried out.

(2) An appeal may be filed against the decision of the police administration or police station referred to in paragraph 1 of this Article, where the Commission shall decide about the appeal.

(3) The police administration or police station shall not adopt a decision on the termination of the stay and work permit if the prohibition of entry and stay referred to in Article 72, paragraph 1, item 2 of this Act was issued in a decision on expulsion.

Article 91

(1) An alien whose employment contract or other relevant contract terminated through no fault of his own is entitled to stay in the Republic of Croatia until his stay and work permit expires.

(2) Where the employment contract or other relevant contract terminates and where other conditions based on which the stay and work permit was issued cease to exist, the employer

and the alien shall notify the police administration or police station within 15 days of the occurrence of the circumstances concerned.

Permanent stay

Article 92

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

(2) It shall also be deemed that an alien had an uninterrupted stay in the Republic of Croatia if within a period of five years he was absent from the Republic of Croatia on multiple occasions up to 10 months in total, or up to six months in the case of a one-time absence.

(3) At the time of deciding about his permanent stay application, the alien must have approved temporary stay in the Republic of Croatia.

Article 93

(1) The time required for granting permanent stay referred to in Article 92, paragraph 1 of this Act, shall not include:

1. the period of stay further to a stay and work permit issued to seasonal workers, daily migrant workers and service providers on behalf of a foreign employer,
2. the time spent serving one's prison sentence.

(2) In the case of an alien granted temporary stay for the purpose of studying, the time required for the approval of permanent stay referred to in Article 92, paragraph 1 of this Act includes only half of the time spent further to the temporary stay permit for the purpose of studying.

Article 94

(1) By way of derogation from Article 92 of this Act, permanent stay may also be granted to:

1. an alien who by the date of submitting the application had at least three years of uninterrupted temporary stay, and at least 10 years of refugee status, as demonstrated by a certificate of the competent state body for refugees,

2. an alien who had residence in the Republic of Croatia on 8 October 1991, and who is a beneficiary of the programme of return, reconstruction or housing care, as demonstrated by a certificate of the competent state body for refugees, and for whom it was established that he returned with an intention of living in the Republic of Croatia permanently,

3. a child whose both parents at the moment of his birth had approved permanent stay or the child of a single parent granted permanent stay.

Article 95

- (1) An alien shall submit an application for the issuing of a permanent stay permit to the police administration or police station based on the place of his temporary residence.
- (2) The Ministry shall issue a decision concerning the approval of permanent stay.
- (3) An appeal is not permissible against a decision of the Ministry, but an administrative dispute may be initiated.

Article 96

- (1) Permanent stay shall be granted to any alien who, along with the conditions referred to in Article 92 of this Act:
 1. has a valid foreign travel document,
 2. has the means of supporting himself,
 3. has health insurance,
 4. knows the Croatian language and the Latin script, and the Croatian culture and social system,
 5. does not pose a threat to public policy, national security or public health.
- (2) Aliens referred to in Article 94, paragraph 1, items 1 and 2 of this Act shall not be obligated to meet the criteria referred to in paragraph 1, items 2, 3 and 4 of this Article.

Article 97

- (1) The testing of the knowledge of the Croatian language and Latin script may be conducted by higher education institutions, secondary schools and institutions for adult education that organise Croatian language courses based on the permission of the ministry competent for education.
- (2) Knowledge of the Croatian culture and social system of the Republic of Croatia shall be demonstrated by the alien by completing a questionnaire in the procedure of approving permanent stay.
- (3) Testing of the knowledge of the Croatian language and Latin script and the Croatian culture and social system shall not be compulsory for the following:
 1. preschoolers,
 2. attendants or persons who finished primary, secondary or higher education in the Republic of Croatia,
 3. persons over the age of 65 if they are not employed,
- (4) An alien who proves that he knows the Croatian culture and social system of the Republic of Croatia by filling out the questionnaire referred to in paragraph 2 of this Article shall not have to sit for the exam from the Croatian language and Latin script.

(5) An alien who does not know the Croatian language and Latin script shall attend a Croatian language course in the duration of at least 150 teaching hours.

(6) The costs of the testing referred to in paragraph 1 and of the Croatian language course referred to in paragraph 5 of this Article shall be borne by the alien.

Rights of aliens on permanent stay

Article 98

(1) An alien on permanent stay is entitled to the following:

1. work and self-employment,
2. professional development,
3. education and student scholarships,
4. social welfare, 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 are engaged in special professions, including to remuneration provided by such organisations.

(2) An alien shall exercise the rights in accordance with the regulations governing the fields referred to in paragraph 1 of this Article.

Termination of permanent stay

Article 99

(1) Permanent stay of an alien shall terminate:

1. if he is prohibited entry and stay in the Republic of Croatia,
2. if he moved out of the Republic of Croatia or stayed abroad without interruptions for a period over one year,
3. if established that an alien deliberately provided untrue information or deliberately concealed the aim and circumstances which were relevant for the approval of permanent stay,
4. if required by the reasons of protecting public policy, national security or public health,
5. at his own request.

(2) The decision on termination of permanent stay shall be adopted by the Ministry at a proposal of the police administration or police station.

(3) The decision on termination of permanent stay may be adopted without a prior interview of the alien.

(4) The Ministry shall not adopt a decision on the termination of permanent stay if the prohibition of entry and stay referred to in paragraph 1, item 1 of this Article was issued in a decision on expulsion.

(5) An appeal is not permissible against the decision on termination of permanent stay, but an administrative dispute may be initiated.

VI MEASURES FOR LEAVING THE REPUBLIC OF CROATIA

Special protection

Article 100

(1) At the time of applying measures for leaving the Republic of Croatia, the best interest of minors and other vulnerable persons, family life and the health of the alien subject to measures shall be taken into account at the time of applying the measures for leaving the Republic of Croatia.

(2) Within the meaning of paragraph 1 of this Article, vulnerable persons means persons with disability, the elderly, pregnant women and single mothers with underage children, victims of violence and minors, especially unaccompanied minors.

Illegal stay

Article 101

(1) An alien must prove that his stay is legal.

(2) An alien is staying illegally if:

1. he is not on short-term stay,
 2. he does not have a valid stay permit,
 3. he was not granted asylum, subsidiary or temporary protection, or he is not an asylum seeker
 4. he is not an alien referred to in Article 53 of this Act.
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(3) An alien shall not be considered on short-term stay if:

1. the alien entered the Republic of Croatia illegally,
2. the alien referred to in Article 46, paragraph 1, item 4 of this Act who entered the Republic of Croatia, and the period of 6 months counting from the day of first entry did not expire,

3. the alien who returned to the Republic of Croatia pursuant to a readmission agreement,

4. the alien extradited to the Republic of Croatia,

5. the alien who was brought to the premises of the court from a border crossing for the purpose of conducting a criminal or misdemeanour procedure, and who was not granted entry in the Republic of Croatia.

(4) An alien staying illegally shall leave the Republic of Croatia without any delay.

Expulsion

Article 102

(1) An alien may be expelled from the Republic of Croatia if he poses a threat to public policy, national security or public health.

(2) The following is regarded as a decision on expulsion:

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

Article 103

(1) The decision on expulsion stipulates the prohibition of entry and stay and the time period during which an alien is prohibited from entering and staying in the Republic of Croatia.

(2) The prohibition of entry and stay shall run from the day of:

1. the expiration of the deadline for leaving the Republic of Croatia,
2. the removal (forced return),
3. the expiration of the prohibition of entry and stay issued in a previous decision on expulsion.

(3) The prohibition of entry and stay issued in a court decision ordering the security measure of expulsion of an alien from the country runs in accordance with special legislation.

Protection against expulsion

Article 104

(1) At the time of issuing the decision on expulsion, along with the circumstances referred to

in Article 100 of this Act, the length of stay, economic connections and the degree of social and cultural integration of the alien in the Republic of Croatia shall be taken into account, and also his ties to the country of origin.

(2) The decision on expulsion of an alien:

1. on permanent stay in the Republic of Croatia,
2. on temporary stay in the Republic of Croatia for an uninterrupted period of 10 years,
3. on temporary stay in the Republic of Croatia who is staying legally in the Republic of Croatia for 3 years and where the alien is married to a Croatian national or to an alien on approved permanent stay,

may be issued only subject to the existence of one of the grounds referred to in Article 106 of this Act.

Decision on expulsion

Article 105

(1) Within the meaning of Article 102, paragraph 1 of this Act, the decision on expulsion may be issued in particular if:

1. the alien's stay is illegal,
2. the alien crossed or attempted to cross the state border illegally,
3. the alien provides assistance in illegal entries, transit or stay,
4. concludes a marriage of convenience,
5. the alien violated the regulations on the employment and work of aliens, public order and peace, weapons, abuse of narcotic drugs or taxes,
6. the alien committed a criminal offence that is prosecuted in the line of duty,
7. a legally effective decision was issued against the alien while he was abroad for a serious criminal offence, which is also punishable under the Croatian legislation,
8. the alien repeats a misdemeanour,
9. commits a misdemeanour with the elements of violence.

(2) In the case referred to in paragraph 1, items 1 and 2 of this Article, the decision on expulsion may be issued without conducting a misdemeanour procedure.

Expulsion in view of a heightened social threat

Article 106

(1) The decision on expulsion shall be issued if:

1. pursuant to a legally effective decision, the alien was sentenced to an unconditional sentence of imprisonment in the duration of over one year for having committed a criminal offence with intent,
2. pursuant to several legally effective decisions issued over a period of five years, the alien was sentenced to imprisonment in the duration of at least three years in

total for having committed a criminal offence with intent,

3. the alien was sentenced to an unconditional sentence of imprisonment for having committed a criminal offence against values protected under international law,

4. the alien poses a threat to national security.

Adopting a decision on expulsion

Article 107

(1) The Ministry, the police administration or police station issues the decision on expulsion.

(2) The prohibition of entry and stay issued in a decision on expulsion may not be less than three months or more than 20 years.

(3) The prohibition of entry and stay issued in a decision on expulsion referred to in Article 105, paragraph 1, items 1 and 2 of this Act may not be longer than 5 years.

(4) An alien staying illegally and an alien on short-term stay who does not understand the Croatian language shall be provided with a translator in the proceedings in the language the alien understands. The decision on expulsion shall be translated at the request of the alien.

(5) Before a decision on expulsion is issued, an alien who was employed illegally shall be notified of the possibility of receiving compensation of salary, and of the corresponding contributions in accordance with special regulations, and of the possibility of filing an appeal or complaint against the employer.

(6) In the procedure of adopting a decision on expulsion, an alien staying illegally and an alien on short-term stay are entitled to free legal aid in accordance with the regulation on free legal aid.

Legal remedies against the decision on expulsion

Article 108

(1) An appeal against the decision of the Ministry referred to in Article 107 of this Act is not permissible, but an administrative dispute may be initiated.

(2) An appeal against the decision of the police administration or police station referred to in paragraph 107 of this Act may be filed, where the Commission shall decide about the appeal.

(3) By way of derogation from paragraph 2 of this Article, an appeal may not be filed against the decision on expulsion of an alien staying illegally and an alien on short-term stay, but an administrative dispute may be initiated.

Annulment of a decision on expulsion and shortening of the duration of prohibition

Article 109

- (1) The body which adopted the decision on expulsion may shorten the prohibition of entry and stay or annul the decision on expulsion if the grounds referred to in Article 102, paragraph 1 of this Act terminated, under humanitarian grounds, or if it is in the interest of the Republic of Croatia.
- (2) The application for shortening the prohibition of entry and stay and for annulling the decision on expulsion may be submitted on expiration of half of the time of the issued prohibition of entry and stay, and in any case on expiration of 3 years of the commencement of the prohibition of entry and stay.
- (3) An alien who was expelled only under the grounds referred to in Article 105, paragraph 1, items 1 and 2 of this Act may submit the application referred to in paragraph 2 of this Article if the criteria stipulated in paragraph 1 of this Article are met.
- (4) An appeal may be filed against the decision of the police administration or police station rejecting the request referred to in paragraphs 2 and 3 of this Article, where the Commission shall decide about the appeal..
- (5) If the stay of an alien becomes legal, the decision on expulsion shall cease to be valid without the adoption of an administrative act.

Approval of the stay of an alien expelled from an EEA Member State

Article 110

- (1) Where an alien was expelled from an EEA Member State, the competent body shall take into account the interests of such EEA Member State in the procedure of issuing a visa or approving stay in the Republic of Croatia.

Obligations of natural and legal persons

Article 111

- (1) State bodies, legal and natural persons shall immediately notify the police administration or police station if they learn that an alien is staying or working in the Republic of Croatia illegally unless they have an obligation of keeping a secret in accordance with special legal provisions.
- (2) The body that initiated a misdemeanour or criminal procedure against an alien for offences prosecuted in the line of duty shall immediately notify the police administration or police station about the initiation and outcome of the procedure.

(3) The state body which adopted the decision by which an alien is declared guilty for a criminal offence or misdemeanour prosecuted in the line of duty shall notify the competent police administration or police station immediately after adopting the decision.

(4) The penitentiary institution shall notify the competent police administration or police station at least 24 hours before releasing the alien.

Decision on leaving the Republic of Croatia

Article 112

(1) An alien staying illegally and an alien whose legal stay is to terminate pursuant to a decision of the state body shall be ordered to leave the Republic of Croatia in a decision.

(2) An alien referred to in paragraph 1 of this Article shall not have to be ordered to leave the Republic of Croatia in a decision, provided that:

1. the alien committed a criminal offence or misdemeanour with the elements of violence,
2. the alien was issued an unconditional sentence of imprisonment,
3. the alien crossed or tried to cross the state border illegally,

(3) The decision referred to in paragraph 1 of this Article shall stipulate a term within which the alien must leave the Republic of Croatia, and also removal (forced return) if the alien does not leave the Republic of Croatia.

(4) At the time of setting the time period for leaving the Republic of Croatia, along with the circumstances referred to in Article 100 of this Act, personal circumstances, and the time period within which the alien can leave the Republic of Croatia, which may not exceed 90 days, shall be taken into account.

(5) The time limit for leaving the Republic of Croatia to an alien staying illegally and an alien on short-term stay, except in the case referred to in paragraph 2, item 3 of this Article may not be less than 7 days or longer than 30 days.

(6) The time limit for leaving the Republic of Croatia may be extended in accordance with paragraph 4 of this Article.

(7) The decision on leaving the Republic of Croatia may stipulate to an alien the obligations referred to in Article 136 of this Act, provided that:

1. his asylum application was refused under Article 58, paragraph 1, item 2 or Article 61, paragraph 1, items 4 and 7 of the Asylum Act,
2. he does not have financial resources or documents required for entry into another state, and the circumstances indicate that he will not obtain them,
3. he was expelled from the Republic of Croatia.

(8) An alien to whom the decision referred to in paragraph 1 of this Article was issued shall leave the Republic of Croatia within the set time period.

(9) An alien to whom the decision referred to in paragraph 1 of this Article was issued shall report to a police officer at the border crossing point at the time of leaving the Republic of Croatia.

Adopting the decision on leaving the Republic of Croatia

Article 113

(1) The decision on leaving the Republic of Croatia shall be adopted by the Ministry, the police administration or police station.

(2) An alien staying illegally and an alien on short-term stay who does not understand the Croatian language shall be provided with a translator in the proceedings in the language the alien understands. The decision on leaving the Republic of Croatia shall be translated at the request of the alien.

(3) In the procedure of adopting a decision on leaving the Republic of Croatia, the provisions of Article 107, paragraphs 5 and 6 of this Act shall apply accordingly.

Legal remedies against the decision on leaving

Article 114

(1) The decision on leaving the Republic of Croatia, which is issued along with a decision on expulsion of an alien or a decision of the Ministry, the police administration or police station terminating the legal stay of the alien, shall be regarded as a component part of the decision on expulsion or the decision terminating the legal stay of the alien.

(2) An appeal may not be filed against a decision on leaving the Republic of Croatia issued to an alien staying illegally or an alien on short-term stay, but an administrative dispute may be initiated.

(3) Where the stay of an alien referred to in Article 112, paragraph 1 of this Act, who did not leave the Republic of Croatia, becomes legal, the decision on leaving the Republic of Croatia shall cease to be valid without the adoption of an administrative act.

Procedure for leaving the Republic of Croatia towards a third-country national having a stay permit in another EEA Member State

Article 115

(1) The police administration or police station shall issue a warning to a third-country national staying in the Republic of Croatia illegally, and holding a stay permit of another EEA Member State, stating that he is obligated to leave the Republic of Croatia without any delay and return to the EEA Member State in which he holds such stay permit.

(2) If an alien referred to in paragraph 1 of this Article fails to leave the Republic of Croatia, a decision on leaving the Republic of Croatia shall be adopted.

(3) With respect to an alien referred to in paragraph 1 of this Article who is subject to a decision on expulsion, the police administration or police station shall issue a decision on leaving the Republic of Croatia without the issuing of a warning referred to in paragraph 1 of this Article.

Removal (forced return)

Article 116

(1) An alien shall be subject to removal (forced return):

1. if he failed to leave the Republic of Croatia within the deadline set in the decision on leaving the Republic of Croatia,

2. if the decision of the state body terminating the alien's legal stay becomes enforceable, and the decision on leaving the Republic of Croatia according to Article 112, paragraph 2 of this Act is not to be adopted.

(2) Police officers shall escort the alien referred to in paragraph 1 of this Article to the state border to leave the Republic of Croatia.

(3) An alien subject to removal (forced return) shall not hinder the removal (forced return) in any way.

(4) In the implementation of measures for removal (forced return), the Ministry, the police administration or the police station may co-operate with other state bodies, other states and international and non-governmental organisations.

Recognising a decision on expulsion of an EEA Member State

Article 117

(1) An alien against whom an EEA Member State issued a legally effective decision on expulsion shall be subject to removal (forced return):

1. if he was sentenced to imprisonment in the duration of at least one year, because of a criminal offence,

2. in view of a suspicion to have committed or intended to commit a serious criminal offence,

3. in view of violations of the regulations on the entry and stay of aliens.

(2) An EEA Member State in which the alien holds a stay permit and a state that adopted the decision on expulsion shall be notified of the intention of removal (forced return).

(3) If an EEA Member State annuls the stay permit referred to in paragraph 2 of this Article, the alien shall be subject to removal (forced return). If the stay permit is not annulled, the alien shall not have to be subject to removal (forced return).

(4) The state that adopted the decision on expulsion shall be notified of the removal (forced return).

(5) The provisions of this Article shall not apply to the nationals of an EEA Member State, members of their families and members of the families of Croatian nationals.

Prohibition of removal (forced return)

Article 118

(1) An alien shall not be subject to removal (forced return) 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, or where he might be exposed to capital punishment, and to a state where he would be in danger of being subject to removal (forced return) to such a state.

(2) An alien who is under age shall not be subject to removal (forced return) 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, the Convention on the Rights of the Child, and the Convention on the Realisation of Children's Rights.

(3) An unaccompanied alien who is under age shall be subject to removal (forced return) to a state in which he shall be handed over to a member of his family, to an appointed guardian or to an institution for receiving children.

Joint flights of EEA Member States

Article 119

(1) The Ministry shall organise and take part in joint flights of the EEA Member States for the purpose of removal (forced return) by air.

Assistance to an EEA Member State in the case of removal (forced return) by air

Article 120

(1) At the request of the competent bodies of an EEA Member State, the Ministry shall provide assistance in the case of transit for the purpose of removal (forced return) by air.

(2) The request for assistance referred to in paragraph 1 of this Article shall be rejected if:

1. if an alien subject to removal (forced return) 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 might start serving his prison sentence,

2. if it is not possible to organise transit through 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 removal (forced return) is not possible for practical reasons,

5. if an alien subject to removal (forced return) poses a threat to 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 118 of this Act.

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

Article 121

(1) A request referred to in Article 120, paragraph 1 of this Act shall not have to be approved if:

1. an alien may be subject to removal (forced return) 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.

(2) 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 122

(1) Notification of a decision on the request referred to in Articles 120 and 121 of this Act shall be submitted within two days, and in justified cases the term may be extended by two more days.

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

Restricting the freedom of movement

Article 123

(1) An alien may be arraigned and detained for up to 24 hours if necessary to ensure his presence in the process of expulsion and termination of short-term stay, and cancellation of the postponement of removal (forced return).

(2) An alien subject to removal (forced return) may be arraigned and detained for up to 48 hours.

(3) After arraignment, the alien shall immediately be notified of the reasons for arraignment and that he may request the diplomatic mission or consular post of the state of his nationality to be notified of the arraignment.

(4) The competent body of social welfare and the diplomatic mission or consular post of the state of nationality shall immediately be notified of the arraignment of an unaccompanied minor who is an alien.

(5) An alien shall be released as soon as the grounds for arraignment and detention cease to exist, and at the latest by the end of the time limit referred to in paragraphs 1 and 2 of this Article, except where actions are being taken to enforce removal (forced return) or where the decision on accommodation in the reception centre for aliens was issued.

Preliminary accommodation in the centre

Article 124

(1) An alien may have his freedom of movement restricted by accommodation in the centre in order to ensure his presence in the procedure of issuing a decision on expulsion, if the alien is considered to be a threat to national security or if he was convicted for a criminal offence prosecuted in the line of duty.

(2) An alien referred to in paragraph 1 of this Article shall not be accommodated in the centre if it is reasonably expected that the same purpose can be achieved by applying the obligations stipulated in Article 136, paragraph 3 of this Act.

(3) Accommodation in the centre referred to in paragraph 1 of this Article shall be for a time period of 3 months.

Regular accommodation in the centre

Article 125

(1) An alien shall have his freedom of movement restricted by accommodation in the centre if removal (forced return) cannot be carried out immediately, and:

1. he failed to leave the Republic of Croatia within the deadline set in the decision on return from the Republic of Croatia,
2. the deadline for leaving the Republic of Croatia was not set in accordance with Article 112, paragraph 2 of this Act,
3. there is a reasonable doubt that the alien is not under age
4. for the purpose of establishing identity.

(2) An alien referred to in paragraph 1 of this Article shall not be accommodated in the centre if it is justifiably expected that the same purpose can be achieved by applying the obligations stipulated in Article 136, paragraph 3 of this Act.

(3) Accommodation in the centre referred to in paragraph 1 of this Article shall be for a time period of 6 months.

Extending the accommodation in the centre

Article 126

(1) By way of derogation from Article 125 of this Act, accommodation of an alien in the centre may be extended by 12 more months if:

- 1.. the alien refused to provide personal or other information and documents required for removal (forced return) or provided false information,
2. the alien prevented or stalled the removal (forced return) in some other way,
- 3.. the delivery of travel and other documents required for removal (forced return), which were requested from the competent bodies of another state, is justifiably expected.

Adopting a decision on accommodation in the centre and legal remedies

Article 127

(1) The decision on accommodation in the centre shall be adopted by the police administration or police station.

(2) The decision extending accommodation shall be issued by the centre.

(3) An appeal against the decision referred to in paragraph 1 of this Article is not permissible, but an administrative dispute may be initiated. The administrative court shall issue a decision concerning the complaint against the decision referred to in paragraph 1 of this Article after an oral hearing within 15 days of the date of delivery of the case file. A complaint shall not postpone enforcement of the decision.

(4) At the latest 10 days before the expiration of the term of 3 months from the date of accommodation of the alien in the centre the centre shall submit to the administrative court the case file on the accommodation of the alien in the centre. The administrative court shall decide within 10 days of the date of submission of the case file whether the alien should be released from the centre.

(5) The centre shall submit the case file extending an alien's accommodation to the administrative court immediately after the issuing of the decision referred to in paragraph 2 of this Article. The administrative court shall adopt a decision after a verbal discussion within 15 days of the submission of the case file by which the decision extending an alien's accommodation is nullified or confirmed.

Authority to carry out searches

Article 128

(1) In the procedure of removal (forced return) 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.

Rights and obligations of an alien

Article 129

(1) An alien may not leave the centre without an approval and shall comply with the house rules of the centre.

(2) An alien in the centre is entitled to health protection in accordance with a special regulation.

Stricter police supervision

Article 130

(1) 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.

(2) An alien referred to in paragraph 1 of this Article shall be accommodated separately from other aliens and his freedom of movement within the centre shall be restricted.

(3) The centre shall issue a decision setting out stricter police supervision, against which an appeal is not permissible, but an administrative dispute may be initiated.

(4) The administrative court shall issue a decision on the complaint against the decision referred to in paragraph 3 of this Article within 15 days of the submission of the case file. The complaint shall not postpone enforcement of the decision.

Termination of accommodation in the centre

Article 131

(1) Accommodation in the centre shall terminate:

1. on removal (forced return),
2. on expiration of the time period of accommodation ordered,
3. if the stay of an alien becomes legal,
4. on annulment of the decision on accommodation in the centre,
5. on release from the centre.

(2) A alien shall be released from the centre if:

1. it is evident from the circumstances that removal (forced return) will not be enforceable,
2. he was accommodated in the centre pursuant to Article 124 of this Act, and the decision on expulsion became enforceable and a new decision on accommodation was not adopted,
3. he was accommodated in the centre pursuant to Article 125, paragraph 1, item 4 of this Act, and his identity was established and a new decision on accommodation was not adopted,
4. the administrative court decided that the alien should be released from the centre.

Procedure with minors

Article 132

(1) An unaccompanied minor and an alien under age and members of his family may be accommodated in the centre only if removal (forced return) cannot be ensured in some other way.

(2) Aliens referred to in paragraph 1 of this Article shall be accommodated in the centre separately from other aliens in rooms which are appropriate for the accommodation of minors.

(3) Members of the same family shall be accommodated in a separate room in the centre.

(4) Accommodation of aliens referred to in paragraph 1 of this Article in the centre may not be extended.

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

(6) Minors in the centre shall be provided with conditions appropriate to their age, and with the right to schooling in accordance with a special regulation.

(7) If in view of a particularly large number of aliens over an extended period of time it is not possible to ensure separate rooms, members of the same family shall be accommodated in the centre regardless of the criteria referred to in paragraph 3 of this Article.

(8) If there is a reasonable doubt as to whether a particular alien who should be accommodated in the centre is under age, the testing of the person's age may be carried out.

Compensation of costs of removal (forced return)

Article 133

- (1) An alien shall bear the cost of accommodation in the centre and other costs incurred during his removal (forced return).
- (2) All pecuniary means shall be taken from an alien subject to removal (forced return), subject to the issuance of a certificate.
- (3) The pecuniary means taken from an alien shall be used to settle the costs of his removal (forced return).
- (4) In order to ensure removal (forced return), 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 134

- (1) If an alien does not have funds for the costs referred to in Article 133, paragraph 1 of this Act, the costs shall be borne by:

1. a natural or legal person who illegally guided the alien or tried to guide the alien across the state border or who helped or tried to help the alien to cross the state border illegally, to make a transit or to stay,
2. a natural or legal person who assumed the obligation to bear the costs of the alien during his stay,
3. the carrier who did not transport the alien in accordance with Article 41 of this Act,
4. the employer who employed the alien contrary to the provisions of this Act,
5. the organiser of tourist or business trips referred to in Article 42 of this Act.

- (2) The obligation to pay the costs shall also exist if an alien was not subject to removal (forced return), unless there are grounds referred to in Article 118 of this Act.

- (3) A decision shall be adopted concerning an amount of the costs of removal (forced return) referred to in paragraph 1 of this Article.

Compensation of costs between EEA Member States

Article 135

- (1) The costs of removal (forced return) of an alien who does not have any funds, and who was subject to removal (forced return) in accordance with Article 117 of this Act, shall be settled by the state that issued the decision on expulsion.
- (2) The deadline for submitting a request for the settlement of costs referred to in paragraph 2 of this Article is one year of the date of removal (forced return).
- (3) Where more than 4 years elapsed from the enforceability of the decision on expulsion to the removal (forced return) of an alien, the request for settlement shall not be approved.

(4) The costs of providing the assistance referred to in Articles 120, 121 and 122 of this Act shall be collected from the state that submitted the request.

Postponement of removal (forced return)

Article 136

(1) Removal (forced return) shall be postponed if there are grounds for the prohibition of removal (forced return).

(2) Removal (forced return) may be postponed where an alien's identity was not established, where transport is not possible, where serious difficulties would arise in view of the alien's health or if there are other reasons why the alien cannot be subject to removal (forced return).

(3) The decision on postponement of removal (forced return) may stipulate the following obligations of the alien:

1. to deposit travel documents, travel papers and travel tickets,
2. to deposit certain funds,
3. to prohibit the leaving of a particular address,
4. to register to a police station at a particular time.

(4) An alien whose removal (forced return) was postponed shall be provided with a document which he must return at the request of the body referred to in Article 137, paragraph 2 of this Act.

(5) An alien whose removal (forced return) was postponed shall not be released from the obligation to leave the Republic of Croatia.

(6) An alien whose removal (forced return) was postponed is entitled to health protection in accordance with a special regulation.

(7) An alien under age whose removal (forced return) was postponed has the right to schooling in accordance with a special regulation.

Article 137

(1) Postponement of removal (forced return) shall be annulled if the grounds for the postponement of removal (forced return) referred to in Article 136, paragraphs 1 and 2 of this Act ceased to exist or if the alien fails to comply with the obligations referred to in Article 136, paragraph 3 of this Act.

(2) The police administration or police station shall adopt the decision on postponement of removal (forced return) and the decision of annulment of postponement of removal (forced return), which shall be in force for a period of 6 months of the date of its adoption. The decision of annulment of postponement of removal (forced return) may be adopted without a prior interview with the alien.

(3) An appeal may be filed against a decision on the postponement of removal (forced return) and a decision annulling the postponement of removal (forced return), where the Commission shall decide about the appeal. An appeal shall not postpone enforcement of the decision.

Termination of the postponement of removal (forced return)

Article 138

(1) Postponement of removal (forced return) shall terminate:

1. on expiration of the time period of the postponement of removal (forced return) stipulated,
2. on cancellation of the decision on postponement of removal (forced return),
3. if the stay of the alien became legal.

(2) An alien referred to in paragraph 1, item 1 of this Article shall be subject to removal (forced return) or accommodated in the centre.

VII IDENTITY DOCUMENTS

Article 139

An alien shall prove his 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. some other public document containing a photograph.

(2) An alien shall be obliged to carry and produce a document proving his identity at the request of an official person.

(3) An alien shall present a travel or other document used to cross the state border at the request of an official person.

(4) An alien not carrying an identity document shall present personal data at the request of a police officer.

(5) An alien may not allow other persons to use his documents, and he may not use invalid documents or another person's documents as his own.

Article 140

(1) An identity card for aliens shall be issued to an alien who was granted temporary stay for the time period of his approved temporary stay.

(2) An identity card for an alien who was granted permanent stay shall be issued for the term of validity of five years.

Article 141

(1) An identity card referred to in Article 140 of this Act shall be issued to aliens who turned the age of 12.

Article 142

(1) A personal identity card for aliens shall be replaced:

1. if there is a change of data,
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.

(2) An application for the replacement of the personal identity card for aliens shall be submitted within eight days of the day of the occurrence of the circumstances referred to in paragraph 1 of this Article.

Article 143

(1) An alien shall be obliged to return the personal identity card for aliens in the following cases:

1. emigration,
2. termination of stay,
3. the acquisition of Croatian citizenship.

Article 144

(1) An alien shall be obliged to report without any delay the loss, disappearance or theft of the travel document or the personal identity card for aliens to the police administration or police station based on the location of the incident or the place where the alien realised what happened, where a certificate thereof shall be issued.

(2) An alien who loses or in some other way misplaces his travel document for aliens or his identity card for aliens abroad shall be obliged to immediately notify the nearest diplomatic mission or consular post of the Republic of Croatia thereof.

Article 145

(1) The police administration or police station shall temporarily seize the travel document of an alien if:

1. there is a reasonable doubt that he committed a criminal offence which is prosecuted in the line of duty or a misdemeanour,
2. he failed to perform his mature property and legal obligation at a request of the competent court or another competent authority,
3. required on the grounds of protecting public policy, national security or public health.

(2) The document referred to in paragraph 1 of this Article shall be retained for as long as there are grounds for its seizure, where a certificate thereof shall be issued.

VIII REGISTRATION OF STAY

Article 146

(1) Temporary residence means a place where an alien holding a temporary or permanent stay permit is staying.

(2) Permanent residence means a place where an alien holding a permanent stay permit settled with the intention of living there permanently.

(3) An alien on approved permanent stay, along with permanent residence, may also register his temporary residence at a place where he stays habitually, but without an intention of settling there.

(4) An alien on short-term stay shall register where he is accommodated in accordance with Article 147 of this Act.

Article 147

(1) An alien on short-term stay shall register where he is accommodated within two days of entry to the Republic of Croatia or of the day he changes his accommodation.

(2) By way of derogation from paragraph 1 of this Article, a legal and natural person providing the accommodation to an alien (accommodation provider) shall register the accommodation of the alien on short-term stay within one day of the arrival of the alien for accommodation.

- (3) The provision of paragraph 2 of this Article shall also apply accordingly to the following:
1. medical institutions admitting aliens for treatment,
 2. tourist communities if they received a report on the registration of the alien.

(4) If the service provider at the time of arrival of an alien for accommodation is not in the Republic of Croatia or if the registration of accommodation cannot be performed in accordance with paragraph 2 of this Article for any other reason, the accommodation is to be registered in accordance with paragraph 1 of this Article.

(5) The registration shall be submitted to the police administration or police station based on the place of accommodation of an alien, and may also be carried out electronically, on the Internet, as prescribed.

- (6) Registration of an alien who is to be accommodated on a vessel shall be submitted:
- to the police station competent for controlling the crossing of the state border in a port in which border control is performed if the alien is making the entry in a vessel on which he is to stay,
 - to the police administration or police station based on the place of boarding of the alien.

(7) Persons obligated to register accommodation in accordance with paragraphs 1, 2, and 3 of this Article shall provide complete and accurate information in the alien accommodation registration form and submit any information about the change of duration of such accommodation without any delay.

(8) Persons obligated to register accommodation in accordance with paragraph 3 of this Article, shall deliver the registration to the police administration or police station within 24 hours.

Article 148

(1) An alien on temporary stay shall register his temporary residence and address at which he is staying and any change of his temporary residence and address at which he is staying within three days of entry in the Republic of Croatia or of the day of changing his temporary residence or address at which he is staying, respectively.

(2) An alien on permanent stay shall register his permanent residence, temporary residence and address at which he is staying, and any change of his permanent residence, temporary residence and address at which he is staying, within eight days of the day of making the change.

(3) An alien assigned to work outside the place of temporary residence or permanent residence by a decision of the employer shall not have to perform the obligation referred to in paragraphs 1 and 2 of this Article, provided that the work shall not last in excess of 90 days.

(4) In the case referred to in paragraph 3 of this Article, the employer shall notify the competent police administration or police station thereof within three days.

(5) The provisions of this Act on the registration of accommodation of aliens on short-term stay shall apply accordingly to aliens on temporary and permanent stay.

Article 149

An alien referred to in Article 148, paragraphs 1 and 2 of this Act shall cancel the address at which he is staying, temporary residence or permanent residence at the latest within 3 days of the date of departing from such address, temporary residence or permanent residence.

Article 150

(1) Legal and natural persons providing the services of accommodation to aliens shall keep a record of aliens in accordance with special regulations.

(2) Persons referred to in paragraph 1 of this Article shall provide data from the record of aliens for review to an official person of the competent body.

IX MOVEMENT OF ALIENS IN UNIFORM

Article 151

(1) During their stay 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 participants in foreign military exercises and training.

Article 152

(1) During their stay in the Republic of Croatia, aliens may travel in 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.

X. ENTRY, STAY AND WORK OF NATIONALS OF EEA MEMBER STATES AND THEIR FAMILY MEMBERS

Article 153

(1) A national of an EEA Member State and members of his family, regardless whether they are nationals of an EEA Member State or not, provided that they are entitled to stay in the Republic of Croatia, shall have equal rights as nationals of the Republic of Croatia in accordance with the Treaty on the Functioning of the European Union.

(2) Nationals of EEA Member States and members of their family may work and provide services in the Republic of Croatia without a stay and work permit or a work registration certificate.

(3) The provisions of this Act relating to nationals of EEA Member States also relate to nationals of the Swiss Confederation.

(4) The provisions of this Act relating to the family members of a national of an EEA Member State shall apply to aliens-family members of Croatian nationals.

Entry and departure of nationals of EEA Member States from the Republic of Croatia

Article 154

(1) A national of an EEA Member State may enter the Republic of Croatia, provided that:

1. he holds a valid travel document or personal identity card,
2. he is not barred by the prohibition of entry and stay,
3. he does not pose a threat to public policy, national security or public health.

(2) A national of an EEA Member State may enter the Republic of Croatia without a visa or without an approval of stay.

(3) If a national of an EEA Member State does not hold the documents referred to in paragraph 1, item 1 of this Article, the border police officer shall provide him with an opportunity to obtain the required documents or to prove that he is a national of the EEA Member State in some other way.

(4) A national of an EEA Member State holding a valid travel document or personal identity card is entitled to leave the Republic of Croatia in order to travel to another Member State.

Short-term stay of nationals of EEA Member States

Article 155

(1) A national of an EEA Member State shall have the right to stay in the Republic of Croatia for a period which shall not exceed three months from the day of entry into the Republic of Croatia, provided that he holds a valid travel document or personal identity card.

Temporary stay of nationals of EEA Member States

Article 156

(1) A national of an EEA Member State is entitled to stay in the Republic of Croatia for more than three months of the day of entry into the Republic of Croatia, provided that:

1. he is employed or self-employed,
2. he has sufficient resources to maintain himself and members of his family, so that during their stay in the Republic of Croatia they would not become a burden to the social welfare system, and he has health insurance,
3. he is enrolled as a university student or occupational trainee and has adequate health insurance, and by issuing a statement proves that he has sufficient resources to support himself and members of his family, so that during their stay in the Republic of Croatia they would not become a burden to the social welfare system,
4. he is a member of a family joining a national of an EEA Member State who meets the criteria referred to in items 1, 2 and 3 of this paragraph.

(2) At the time of an evaluation whether the funds for supporting oneself referred to in paragraph 1, items 2 and 3 of this Article are sufficient, the personal position of a national of an EEA Member State and his family members shall be taken into account and they shall not be required to amount to more than the amount of funds required for the realisation of rights under the social welfare system in the Republic of Croatia in accordance with special regulations.

Article 157

(1) A national of an EEA Member State intending to stay in the Republic of Croatia for a period over three months shall register his temporary stay with the competent police administration or police station based on the place of stay at the latest within eight days of the expiration of three months of stay.

(2) The police administration or police station shall issue a certificate of the registration of temporary stay referred to in paragraph 1 of this Article without any delay.

Certificate of the registration of temporary stay of a national of an EEA Member State for the purpose of work

Article 158

(1) A national of an EEA Member State referred to in Article 156, paragraph 1, item 1 of this Act shall be provided with a certificate of the registration of temporary stay, provided that he is in the possession of the following:

1. a valid personal identity card or travel document,
2. a certificate of employment or proof of self-employment.

Article 159

(1) A national of an EEA Member State who becomes unemployed shall retain the status of employee or self-employed person, provided that:

1. he is temporarily incapable of work in view of illness or accident,
2. through no fault of his own he lost his job which he performed in the Republic of Croatia for at least one year, and is registered as job-seeker with the competent service,
3. he joins an occupational training programme. The occupational training programme must be linked to previous employment, unless a national of an EEA Member State lost his job without his fault.

(2) A national of an EEA Member State whose employment contract for a definite period of time shorter than one year terminated and who is registered as unemployed with the competent service, or if in the first 12 months of work further to an employment contract for an indefinite period of time in the Republic of Croatia he lost his job through no fault of his own and is registered as job-seeker, shall retain the status of employee or self-employed person for a period of six months after the termination of employment.

(3) The provisions of paragraph 2 of this Article shall apply to a national of an EEA Member State performing seasonal work or employed with an employer from another EEA Member State, and providing services for a foreign employer in the Republic of Croatia further to a contract concluded between a foreign contractor and a client from the Republic of Croatia.

Certificate of the registration of temporary stay of a national of an EEA Member State for the purpose of studying or occupational training

Article 160

(1) A national of an EEA Member State referred to in Article 156, paragraph 1, item 3 of this Act shall be provided with a certificate of the registration of temporary stay, provided that:

1. he holds a valid personal identity card or travel document,
2. he is enrolled as a student or occupational trainee,
3. he encloses a statement of having sufficient resources to support himself,
4. he has health insurance.

Certificate of the registration of temporary stay of a national of an EEA Member State for other purposes

Article 161

(1) A national of an EEA Member State referred to in Article 156, paragraph 1, item 2 of this Act shall be provided with a certificate of the registration of temporary stay, provided that he is in the possession of the following:

1. a valid personal identity card or travel document,
2. funds for supporting himself,
3. health insurance.

Family members of nationals of EEA Member States

Article 162

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

1. the spouse,
2. the common law partner, in line with Croatian legislation, and persons in a durable relationship which can be demonstrated by shared residence at the same address in the duration of at least three years, and if the intention of continuing to live together is evident,
3. relatives of a national of an EEA Member State and of his spouse or common law partner by blood in the vertical line downwards, until they have reached 21 years of age,
4. adopted children and step-children of a national of an EEA Member State or of his spouse or common law partner, 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 a national of an EEA Member State or his spouse or common law partner,
6. relatives by blood in the vertical line upwards, who must be and are actually supported by a national of an EEA Member State or by his spouse or common law partner,
7. other members of the family of a national of an EEA Member State for whom an individual assessment showed that in view of their material and social position in the country from which they arrived they are dependant on the national of an EEA Member State in terms of providing for their basic needs, or are members of his household, or for whom in view of serious health-related reasons special personal care of the national of an EEA Member State is required.

Certificate of the registration of temporary stay of a family member who is a national of an EEA Member State

Article 163

(1) A family member of a national of an EEA Member State who is a national of an EEA Member State and intends to stay for a period over three months shall register his temporary stay at the latest within eight days of the expiration of the three months of stay to the police administration or police station based on the place of stay, and enclose the following:

1. a valid personal identity card or travel document,
2. a document proving that he is a family member referred to in Article 162, paragraph 1, items 1 through 6 of this Act,

3. relevant documents proving that in view of his material and social situation in the country from which he arrived he is dependant on the national of an EEA Member State in providing for his basic needs, or is a member of his household, or that in view of serious health-related reasons he requires special personal care by the national of an EEA Member State, provided that he is a family member referred to in Article 162, paragraph 2, item 7 of this Act.

(2) The police administration or police station shall issue a certificate of the registration of temporary stay referred to in paragraph 1 of this Article without any delay.

Article 164

(1) A national of an EEA Member State is not entitled to temporary stay if:

1. he poses a threat to public policy or national security,
2. he is barred by the prohibition of entry and stay in the Republic of Croatia.

Termination of temporary stay of nationals of EEA Member States

Article 165

(1) Temporary stay of a national of an EEA Member State shall terminate if:

1. if he is barred by the prohibition of entry and stay in the Republic of Croatia,
2. he obtained temporary stay by having provided untrue information or having concealed the true aim and circumstances which were decisive for the registration of temporary stay,
3. he no longer meets the conditions for temporary stay,
4. he cancels his stay in the Republic of Croatia.

(2) The decision on termination of temporary stay shall be adopted by the police administration or police station. An appeal against the decision may be filed, where the Commission shall decide about the appeal.

(3) Temporary stay of a national of an EEA Member State and of a member of his family shall not terminate if he does not have sufficient funds for supporting himself during his stay in the Republic of Croatia, provided that the national of such EEA Member State is employed or self-employed or provided that he arrived with the intention of employment, and proves that he continues to actively seek a job, and it can reasonably be expected that he will find employment.

Entry of a family member who is not a national of an EEA Member State in the Republic of Croatia

Article 166

(1) A family member referred to in Article 162 of this Act who is not a national of an EEA Member State may enter the Republic of Croatia for the purpose of family reunification with a national of an EEA Member State, on presentation of a valid travel document which includes a visa, if a visa is required, or of a valid passport and temporary residence card, unless an international treaty provides otherwise.

Article 167

(1) A family member referred to in Article 162 of this Act who is not a national of an EEA Member State shall be granted entry to the Republic of Croatia, provided that:

1. he holds the documents referred to in Article 166 of this Act,
2. he is not barred by the prohibition of entry and stay,
3. he does not pose a threat to public policy, national security or public health.

(2) A border police officer shall provide a family member referred to in paragraph 1 of this Article who does not hold a valid travel document or visa for entry with an opportunity to obtain such documents or to prove that he enjoys the right of freedom of movement and stay as a family member of a national of an EEA Member State in some other way.

(3) A family member referred to in paragraph 1 of this Article who does not pose a threat to public policy, national security or public health of the Republic of Croatia shall be provided with a visa at the border crossing. Visas are issued free of charge, in a summary procedure.

(4) A family member referred to in Article 1 of this Act on temporary stay in the Republic of Croatia does not require a visa for entry to the Republic of Croatia.

(5) A family member referred to in paragraph 1 of this Article holding a valid travel document is entitled to leave the Republic of Croatia in order to travel to another Member State.

Short-term stay of a family member who is not a national of an EEA Member State

Article 168

(1) A family member referred to in Article 162 of this Act who is not a national of an EEA Member State is entitled to stay in the territory of the Republic of Croatia for a period of up to three months of the date of entry to the Republic of Croatia, provided that he holds a valid travel document.

Temporary stay for a family member who is not a national of an EEA Member State

Article 169

(1) A family member referred to in Article 162 of this Act who is not a national of an EEA Member State is entitled to stay in the territory of the Republic of Croatia for a period over

three months of the date of entry if he is accompanying a national of an EEA Member State or joining such national of an EEA Member State, provided that the national of an EEA Member State meets the criteria referred to in Article 156, paragraph 1, items 1, 2 or 3 of this Act.

(2) A family member referred to in paragraph 1 of this Article shall submit an application for residence card, which proves that he is entitled to temporary stay, at the latest within eight days of the expiration of the three months of stay to the police administration or police station based on the place of temporary stay, where a certificate thereof shall be issued.

(3) A family member referred to in paragraph 1 of this Article shall be provided with the "Registration Card for a Family Member of an EU Citizen", provided that:

1. he holds a valid travel document;
2. he encloses a document proving that he is a family member referred to in Article 162, paragraph 1, items 1 through 6 of this Act,
3. he encloses a document issued by the competent body of the state from which he arrives, confirming officially that he is a dependant family member or a member of the household of a national of an EEA Member State, or encloses proof that in view of serious health-related reasons special personal care of the national of an EEA Member State is required, provided that he is a family member referred to in Article 162, paragraph 1, item 7 of this Act,
4. he does not pose a threat to public policy or national security,
5. he is not barred by the prohibition of entry and stay in the Republic of Croatia.

(4) The residence card for a family member who is an EU citizen shall be issued with the term of validity of five years or a shorter term of validity if the national of an EEA Member State intends to stay in the Republic of Croatia for less than five years.

(5) The validity of the residence card for a family member referred to in paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia:

1. up to six months a year,
2. up to 12 months without interruptions, for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional development, posting to another state,
3. military service.

Right to appeal

Article 170

(1) A national of an EEA Member State and a member of his family are entitled to appeal against a decision of the police administration or police station rejecting the issuing of the certificate of the registration of temporary stay or residence card for a member of the family of an EU citizen, where the Commission shall decide about the appeal.

Retaining the right of temporary stay by a family member of a national of an EEA Member State

Article 171

(1) A family member of a national of an EEA Member State who is also a national of an EEA Member State, where the national of an EEA Member State dies or leaves the Republic of Croatia, shall retain the right to temporary stay, provided that he proves that he is employed or self-employed or that he has resources for supporting himself and his family members, and health insurance, or that he is staying in the Republic of Croatia for the purpose of studying, and provided that he encloses a statement concerning the resources for supporting himself and his family members, and that he has health insurance.

(2) A family member of a national of an EEA Member State who is not a national of an EEA Member State, where the national of an EEA Member State with whom he was staying in the Republic of Croatia for a period of at least one year dies, shall retain the right to temporary stay, provided that he proves that he is employed or self-employed or that he has resources for supporting himself and his family members, and that he has health insurance.

(3) Children of a national of an EEA Member State and the other parent taking care of children, regardless of nationality, shall retain the right to temporary stay if the national of an EEA Member State dies or leaves the Republic of Croatia, provided that the children are staying in the Republic of Croatia and attending an educational institution, until completion of their education.

(4) In the case of a divorce or annulment of marriage, a family member of a national of an EEA Member State who is also a national of an EEA Member State, shall retain the right to temporary stay, provided that he is employed or self-employed or has resources for supporting himself and his family members, and health insurance, or that he is staying in the Republic of Croatia for the purpose of studying, and provided that he encloses a statement concerning the resources for supporting himself and his family members, and that he has health insurance.

(5) In the case of a divorce or annulment of marriage, 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 has resources for supporting himself and his family members, and health insurance, shall retain the right to temporary stay:

1. provided that the marriage lasted for at least three years, where the spouses stayed in the Republic of Croatia for at least one year,

2. in the case of enforcement of parental rights with respect to the children of a national of an EEA Member State awarded to him for care or upbringing by agreement of the spouses or court decision,

3. in the case of enforcement of parental rights with respect to underage children staying in the Republic of Croatia and awarded for care or upbringing to the other parent by agreement of the spouses or court decision,

4. in view of particularly serious circumstances, such as domestic violence.

(6) The provisions of this Article shall apply accordingly to common-law partners and persons in a durable relationship.

Termination of temporary stay of a family member who is not a national of an EEA Member State

Article 172

(1) Temporary stay of a family member referred to in Article 162 of this Act who is not a national of an EEA Member State shall terminate if:

1. he is barred by the prohibition of entry and stay,
2. he cancels his stay in the Republic of Croatia,
3. he obtained the temporary stay permit by having provided untrue information or having concealed the true aim and circumstances which were decisive at the time of registering temporary stay,
4. he no longer meets the conditions for temporary stay,
5. during his temporary stay, he stayed outside the Republic of Croatia for more than six months a year,
6. if during his temporary stay he stayed outside the Republic of Croatia for more than one year without interruptions, unless he was absent for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional development, posting to another state, military service.

(2) The decision on termination of temporary stay shall be adopted by the police administration or police station. An appeal against the decision may be filed, where the Commission shall decide about the appeal.

Permanent stay of nationals of EEA Member States

Article 173

(1) A national of an EEA Member State is entitled to permanent stay in the Republic of Croatia after a period of five years of uninterrupted stay in the Republic of Croatia.

(2) Uninterruptedness of stay referred to in paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia:

1. up to six months a year,
2. up to 12 months without interruptions, for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional development, posting to another state,
3. military service.

(3) Uninterruptedness of stay shall be demonstrated by any proof which may be admitted in the administrative procedure in the Republic of Croatia, and continuity is terminated by an enforceable decision on expulsion.

(4) The police administration or police station shall issue a card confirming permanent stay of a national of an EEA Member State, at his request, as soon as possible after having verified the duration of stay.

(5) An appeal against the decision of the police administration or police station referred to in paragraph 4 of this Article may be filed, where the Commission shall decide about the appeal.

Article 174

(1) By way of derogation from Article 173, paragraph 1, a national of an EEA Member State shall exercise his right to permanent stay if:

1. as an employed or self-employed person, he stopped working, and is eligible for old-age pension in the Republic of Croatia, provided that he was employed in the Republic of Croatia for at least the preceding 12 months and that he stayed in the Republic of Croatia without interruptions for more than three years,

2. he retired early, and was employed in the Republic of Croatia for at least the preceding 12 months and stayed in the Republic of Croatia without interruptions for more than three years,

3. as an employed or self-employed person, in view of permanent disability to work, he stopped working in the Republic of Croatia, and he stayed in the Republic of Croatia without interruptions for more than two years,

4. as an employed or self-employed person, he stopped working in the Republic of Croatia, in view of permanent disability to work, resulting from a work-related injury or occupational disease, which is the grounds for disability pension in the Republic of Croatia, regardless of the duration of his stay in the Republic of Croatia,

5. as an employed or self-employed person, after three years of uninterrupted employment and stay in the Republic of Croatia, he is employed in another EEA Member State, and he retains his temporary residence in the Republic of Croatia and returns to the Republic of Croatia on a daily basis or at least once a week.

(2) The period of employment of an employed or self-employed person who works in the territory of another EEA Member State, and who also retained his temporary residence in the Republic of Croatia, shall be regarded as time spent in the Republic of Croatia in terms of the realisation of the rights referred to in paragraph 1, items 1, 2, 3 and 4 of this Article.

(3) The period of unemployment registered with the competent employment service, which occurred through no fault of the employee, and the period of temporary inability to work in view of illness or injury, shall be regarded as the period of employment.

(4) A national of an EEA Member State referred to in paragraph 1, items 1, 2, 3 and 4 of this Article, whose spouse or common-law partner with whom he is staying in the Republic of Croatia holds Croatian nationality or whose Croatian nationality terminated after conclusion

of marriage, shall be granted permanent stay regardless of the duration of stay and employment in the Republic of Croatia.

Termination of permanent stay of nationals of EEA Member States

Article 175

(1) Permanent stay of a national of an EEA Member State shall terminate if:

1. he is barred by the prohibition of entry and stay,
2. he is staying outside the Republic of Croatia for over two years without interruptions.

(2) The decision on termination of permanent stay referred to in paragraph 1 of this Article shall be adopted by the police administration or police station. An appeal against the decision may be filed, where the Commission shall decide about the appeal.

Permanent stay for a family member who is not a national of an EEA Member State

Article 176

(1) A family member referred to in Article 162 of this Act who is not a national of an EEA Member State, and who has been legally staying in the Republic of Croatia with a national of an EEA Member State for at least five years without interruptions, is entitled to permanent stay.

(2) Uninterruptedness of stay referred to in paragraph 1 of this Article shall not be affected by the time of absence from the Republic of Croatia:

1. up to six months a year,,
 2. up to 12 months without interruptions, for justified reasons, such as pregnancy, childbirth, serious illness, studies, professional development, posting to another state,
3. military service.

(3) Uninterruptedness of stay shall be demonstrated by any proof which may be admitted in the administrative procedure in the Republic of Croatia, and continuity is terminated by an enforceable decision on expulsion.

An exception to the general condition for the acquisition of permanent stay

Article 177

(1) A family member referred to in Article 162 of this Act who has been staying in the Republic of Croatia with a national of an EEA Member State for less than five years without interruptions is entitled to permanent stay if:

1. the national of an EEA Member State dies during temporary stay for the purpose of work which lasted for two years without interruptions prior to death or if his death was the result of a work-related injury or professional disease,
2. he is the spouse who lost Croatian nationality by marriage to an employed or self-employed person who is a national of an EEA Member State.

(2) A family member staying in the Republic of Croatia with a national of an EEA Member State who acquired the right of permanent stay under Article 174 of this Act is entitled to permanent stay, regardless of the duration of stay in the Republic of Croatia.

Permanent stay card for a family member who is not a national of an EEA Member State

Article 178

- (1) A family member referred to in Article 162 of this Act who is not a national of an EEA Member State and who is entitled to permanent stay shall be provided with a permanent stay permit within six months of the submission of the application.
- (2) The permanent stay application shall be submitted to the police administration or police station based on the place of stay, before the expiration of validity of the residence card for a family member who is an EU citizen.
- (3) The residence card referred to in paragraph 2 of this Article shall be issued with a term of validity of up to 10 years and be automatically renewed.
- (4) Stay of a family member referred to in paragraph 1 of this Article outside the Republic of Croatia for a period under two years without interruptions shall not affect the validity of the permanent stay permit.
- (5) An appeal may be filed against the decision of the police administration or police station concerning the permanent stay application, where the Commission shall decide about the appeal.

Termination of permanent stay for a family member who is not a national of an EEA Member State

Article 179

- (1) Permanent stay of a family member referred to in Article 162 of this Act who is not a national of an EEA Member State shall terminate if:
 1. he is barred by the prohibition of entry and stay,
 2. he is staying outside the Republic of Croatia for over two years without interruptions.

(2) The decision on termination of permanent stay referred to in paragraph 1 of this Article shall be adopted by the police administration or police station. An appeal against the decision may be filed, where the Commission shall decide about the appeal.

Expulsion of a national of an EEA Member State and a member of his family

Article 180

(1) A national of an EEA Member State and a member of his family may be expelled from the Republic of Croatia if he poses a threat to public policy, national security or public health.

(2) A national of an EEA Member State and a member of his family may not be expelled if the disease posing a threat to public health appeared three months after entry into the Republic of Croatia.

(3) At the time of adopting a decision on expulsion of a national of an EEA Member State and a member of his family, the length of stay, age, health, family and economic circumstances, level of his social and cultural integration in the Republic of Croatia and his ties to the country of origin shall be taken into account.

(4) A decision on expulsion of a national of an EEA Member State and a member of his family:

1. who is on permanent stay in the Republic of Croatia,
2. who has been legally staying in the Republic of Croatia for an uninterrupted period of 10 years,
3. who is under age,

may be adopted only in the case of existence of one of the grounds referred to in Article 106 of this Act.

(5) Within the meaning of Article 105, paragraph 1, item 1 of this Act, a national of an EEA Member State and a member of his family shall be regarded as staying illegally if they are staying in the Republic of Croatia during the term of the prohibition of entry and stay.

(6) Deadline for leaving the Republic of Croatia to a national of an EEA Member State and a member of his family shall not be less than 30 days.

(7) In cases in which a decision on expulsion of a national of an EEA Member State and a member of his family is adopted pursuant to a court decision, an appeal against the decision on expulsion shall not postpone enforcement of the decision.

Article 181

(1) A national of an EEA Member State and a member of his family may not stay in the Republic of Croatia during the prohibition of entry and stay unless in a procedure being conducted before the body deciding on his expulsion he must personally present his defence if summoned by the body concerned.

(2) A national of an EEA Member State and a member of his family who was barred by the prohibition of entry and stay may submit a request for the shortening of the prohibition of entry and stay and for the annulment of the decision on expulsion in accordance with Article 109 of this Act.

(3) If the decision on expulsion of a national of an EEA Member State or a member of his family is not enforced within two years, the body that adopted it shall examine whether there are grounds referred to in paragraph 1 of this Article and if it establishes that there are no such grounds, it shall annul the decision on expulsion.

Article 182

(1) The provisions of Title VI of this Act, other than the provisions of Article 101, paragraph 2, Article 104, Article 105, paragraph 2, Article 107, paragraph 5, Article 108, paragraph 3, Article 110, Article 114, paragraph 2, Article 115, Article 117, Article 119, Article 120, Article 121, Article 122 and Article 135 shall apply to nationals of EEA Member States and their family members.

Article 183

(1) A certificate of the registration of temporary stay and a document confirming permanent stay, which are issued to nationals of EEA Member States, and a certificate of the submission of an application for the issuing of a residence card for a family member of a citizen of the Union, a residence card for a family member of a citizen of the Union and a permanent stay card, which are issued to family member who are not nationals of an EEA Member State, shall not be preconditions for realising the right or for performing administrative formalities, provided that the capacity of the beneficiary of the right may be demonstrated by means of some other proof.

(2) A national of an EEA Member State and members of his family shall carry the documents referred to in paragraph 1 of this Article and present them for review if requested by an official.

(3) A national of an EEA Member State and members of his family who do not have the documents referred to in paragraph 1 of this Article or some other identity document shall provide personal information at the request of a police officer.

(4) A national of an EEA Member State and members of his family may not give their documents to someone else, so that he might use them and may not use an invalid document or some other person's document as their own.

(5) A national of an EEA Member State and a member of his family shall register their address, temporary residence or permanent residence at the latest eight days of the date of arrival to the Republic of Croatia or of the change of address, temporary residence or permanent residence.

(6) Termination of validity of the documents referred to in paragraph 1 of this Article shall not be the basis for termination of stay or expulsion from the Republic of Croatia.

XI. STAY AND WORK OF THIRD-COUNTRY NATIONALS HAVING APPROVED PERMANENT STAY IN ANOTHER EEA MEMBER STATE, AND OF THEIR FAMILY MEMBERS

Entry and stay of third-country nationals holding a permanent stay permit in another EEA Member State

Article 184

(1) A third-country national having approved permanent stay in another EEA Member State may stay in the territory of the Republic of Croatia for a period of up to three months of the date of entry into the Republic of Croatia or until the expiration of the term of validity of the visa or residence card which was issued by such other EEA Member State, provided that the term of validity of the visa or residence card is shorter than three months.

(2) A third-country national referred to in paragraph 1 of this Article intending to stay in the Republic of Croatia for a period of over three months shall submit an application for the approval of temporary stay to the police administration or police station before the expiration of the term of validity of the visa or residence card which was issued by another Member State. A certificate shall be issued of the application submitted.

(3) A third-country national referred to in paragraph 1 of this Article may stay in the Republic of Croatia based on a certificate of the submission of an application for temporary stay until the decision on his application becomes enforceable.

Approval of temporary stay of a third-country national having approved permanent stay in another EEA Member State

Article 185

(1) A third-country national referred to in Article 184 of this Act shall be granted temporary stay if he holds:

1. a valid travel document,
2. resources for supporting himself and for supporting his family members,
3. health insurance, and

4. provided that he meets other criteria for the approval of temporary stay in view of the purpose of stay.

Approval of temporary stay of a family member

Article 186

(1) A family member of a third-country national referred to in Article 184 of this Act who has approved temporary or permanent stay in the Republic of Croatia shall be granted temporary stay for the purpose of family reunification if:

1. he has approved stay in another EEA Member State, and
2. if he lived in a shared household with a third-country national in a state in which the third-country national has permanent stay.

Article 187

(1) The following categories shall be regarded as family members of a third-country national referred to in Article 184 of this Act:

1. the spouse,
2. the underage children of married couples, their underage adopted children, and the underage children of each of them, who have not formed families of their own,
3. parents or adoptive parents of underage children.

Submitting an application for temporary stay

Article 188

1. A third-country national referred to in Article 184 of this Act and a member of his family may also submit an application for the approval of temporary stay in a diplomatic mission or consular post of the Republic of Croatia in an EEA Member State in which they have approved stay.

(2) Aliens referred to in paragraph 1 of this Article may enter the Republic of Croatia before a decision on the application for the approval of temporary stay is adopted, of which they must notify the police administration or police station.

(3) The police administration or police station, the diplomatic mission or consular post of the Republic of Croatia shall issue a certificate concerning the submission of an application for the issuing of an approval for temporary stay, based on which aliens referred to in paragraph 1 of this Article may stay in the Republic of Croatia until the decision on their application becomes enforceable.

Notifying other EEA Member States

Article 189

(1) In the approval of temporary or permanent stay, extension of temporary stay or decision pursuant to which an alien is obligated to leave the state, the police administration or police station shall notify the competent body of the other EEA Member State in which the alien has approved permanent stay.

Article 190

(1) The provisions of other titles of this Act which are not contrary to the provisions of this Title shall apply accordingly to third-country nationals referred to in Article 184 of this Act and their family members.

XII STAY AND WORK OF HIGH-SKILLED THIRD-COUNTRY NATIONALS

Issuing the stay and work permit, the EU Blue Card

Article 191

(1) A high-skilled third-country national shall submit an application for the issuing of a stay and work permit at a diplomatic mission or consular post of the Republic of Croatia or a police administration or police station based on the place of stay.

(2) The stay and work permit (the EU Blue Card) for high-skilled third-country nationals shall at the same time be regarded as an approval for temporary stay and work in the territory of the Republic of Croatia.

(3) The permit referred to in paragraph 2 of this Act shall be issued with the term of validity of up to two years.

(4) If an employment contract was concluded for a period of at least two years, the stay and work permit shall be issued for the term of the employment contract increased by three additional months.

(5) The stay and work permit shall be granted to a third-country national who, along with the meeting of the criteria referred to in Article 54 of this Act, encloses the following:

1. an employment contract or other relevant contract for the performance of high-skilled jobs, in the duration of at least one year,
2. proof of university education or completed undergraduate and graduate university studies or an integrated undergraduate and graduate university study or specialised graduate occupational study.

(6) The enclosed employment contract or other relevant contract must indicate the gross annual salary which may not be less than 1.5 of the average gross annual salary paid in the branch in which the third-country national is to be employed.

Refusing to issue the EU Blue Card

Article 192

(1) An application for the issuing of the stay and work permit shall be refused if a third-country national fails to meet the conditions referred to in Article 191, paragraphs 5 and 6 of this Act or whenever it is established that the documents enclosed have been fraudulently acquired, or falsified or tampered with.

(2) The police administration or police station may refuse the issuing of the stay and work permit if the employer is in breach of employment regulations or if the third-country national is in breach of the provisions of this Act relating to the entry, stay and work of aliens.

(3) The police administration or police station shall decide about the application for the issuing of a stay and work permit within 90 days of the submission of the application.

(4) An appeal against the decision of the police administration or police station may be filed, where the Commission shall decide about the appeal.

Work pursuant to the EU Blue Card

Article 193

(1) A third-country national to whom the EU Blue Card (the EU Blue Card holder) was issued may work in the Republic of Croatia only on such jobs for which the stay and work permit was issued and only for an employer with whom he contracted employment.

(2) The employer may assign an EU Blue Card holder only to such jobs for which the stay and work permit was issued.

(3) Where the employment contract or other relevant contract terminates and where other conditions based on which the stay and work permit was issued cease to exist, the employer and the EU Blue Card holder shall notify the police administration or police station within eight days of the occurrence of the circumstances which form the grounds for termination of the stay and work permit.

Extension of the EU Blue Card

Article 194

- (1) An application for extension of the EU Blue Card shall be submitted to the police administration or police station based on the place of temporary residence of the EU Blue Card holder, at the latest 30 days before the expiration of the valid permit.
- (2) An EU Blue Card holder who submitted an application for extension of the stay and work permit before its expiration may remain in the Republic of Croatia until the decision concerning his application becomes enforceable.

Change of employer

Article 195

- (1) The EU Blue Card holder who changes his employer within the first 2 years of stay in the Republic of Croatia shall submit an application for the issuing of a new EU Blue Card within eight days of the date of termination of employment with the initial employer to the police administration or police station.
- (2) After the period of 2 years, the EU Blue Card holder shall notify the competent police administration or police station of the change of job within eight days of the change and submit the new employment contract or other relevant contract with the new employer.
- (3) The EU Blue Card referred to in paragraph 2 of this Article shall be valid until its expiration.

Rights of EU Blue Card holders

Article 196

- (1) The EU Blue Card holder in the Republic of Croatia shall be guaranteed rights in accordance with Article 86 and Article 98, paragraph 1, items 2 through 7, and paragraph 2 of this Act.
- (2) The EU Blue Card holder is entitled to the recognition of his diploma and professional qualifications in accordance with special regulations.

Termination of validity of the EU Blue Card

Article 197

- (1) The stay and work permit issued to an EU Blue Card holder shall be terminated if:
1. he failed to notify the police administration or police station of the change of employer,

2. he works for an employer for whom the EU Blue Card was not issued,
3. he performs jobs for which the EU Blue Card was not issued, contrary to the provisions of this Act,
4. he performs other jobs for which he could not obtain the EU Blue Card,
5. he does not have any resources for supporting himself and he applied as social welfare seeker,
6. he no longer meets the conditions on the basis of which the stay and work permit was issued,
7. during the validity of the EU Blue Card, he was unemployed for more than three months without interruptions or remained unemployed two or more times,
8. he is considered to be a threat to public policy, national security or public health,
9. he is barred by the prohibition of entry and stay.

(2) Validity of the EU Blue Card of its holder who becomes unemployed during the term of validity for a period of up to three months at most without interruptions shall not terminate.

(3) In the case referred to in paragraph 2 of this Article, the EU Blue Card holder may seek another job, of which he shall notify the police administration or police station.

(4) The police administration or police station shall adopt a decision terminating the validity of the EU Blue Card against which an appeal may be filed, where the Commission shall decide about the appeal.

Temporary stay of a family member of an EU Blue Card holder

Article 198

(1) Temporary stay for the purpose of family reunification may be approved to the family member of an EU Blue Card holder referred to in Article 56 of this Act under the criteria stipulated in this Act.

(2) An application for family reunification may be submitted at a diplomatic mission or consular post of the Republic of Croatia or at the police administration or police station based on the place of stay.

(3) Temporary stay of a family member shall be granted for the time period during which the stay and work permit was issued to a third-country national with whom reunification in the Republic of Croatia is requested.

(4) A family member with approved temporary stay for the purpose of family reunification may find employment in the Republic of Croatia in accordance with Article 73 of this Act.

Permanent stay of the EU Blue Card holder

Article 199

(1) Permanent stay may be granted to a third country national who was an EU Blue Card holder in the Republic of Croatia in an uninterrupted period of at least 5 years before the date of submission of the application.

(2) By way of derogation from paragraph 1 of this Article, permanent stay may be granted to a third-country national who stayed in the territory of other EU Member States for an uninterrupted period of five years as an EU Blue Card holder, of which at least two years before the submission of an application as a EU Blue Card holder in the Republic of Croatia.

(3) Permanent stay may be granted to any EU Blue Card holder who meets the criteria referred to in Article 96, paragraph 1 of this Act:

(4) Absence from the EEA area of up to 12 consecutive or separately up to 18 months shall not affect the uninterruptedness of stay referred to in paragraphs 1 and 2 of this Article.

(5) The period of absence from the EEA area referred to in paragraph 4 of this Article may be extended to up to 24 consecutive months if a third-country national proves that he was absent in view of his economic activity in the capacity of an employed or self-employed person or that he performed volunteer work or studied in the country of his origin.

(6) The remark "former EU Blue Card holder" shall be included in the permanent stay permit.

Termination of permanent stay of a "former EU Blue Card holder"

Article 200

(1) Permanent stay of a third-country national who is a "former EU Blue Card holder" shall terminate if:

1. he is barred by the prohibition of entry and stay,
2. he moved out or stayed abroad without interruptions for more than 24 consecutive months.

Moving of an EU Blue Card holder

Article 201

(1) A third-country national holding an "EU Blue Card" issued in another EEA Member State may move and apply for a stay and work permit in the Republic of Croatia 18 months after the date of the issuing of the "EU Blue Card".

(2) The application referred to in paragraph 1 of this Article shall be submitted in accordance with Article 191 of this Act at the latest one month of the date of entry to the Republic of Croatia.

(3) The police administration or police station shall notify the EEA Member State referred to in paragraph 1 of this Article of the decision concerning the application referred to in paragraph 2 of this Article.

(4) The Republic of Croatia shall permit the entry and stay of an "EU Blue Card" holder referred to in Article 191, paragraph 2 of this Act and to a member of his family if some other EEA Member State refused to issue the "EU Blue Card" or if it applied measures for leaving the state against them.

- (5) Paragraph 4 of this Article shall also apply if the "EU Blue Card" referred to in Article 191 of this Act expired or ceased to be valid.
- (6) The "EU Blue Card" holder returning to the Republic of Croatia with members of his family in accordance with paragraph 4 of this Article, provided that he holds a valid "EU Blue Card", is entitled to work and notify the police administration or police station of the change of employer in accordance with Article 195 of this Act. If the "EU Blue Card" is no longer valid, he shall submit a new application for its issuing in accordance with Article 191 of this Act.

Article 202

- (1) Family members of a third-country national referred to in Article 56 of this Act to whom an "EU Blue Card" was issued in the Republic of Croatia in accordance with Article 201 are entitled to join him if they stayed with him legally in another EEA Member State.
- (2) Family members referred to in paragraph 1 of this Article shall submit an application for temporary stay for the purpose of family reunification within one month of the date of entry to the Republic of Croatia, at the police administration or police station based on the place of stay.
- (3) To the application referred to in paragraph 2 of this Article, it is necessary to enclose the following:
1. a valid travel document or visa, if required,
 2. residence permit proving that as family members they stayed in the territory of a Member State referred to in paragraph 1 of this Article,
 3. proof of health insurance, and
 4. proof of having resources for supporting themselves.

Article 203

- (1) Other provisions of this Act, unless contrary to the provisions of this Title, shall apply accordingly to high-skilled third-country nationals and their family members.

XIII. DATA FILING SYSTEMS

Article 204

- (1) In order to ensure effective control of the implementation of procedures laid down in this Act, the Ministry shall maintain data filing systems of the following:
1. aliens to whom a travel document and visa were issued,
 2. aliens whose visa was rejected, shortened or annulled,
 3. aliens whose entry and stay was approved and refused,
 4. aliens on short-term, temporary and permanent stay,
 5. aliens to whom a stay and work permit was issued,

6. aliens whose stay terminated,
7. aliens against whom a measure for leaving the Republic of Croatia was issued,
8. personal identity cards for aliens,
9. travel documents for aliens,
10. temporarily seized foreign travel documents,
11. registration and cancellation of the accommodation of aliens on short-term stay, of temporary residence and permanent residence, and of the address where aliens with approved stay live,
12. fingerprints taken and the taking of photographs of aliens against whom measures for leaving the state were taken,
13. documents issued to aliens referred to in Titles X, XI and XII of this Act.

(2) The personal identification number, which is assigned and used in accordance with the Personal Identification Number Act shall be included in the data filing systems referred to in paragraph 1 of this Article.

Article 205

(1) The Ministry competent for foreign affairs shall maintain a database on visa applications, extended visas, issued, refused, annulled and revoked visas.

(2) The data filing systems referred to in paragraph 1 of this Article shall be maintained within the Croatian Visa Information System in accordance with Article 20 of this Act.

(3) The Ministry competent for foreign affairs shall maintain a filing system of applications for the issuing of travel documents for aliens, travel documents for aliens and approved stay of aliens, submitted and issued at diplomatic missions and consular posts of the Republic of Croatia.

Article 206

(1) Personal data included in the data filing systems referred to in Articles 204 and 205 of this Act shall be collected, deposited and processed in accordance with a special regulation on the protection of personal data, provided that is in the interest of an alien, and that it can be presumed that he would not object or if necessary to verify data about the alien.

XIV. INSPECTION AND ADMINISTRATIVE SUPERVISION OF THE IMPLEMENTATION OF THE ACT

Article 207

(1) State administration bodies shall exercise inspection supervision of the implementation of this Act in the part relating to the work of aliens within their area of responsibility.

(2) The Ministry shall exercise inspection supervision of the implementation of this Act in the part relating to the obligation to register the stay of aliens.

(3) Insofar as it is established during inspection supervision that the work of an alien is contrary to the provisions of this Act, a motion to indict shall be filed with the misdemeanour court against the alien, legal or natural person who entered into an employment relationship with the alien or uses his work, against the responsible person in the legal person, or the alien providing services on behalf of a foreign employer.

(4) Inspectional supervision of the implementation of this Act relating to the conditions of work and the rights of posted workers shall be carried out by the state administration body competent for the labour inspection.

(5) By way of derogation from paragraph 4 of this Article, inspection supervision of the implementation of the provisions of this Act relating to the conditions of work and the rights of posted workers shall be carried out by other inspections of the competent state administration bodies, where stipulated in another law.

(6) Administrative supervision of the implementation of this Act shall be carried out by the bodies of state administration as part of their scope of work.

(7) Administrative supervision of the application of this Act in the part relating to the conditions of work and the rights of posted workers shall be carried out by the central state administration body competent for labour, unless provided otherwise in another act.

Article 208

(1) The competent inspector referred to in Article 207, paragraph 1 of this Article who establishes that the work of an alien is contrary to the provisions of this Act, that stipulate the obligation to obtain a stay and work permit or a work registration certificate, shall prohibit the legal or natural person to perform the activity to an alien, provide services for a foreign employer or prohibit the employer to perform the activity in the facility or space subject to supervision, by way of a verbal on-the-spot decision to the minutes until the defects established are remedied, and at least for a term of 30 days.

(2) 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 some other appropriate manner within two days of the date of the issuing of a verbal on-the-spot decision to the minutes.

(3) By way of derogation from the foregoing, the measure of prohibition of the performance of the activity referred to in paragraph 1 of this Article shall not be carried out, and the verbal decision shall be revoked, if the legal or natural person against whom the measure was issued submits proof to the competent inspector referred to in paragraph 1 of this Article within two days of the date of issuing of the measure that it made the payment of HRK 30,000.00 for each alien, in favour of the State Budget.

(4) Where a police officer of the Ministry establishes within his scope of work that there are circumstances referred to in paragraph 1 of this Article, he shall submit a motion to indict or adopt a misdemeanour order, and notify the competent body referred to in Article 207, paragraph 1 of this Act accordingly without any delay.

Article 209

(1) An appeal against a decision adopted pursuant to Article 208 of this Act shall not postpone enforcement of the decision.

Article 210

(1) A legal or natural person referred to in the verbal decision referred to in Article 208, paragraph 1 of this Act may request in writing while the measure further to which the business premises were sealed is in force that the business premises sealed should be temporarily unsealed, and in the presence of an inspector immediately take any perishables and undertake other security measures to prevent damage.

Article 211

(1) With a view to carrying out inspection supervision, legal and natural persons shall provide all information and enable access to closed or sealed-off rooms and business premises.

Obligation to pay public contributions for the employment of an alien staying in the Republic of Croatia illegally

Article 212

(1) The employer employing or using the work of an alien staying in the territory of the Republic of Croatia illegally shall pay public contributions and interest on arrears, and the corresponding fine.

(2) The obligation to pay public contributions within the meaning of paragraph 1 of this Article means a sum in kuna, including all taxes and contributions for compulsory social insurance, which the employer would pay if the alien were employed legally.

Determining the duration of work of an alien

Article 213

(1) The period during which an alien worked means the period of at least three months preceding the day on which the alien was found at work, unless the period established in the said manner is contrary to the proof which is submitted exclusively by the employer or alien.

Calculating the amount of the obligation for public contributions

Article 214

(1) The amount of the obligation for public contributions referred to in Article 212 of this Act shall be calculated according to the established basis for calculation starting with the amount paid directly or indirectly of a receipt in kuna or the amount of the market value of a receipt in kind.

(2) By way of derogation from paragraph 1 of this Article, where there is no information and proof of the amount paid directly or indirectly of a receipt in kuna or information and proof of the type and market value of a receipt in kind, the amount of the obligation for public contributions shall be calculated according to the established basis for calculation starting with the value that is an equivalent of the value of a receipt which would be assigned to the alien in the case of employment, which can be the amount of a usual salary for the same or similar job and the same duration of work which would be received by a worker with the same employer as a right under the collective agreement or the Minimum Salary Act.

(3) Receipt in kind within the meaning of paragraph 1 of this Article means the handover of a material object or right to use objects and/or services by the employer to an alien, where the value of the receipt in kind is established according to the market value in a way stipulated in the regulations on income tax.

Article 215

(1) The basis for calculating public contributions established according to Article 214, paragraph 1 of this Act shall be considered a net receipt.

(2) The basis for calculating public contributions established according to Article 214, paragraph 2 of this Act shall be considered a gross receipt and it includes the amount of the obligation for public contributions and the net receipt of the worker.

(3) The basis for calculating public contributions established according to paragraphs 1 and 2 of this Article shall be established in a uniform amount, regardless of the duration of work.

Article 216

(1) The obligation for public contributions, based on the basis - net receipt referred to in Article 215, paragraph 1 of this Act shall be calculated by applying the rates to the basis, viz.:

- to the part of the basis up to the amount of HRK 3,168.00, at the rate of 66.48%,
- to the part of the basis above HRK 3,168.00 to HRK 8,568.00 (the next HRK 5,400.00), at the rate of 95.33%, and
- to the part of the basis above HRK 8,568.00, at the rate of 144.17%.

(2) The obligation for public contributions, based on the basis - gross receipt referred to in Article 215, paragraph 2 of this Act shall be calculated by applying the rates to the basis, viz.:

- to the part of the basis up to the amount of HRK 4,500.00, at the rate of 46.80%,

- to the part of the basis above HRK 4,500.00 to HRK 13,500.00 (the next HRK 9,000.00), at the rate of 57.20%, and
- to the part of the basis above HRK 13,500.00, at the rate of 69.20%.

Article 217

(1) The obligation for public contributions shall fall mature for payment within 15 days of the day of submission of the decision, and is the general revenue of the State Budget and is paid in favour of the account of the State Budget, by reference to the numerical mark of the type of receipt set out in the Order on the manner of paying budgetary revenues, compulsory contributions and income for the financing of other public needs of the Ministry of Finance.

(2) The amount of the obligation for public contributions which is not paid within the deadline shall be subject to the calculation and payment of interest, for the period from the day of maturity to the day of payment, in accordance with the provisions of the regulations governing the obligation to calculate and pay interest on public contributions which are not paid within the deadline.

Article 218

(1) The bodies referred to in Article 207, paragraph 1 of this Act which established in the implementation of inspection supervision that an employer employs an alien staying in the Republic of Croatia illegally shall notify the Tax Administration accordingly, which shall identify the employer - person obligated to pay public contributions and the basis for calculating such public contributions, the period of work of the alien and the amount of the obligation.

(2) The record of the collection of the obligation for public contributions shall be maintained by the Tax Administration, and in the case where the obligation is not performed within the deadline, it shall be collected by involuntary settlement.

Article 219

(1) The procedure of involuntary settlement under Article 218, paragraph 2 of this Act and the procedures of refund of an obligation paid in an excessive amount and an obligation paid without legal basis, the write-off of a non-collectible obligation, the sale of debt, the limitation period, the postponement of collection and guarantee, and procedures related to other issues which are not regulated in this Act shall be conducted by the Tax Administration under the provisions of the General Tax Act.

(2) The amount of remuneration to an alien staying in the Republic of Croatia illegally and the amount of the obligation established and paid for public contributions with respect to such remuneration shall not be regarded as an expenditure of the employer recognised for tax purposes.

XV. PENAL PROVISIONS

Article 220

(1) A fine in an amount from HRK 500.00 to HRK 3,000.00 shall be issued against any alien who:

1. failed to leave the Republic of Croatia with the travel document used for entry into the Republic of Croatia (Article 3, paragraph 2),
2. failed to submit an application for the approval of temporary stay for a child within the time limit stipulated by law (Article 51, paragraph 1),
3. failed to apply for an extension of the temporary stay permit within 30 days of the expiry of the validity period of temporary stay (Article 53, paragraph 1),
4. is staying in the Republic of Croatia contrary to the purpose for which temporary stay was granted (Article 72, paragraph 1, item 5),
5. failed to report to the police officer at a border crossing (Article 112, paragraph 7),
- 6 failed to return the document on the postponement of removal (forced return) (Article 136, paragraph 4)
- 7 failed to notify the police administration or police station that the grounds based on which the stay and work permit was issued no longer exist (Article 91, paragraph 2),
- 8 does not have a work registration certificate (Article 84 paragraph 1, 9., at the request of an official, fails to provide for review a document proving his identity or to carry it on him (Article 139, paragraphs 2),
10. within the prescribed time limit, fails to submit an application for the replacement of his personal identity card for aliens (Article 142, paragraph 2),
11. fails to return his personal identity card for aliens (Article 143),
12. fails to report the loss, disappearance or theft of his documents (Article 144),
13. does not register or does not cancel his accommodation, temporary residence or permanent residence or does not include full and accurate information in the application form or does not submit documents concerning the change of the duration of accommodation without any delay (Articles 147, 148, 149),
14. during his stay in the Republic of Croatia, wears a foreign military, police or customs uniform contrary to Articles 151 and 152 of this Act.

(2) A fine in an amount from HRK 500.00 to HRK 3,000.00 shall be issued against an employer - natural person, and a fine in an amount from HRK 5,000.00 to HRK 7,000.00 shall be issued against an employer - legal person who:

1. fails to conclude a contract or does not have some other relevant certificate with the alien whose services he is using (Article 85, paragraph 1),
2. failed to notify the police administration or police station that the grounds based on which the stay and work permit was issued no longer exist (Article 91, paragraph 2),
3. failed to notify the police administration or police station of the assignment of an employee to work outside the place of his temporary residence or permanent residence (Article 148, paragraph 4).

Article 221

(1) A fine in the amount of HRK 100.00 shall be issued against a national of an EEA Member State and a member of his family who:

1. at the request of an official, fails to submit for review a document proving his identity or fails to carry it with him, refuses to provide personal data at the request of a police officer, or gives his documents to another person to use them or uses an invalid document or someone else's document as his own (Article 183, paragraphs 2, 3 and 4).

2. fails to register or cancel the address where he lives, his temporary residence or his permanent residence (Article 183, paragraph 5),

(2) A fine in an amount from HRK 500.00 to HRK 3,000.00 shall be issued against a family member of a national of an EEA Member State who:

1. fails to register temporary stay within the legal time limit (Article 157, paragraph 1 and Article 163, paragraph 1),

2. fails to submit an application for the issuing of temporary stay within the legal time limit (Article 169, paragraph 2),

3. fails to submit an application for the issuing of permanent stay within the legal time limit (Article 178, paragraph 2).

(3) A fine in an amount from HRK 500.00 to HRK 3,000.00 shall be issued against a third-country national who is an EU Blue Card holder who

1. failed to notify the police administration or police station of the termination of the criteria based on which the stay and work permit, the "EU Blue Card", was issued (Article 193, paragraph 3),

2. failed to submit an application for the extension of his stay and work permit, the "EU Blue Card", within 30 days before the expiration of the deadline of the valid stay and stay permit (Article 194, paragraph 1),

3. failed to submit an application for the stay and work permit, the "EU Blue Card", within eight days (Article 195, paragraph 1),

4. fails to notify the police administration or police station of the change of employer (Article 195, paragraph 2).

(4) A fine in an amount from HRK 500.00 to HRK 3,000.00 shall be issued against an employer - natural person, and a fine in an amount from HRK 5,000.00 to HRK 7,000.00 shall be issued against an employer - legal person and the responsible person in the legal person who failed to notify the police administration or police station of the termination of the criteria based on which the "EU Blue Card" was issued (Article 193, paragraph 3).

Article 222

(1) The punishment of imprisonment in the duration of up to 60 days or a fine in an amount from HRK 3,000.00 to HRK 7,000.00 shall be issued against any alien who:

1. moves outside an area to which his movement is restricted (Article 4, paragraph 2),
2. illegally stays in the Republic of Croatia (Article 101),
3. obstructs removal (forced return) (Article 116, paragraph 3),
4. leaves the centre without an approval or fails to abide by the house rules of the centre (Article 129, paragraph 1),
5. fails to comply with the obligations assigned to him (Article 112, paragraph 5 and Article 136, paragraph 3),
6. at the request of an official, does not present for review a travel document or other document used to cross the state border (Article 139, paragraph 3),
7. does not carry on him an identity document and does not present personal data at the request of a police officer (Article 139, paragraph 4),
8. allows other persons to use his documents or uses invalid documents or another person's documents as his own (Article 139, paragraph 5).

(2) In the case of misdemeanours referred to in paragraph 1 of this Article, the protective measure of expulsion of an alien from the country may be imposed solely, without imposing a fine.

(3) The misdemeanour procedure for misdemeanours referred to in paragraphs 1 and 2 of this Article may not be initiated on expiration of 3 years of the date on which the misdemeanour was committed.

Article 223

(1) A fine in an amount from HRK 3,000.00 to HRK 7,000.00 shall be issued against a third-country national who is an EU Blue Card holder who acts contrary to the provisions of Article 193, paragraph 1 of this Act.

(2) In the case of misdemeanours referred to in paragraph 1 of this Article, the protective measure of expulsion of an alien from the country may be imposed on a third-country national solely, without imposing a fine.

(3) The misdemeanour procedure for misdemeanours referred to in paragraph 1 of this Article may not be initiated on expiration of 3 years of the date on which the misdemeanour was committed.

Article 224

(1) A fine in an amount from HRK 7,000.00 to HRK 10,000.00 shall be issued against any alien who:

1. works without a stay and work permit or a work registration certificate (Article 73, paragraph 1),
2. works contrary to Article 73, paragraph 5 of this Act.

(2) In the case of misdemeanours referred to in paragraph 1 of this Article, the protective measure of expulsion may be imposed solely, without imposing a fine.

(3) The misdemeanour procedure for misdemeanours referred to in paragraph 1 of this Article may not be initiated on expiration of 3 years of the date on which the misdemeanour was committed.

Article 225

(1) A fine in the amount of HRK 23,000.00 for each transported alien shall be imposed on any carrier who transported an alien who does not have a valid travel document or other document used to cross the state border, a valid visa or stay permit (Article 41, paragraph 1).

(2) A fine in the amount of HRK 23,000.00 for each transported alien shall be imposed on a carrier – natural person who failed to transport an alien from a border crossing point or from the Republic of Croatia at his own cost or failed to assume the costs of the alien's return (Article 41, paragraphs 2 and 3).

(3) The punishment of imprisonment in the duration of up to 60 days and a fine in the amount of HRK 23,000.00 for each alien provided assistance shall be imposed on a natural person who assisted the alien in the illegal crossing, transit and illegal stay in the Republic of Croatia (Article 43).

(4) A fine in the amount of HRK 50,000.00 shall be issued against a legal person in the case referred to in paragraphs 2 and 3 of this Article, and a fine in the amount of HRK 23,000.00 against the responsible person in the legal person, for each alien provided transport or assistance.

(5) In the case of misdemeanours referred to in paragraphs 3 and 4 of this Article, the protective measure of seizure of items and the protective measure of prohibition to perform the activity may also be issued.

(6) In the case of misdemeanours referred to in paragraphs 2 and 3 of this Article, the protective measure of expulsion of an alien from the country may be issued against an alien solely, without issuing a fine.

(7) The misdemeanour procedure for misdemeanours referred to in paragraphs 1, 2, 3 and 4 of this Article may not be initiated on expiration of 3 years of the date on which the misdemeanour was committed.

Article 226

(1) A fine in an amount from HRK 10,000.00 to HRK 15,000.00 for each alien shall be imposed on a natural person who contracted employment with the alien or used his work, and a fine in an amount from HRK 50,000.00 to HRK 100,000.00 for each alien shall be imposed on a legal person who contracted employment with the alien or used his work if:

1. the alien employed does not hold a stay and work permit or a work registration certificate (Article 73, paragraph 1),
2. an alien is employed contrary to Article 73, paragraph 6 of this Act.

(2) A fine in an amount from HRK 10,000.00 to HRK 30,000.00 for each alien shall be imposed on an employer – natural person employing or using the services of an alien staying illegally in the Republic of Croatia, and a fine in an amount from HRK 70,000.00 to HRK 150,000.00 for each alien shall be imposed on an employer – legal person employing or using the services of an alien staying illegally in the Republic of Croatia (Article 73, paragraph 7).

(3) In the case of misdemeanours referred to in paragraph 1 of this Article, a fine in an amount from HRK 10,000.00 to HRK 50,000.00 shall be issued against the responsible person in the legal person.

(4) For misdemeanours referred to in paragraph 2 of this Article, a fine in an amount from HRK 20,000.00 to HRK 70,000.00 shall be issued against the responsible person in the legal person.

(5) For the misdemeanours referred to in paragraphs 1 and 2 of this Article, the protective measure of prohibition to perform the activity may be imposed.

(6) A fine in an amount from HRK 10,000.00 to HRK 15,000.00 shall be issued against a natural person, and a fine in an amount from HRK 50,000.00 to HRK 100,000.00 against a legal person who fails to provide information or to enable access to closed or sealed-off rooms and business premises (Article 211).

(7) The misdemeanour procedure for misdemeanours referred to in paragraph 1 and 2 of this Article may not be initiated on expiration of three years of the date on which the misdemeanour was committed.

Article 227

(1) A fine in an amount from HRK 10,000.00 to HRK 15,000.00 shall be issued against an employer-natural person, for each third-country national who is an "EU Blue Card holder" whom he employs or uses his work, and a fine in an amount from HRK 50,000.00 to HRK 100,000.00 shall be issued against an employer-legal person and the responsible person in the legal person for each third-country national who is an "EU Blue Card holder" whom he employs or uses his work, contrary to Article 193, paragraph 2 of this Act.

(2) For the misdemeanours referred to in paragraph 1 of this Article, the protective measure of prohibition to perform the activity may be imposed.

(3) The misdemeanour procedure for the misdemeanour referred to in paragraph 1 of this Article may not be initiated on expiration of three years of the date on which the misdemeanour was committed.

Article 288

(1) A fine in an amount from HRK 10,000.00 to HRK 30,000.00 shall be imposed for a misdemeanour on an employer – legal person if he fails to submit timely or submits an incomplete or inaccurate Posting declaration (Article 89).

(2) A fine in an amount from HRK 1,000.00 to HRK 3,000.00 shall be imposed for a misdemeanour referred to in paragraph 1 of this Article on an employer natural person and the responsible person of the legal person.

(3) A fine in an amount from HRK 31,000.00 to HRK 60,000.00 for each alien shall be imposed for a misdemeanour by the service recipient if he knows or could have known that he was using the work of a posted worker who was not legally employed by the foreign employer (Article 86, paragraph 8).

(4) A fine in an amount from HRK 4,000.00 to HRK 6,000.00 for each alien shall be imposed for a misdemeanour from paragraph 3 of this Article on the service recipient natural person and the responsible person of the legal person

Article 229

(1) A fine in an amount from HRK 300.00 to HRK 2,000.00 shall be issued against a natural person, and a fine in an amount from HRK 5,000.00 to HRK 7,000.00 shall be issued against a legal person who:

1. fails to register or fails to cancel the accommodation, temporary residence or permanent residence of an alien, or does not include complete and accurate information on the application form, or fails to submit information on the change of duration of accommodation without any delay (Articles 147, 148 and 149),

2. fails to present for review to an official person of the competent body information from the record of aliens to whom the service of accommodation is provided (Article 150, paragraph 2).

(2) In the case of misdemeanours referred to in paragraph 1 of this Article, a fine in an amount from HRK 500.00 to HRK 3,000.00 shall be issued against the responsible person in the legal person.

XVI. TRANSITIONAL AND FINAL PROVISIONS

Article 230

(1) The Government of the Republic of Croatia shall adopt a regulation on the visa regime referred to in Article 11, paragraph 3, and a regulation on the Croatian Visa Information System referred to in Article 20 of this Act at a proposal of the ministry competent for foreign affairs.

(2) The Government of the Republic of Croatia shall prescribe the manner of calculating and the amount of funds for support referred to in Articles 54 and 96 of this Act.

Article 231

(1) The minister competent for foreign affairs, subject to an approval of the minister competent for the interior, shall adopt a regulation on the:

1. issuing of visas, on the appearance and content of the form of a guarantee letter, and the appearance and content of the form of the decision on the refusal, annulment or revocation of visas,

2. the appearance and content of the visa application form, visas and the appearance and content of the form for affixing a visa.

Article 232

(1) The minister competent for the interior shall adopt regulations concerning the following:

- the appearance and content of the form of decision refusing entry into the Republic of Croatia,
- the appearance and content of the form of the order on an alien's return,
- the appearance and content of the form for the issuing of an approval for temporary and permanent stay,
- the appearance and content of the form of an approval for temporary and permanent stay,
- the appearance and content of the form for seafarers in transit who require a visa to enter the Republic of Croatia,
- the appearance and content of the form of a decision on leaving the Republic of Croatia and the form of a warning for leaving the Republic of Croatia, a certificate of short-term stay, a sticker prohibiting entry and stay, a sticker cancelling stay, a certificate of the seizure of pecuniary means, a certificate on the collection of the costs of removal (forced return), a document on postponement of removal (forced return), the form of a statement with personal information about the alien,
- the appearance and content of the application form for the issuing of a stay and work permit,
- the appearance and content of the form of the personal identity card for aliens,
- the appearance and content of the form for the registration of accommodation, registration and cancellation of temporary residence, permanent residence and the change of address,
- the manner of issuing and the forms of travel documents for aliens,
- the manner of handling aliens and the collection of costs in the case of the refusal of entry,
- the manner of establishing the criteria for the entry, stay and work of aliens in the Republic of Croatia,
- the manner of establishing the criteria for the entry, stay and work of high-skilled third-country nationals,
- the appearance and content of applications forms for the issuing of the "EU Blue Card",
- the appearance and content of the form of approval of the "EU Blue Card",
- the manner of establishing the criteria for the entry and stay of nationals of EEA Member States and their family members,
- the appearance and content of the application form for the issuing of temporary and permanent stay to nationals of EEA Member States and their family members,
- the appearance and content of the form of a certificate of the registration of temporary stay or a document confirming permanent stay, which are issued to nationals of EEA Member States, and a certificate of the submission of an application for the issuing of a residence card for a family member of a citizen of the Union, the residence card for a family member of a

citizen of the Union and the permanent stay card, which are issued to a family member who is not a citizen of an EEA Member State,

- the manner of proving the lawfulness of stay in the Republic of Croatia,
- on expulsion and prohibition of entry and stay,
- - the manner of determining the time limit for leaving the Republic of Croatia,
- the manner of providing assistance in the case of transit for the purpose of removal (forced return) by air, organisation and participation in joint flights of EEA Member States,
- the manner of registering short-term stay of aliens by electronic means,
- the manner of performing official checks,
- the content and manner of maintaining the filing systems referred to in Article 204 of this Act.

(2) The minister competent for the interior shall establish the following:

1. border crossing points at which the police station competent for controlling the crossing of the state border may issue visas,
2. the method of calculating the cost of removal (forced return),
3. the house rules of the centre.

(3) The Minister of the Interior, with an approval of the minister competent for education, shall lay down the programme of studying the Croatian language and Latin script, the manner of sitting for the exam and the amount of costs which the attendants must bear.

(4) The minister competent for science, subject to the consent of the minister competent for the interior, shall adopt a regulation on the manner of establishing conditions for the approval of temporary stay for the purpose of scientific research.

(5) The minister competent for science, subject to the consent of the minister competent for the interior, shall adopt a regulation on the manner of determining conditions for the approval of temporary stay for the purpose of secondary school education.

Article 233

(1) Implementing legislation based on the powers laid down in this Act shall be adopted within 10 months of the entry into force of this Act.

Article 234

(1) Temporary stays approved, work and business permits issued, and work registration certificates without a work or business permit issued in accordance with the Aliens Act (Official Gazette 79/07 and 36/09) shall continue to have effect until the expiration of their term.

(2) To aliens granted temporary stay in accordance with Article 65 of the Aliens Act (OG 79/07 and 36/09), temporary stay may be extended until completion of regular secondary education.

(3) Temporary stay of aliens who were granted temporary stay in accordance with Article 68 of the Act on Amendments to the Aliens Act (Official Gazette 36/09), and who own real estate in the Republic of Croatia, may be extended for a time period of one year.

(4) Documents on temporary stay ("privremeni ostanak") issued pursuant to the Aliens Act (Official Gazette 79/07 and 36/09) shall have effect, after the entry into force of this Act, as documents on the postponement of removal (forced return).

Article 235

Procedures initiated before the entry into force of this Act shall be concluded according to the provisions of the Aliens Act (Official Gazette 79/07 and 36/09).

Article 236

In accordance with the provisions of the Treaty concerning the accession of the Republic of Croatia to the European Union, the Government of the Republic of Croatia may after Croatian accession to the EU, prescribe by a regulation the application of rules for work for nationals of EU Member States and members of their families that are in force until the signing of the Accession Treaty, in relation to nationals of those Member States that will apply national measures or measures resulting from bilateral agreements, for the duration of such measures.

Article 237

(1) The provisions of Article 47, paragraph 5, Article 76, paragraph 1, item 2 and Article 78 paragraph 5 of this Act shall cease to have effect on the day of accession of the Republic of Croatia to the European Union.

(2) Implementing regulations adopted pursuant to the Aliens Act (Official Gazette 79/07 and 36/09) shall continue to have effect until the entry into force of the implementing regulations adopted pursuant to the powers referred to in this Act, unless they are contrary to its provisions.

(3) On the entry into force of this Act, the provisions of the Aliens Act (Official Gazette 79/07 and 36/09) shall cease to have effect.

Article 238

(1) This Act shall be published in Official Gazette, and shall enter into force on 1 January 2012, other than the provisions of Article 21, Article 22, paragraph 1, item 5 and paragraph 2, in the part relating to the collection and destruction of biometric data, Article 47, paragraph 1, item 6 and paragraph 3, Article 64, paragraph 3, Article 86 through Article 89, Article 110, Article 115, Article 117, Article 119, Article 120 through Article 122, Article 132, paragraph 2, Article 135, Article 153 through Article 203, Article 207, paragraphs 4, 5 and 7, Article 221, Article 223, Article 227, Article 228 of this Act, which shall enter into force on the day of accession of the Republic of Croatia to the European Union.

