

# **Regional Review for the Global Compact for Safe, Orderly and Regular Migration (GCM)**

## **Croatia**

The Republic of Croatia welcomes the establishment of joint interactive platform which will enable exchange of experiences and good practices between countries on migration. Completely aware that no state can manage migration alone, we have been systematically advocating stronger international cooperation in managing migration phenomenon, with a view of fair division of responsibilities and greater solidarity. In this sense, we have been active from the beginning in the discussions which preceded, as well as in the adoption of the Global Compact for Safe, Orderly and Regular Migration, as the first negotiated framework to address international migration in all its dimensions. We believe that this document of the targeted measures and best practices guides us in searching and identifying the best solutions for every particular situation, at the same having in mind respecting and protecting human rights of every individual.

### **1. Preparation of the GCM review:**

Competent bodies consulted for the purposes of this review were Ministry of the Interior, Ministry of Justice and Public Administration, Ministry of Labour, Pension System, Family and Social Policy, Ministry of Science and Education and Government Office for Human Rights and Rights of National Minorities. Ministry of Foreign and European Affairs coordinated the process.

### **2. Policy and enabling environment:**

#### **European level**

As a Member State of the European Union, Croatia closely follows policy developments within the EU and its legislation is harmonized with the European legislation. Croatia is committed to a well-managed and safe migration, saving lives and supporting those in need of international

protection. Therefore, during our Presidency of the Council of the EU in the first half of 2020, we kept the development of the New Pact on Migration and Asylum high on the Presidency agenda. After nine months of efforts, the European Commission presented the Document, which reflects the EU's renewed holistic and sustainable approach to migration. Croatia welcomes the Document's emphasis on strengthening cooperation and dialogue with countries of origin and transit as well as addressing the root causes of migration. Furthermore, Croatia supports the focus on improvement of cooperation and joint work with regional and international partners, with the aim of developing an effective migration management system and strengthening the capacity of EU partners. In cooperation with the European Commission, Croatia has already initiated the establishment of an additional independent monitoring mechanism for the conduct of Croatian border police, which – according to the New Pact - will have to be established in all EU Member States.

### **National level**

The Migration Policy of the Republic of Croatia from 2013 established the Standing Committee for the Implementation of the Integration of Foreigners into Croatian Society, whose members are delegated officials. Integration is one of the strategic challenges of the Croatian Government, which is reflected in the adoption of policies aimed at strengthening the integration system such as the Action Plan for the Integration of Persons Granted International Protection.

National Action Plan for the Integration of Persons granted international protection for the period from 2017 to 2019 prescribed a series of integration measures in the field of accommodation and housing, social welfare and health care, learning language and education, employment, interdepartmental and international cooperation, and public awareness and professionals, who determine the institutional framework of the integration system in Croatia.

The notion of integration in this sense does not only refer to the unilateral adjustment of third-country nationals, but also includes Croatia's activities as a host country aimed at strengthening the capacity to accept them as future full members of society. It is a dynamic and two-way process, which is at the same time multidimensional because it includes participation in economic, social, cultural, civic and political life, with special emphasis on the perception of migrants and their belonging to society.

In terms of implementation, various civil society organizations have proven to be quality partners, especially at the local level. Their contribution is especially valuable when determining the locations and the construction of new reception centers, which, in addition to accommodation capacities, also serve as places for information on all relevant topics for migrants.

Local and regional self-government play a key role in the integration process, as third-country nationals are accommodated and reside in local communities.

The provisions of the Criminal Code ensure elimination of all forms of discrimination and promotion of evidence-based public discourse to shape the perception of migrants.

Regarding employment of foreigners in the Republic of Croatia, Ministry of Labour, Pension System, Family and Social Policy prepares Decision on the establishment of the annual quota of work permits for employment of foreigners, which is annually adopted by Croatian Government. This quota of work permits is established by taking into consideration the number of unemployed persons in certain occupations, and in consultation with trade unions, employers and chamber associations.

Currently, our Government is preparing new Aliens Act which should enter into force from January 1<sup>st</sup> 2021, which will abolish quota system and Ministry of Interior will take over matter of work permits and employment of foreigners.

When referring to foreigners entering the Republic of Croatia in a legal way, it means third country nationals who, in accordance with the provisions of The Foreigners Act, have a residence and a work permit. Therefore, such worker establishes an employment/labour relation in the Republic of Croatia with a Croatian employer, which means that the labour legislation of the Republic of Croatia applies to him. The Labour Act, as a general act regulating employment in the Republic of Croatia, is regulating the employment through an employment contract of indefinite duration as a rule and through a fixed-term employment contract as an exception. The need for a valid residence and a work permit, which last until a certain date, is certainly the reason why the employment contract should be concluded for a certain period of time, with the longest duration until the expiration of the residence and work permit. However, since the labour relations are established on a bilaterally binding contract, which is a result of the agreement between contracting parties (the employer and the employee) on the essential components of the employment contract,

it would not be contrary to The Labour Act to conclude an employment contract of indefinite duration if that was the actual will of the contracting parties.

The Minimum Wage Act stipulates in Article 4 that all workers working in the Republic of Croatia are entitled to a minimum wage. Therefore, the same entitlement goes for foreign workers employed by Croatian employer in the Republic of Croatia. The amount of the minimum wage for each calendar year is determined by the Government of the Republic of Croatia at the proposal of the Minister responsible for labour.

#### **Progress on GCM objectives:**

#### **OBJECTIVE I - collect and utilize accurate and disaggregated data as a basis for evidence-based policies:**

The networking of the existing digitalised system has been improved. This system covers border control data, records on aliens, residence permits and the visa system.

#### **OBJECTIVE III - Provide accurate and timely information at all stages of migration:**

The Ministry of the Interior provides information on the reception and asylum procedure to EUROSTAT, EASO, FRONTEX and UNHCR, The Ministry's website provides information to migrants on residence permits, work permits, rights and obligations and legal regulations. Likewise, statistics on applicants for international protection and persons who have been granted international protection are published on a regular basis.

#### **OBJECTIVE IV - Ensure that all migrants have proof of legal identity and adequate documentation:**

The Republic of Croatia has transposed the provisions related to the definition of vulnerable persons into its legislation, as well as those related to their protection in line with the Return Directive.

Migrant children born in the territory of the Republic of Croatia are entered into birth registers at the competent registrar's office, according to the place of birth, together with the information on their parent's nationality. In order to reduce statelessness, a child born or found in the territory of the Republic of Croatia acquires Croatian citizenship if both of his/her parents are unknown or are of unknown citizenship or stateless. The child's Croatian citizenship will terminate if, by the time the child turns 14, both of his/her parents are established to be foreign nationals.

In accordance with Directive EC/115/2008 (Return Directive) the Republic of Croatia issues documentation (return decisions and other decisions related to return) to any third-country national residing illegally determining his status and his obligation to leave the European Economic Area and the Republic of Croatia.

#### **OBJECTIVE V - Enhance availability and flexibility of pathways for regular migration:**

Quotas for migrant workers have been increased with a view to addressing development challenges and the needs of the labor market. A close family member of a third-country national who has been granted protection can be granted temporary stay for the purpose of family reunification under more favorable conditions (no need to provide proof of means of subsistence and health insurance). In order to encourage and facilitate mobility of legally employed aliens, stay and work permits can be issued to intra-corporate transferees, posted workers and service providers. The procedures for issuing first stay and work permits on the basis of the annual quota have been accelerated and simplified. When it comes to youth mobility, the Republic of Croatia cooperates with Canada and New Zealand, and procedures with other countries have also been initiated (South Korea, Chile, Peru, Australia, Argentina).

Also, the Republic of Croatia has so far resettled 250 seekers of international protection from Turkey based on the EU Resettlement Programme and relocated 81 international protection seekers from Italy and Greece. As well, the Republic of Croatia has pledged on 11 September 2020 for the relocation of 12 unaccompanied female minors from Greece, which is still pending.

#### **OBJECTIVE VII - Address and reduce vulnerabilities in migration:**

The Republic of Croatia has transposed the provisions related to the definition of vulnerable persons into its legislation, as well as those related to their protection in line with the Return Directive.

Applicants for international protection are provided with psychosocial assistance and support, and staff working with the applicants has been trained to identify persons with special procedural and reception needs.

The Protocol on the Treatment of Unaccompanied Minors was adopted in order to ensure timely and efficient protection of their rights and interests. The Inter-departmental Commission for the Protection of Unaccompanied Minors has been set up as well.

#### **OBJECTIVE VIII - Save lives and establish coordinated international efforts on missing migrants:**

As regards saving lives of migrants at sea, we apply international conventions and the National Plan for Maritime Search and Rescue, which prescribes the competencies of each individual state administration authority when it comes to rescue operations.

#### **OBJECTIVE IX - Strengthen the transnational response to smuggling of migrants:**

The Ministry of the Interior actively participates in international operations and projects within the framework of EUROPOL and INTERPOL, or through international police cooperation.

Within the framework of the EU Policy Cycle 2018-2021, we participate in the following EMPACT priorities: “Illegal migration” and “Trafficking in human beings”, based on SOCTA conclusions.

The Ministry of the Interior has also initiated cooperation with the relevant services of Albania, Montenegro and Bosnia and Herzegovina resulting in submission of a joint EU-funded project aimed at combatting migrant smuggling in the region of Southeast Europe.

As well, on the initiative of the HR PRES, the Council has on 5 June 2020 adopted the Conclusions on enhancing cooperation with the Western Balkans partners in the field of migration and security, in which the importance of combatting migrant smuggling has been emphasized.

In the context of strengthening the supranational response to the smuggling of migrants, the Republic of Croatia has clearly distinguished in its criminal law the smuggling of migrants from the criminal part of human trafficking. Such a distinction serves the fact that the constituent elements of these crimes are different, but in practice it is not always easy to recognize what form of crime it is.

Although unlike forced human trafficking, migrant smuggling may be motivated by the financial gain of one party and the desire of the other party to enter and move illegally.

In terms of international migration, especially those that are legal and regulated, further work is needed to prevent, combat and eradicate human trafficking. Croatia is continuously working to strengthen the legal framework for judicial cooperation within the EU, with special attention towards the recognition and enforcement of judicial decisions in criminal matters on the principle of mutual trust.

## **OBJECTIVE X - Prevent, combat and eradicate trafficking in persons in the context of international migration:**

The National Committee for Combating Human Trafficking of the Government of the Republic of Croatia was set up. It comprises of representatives of relevant state administration authorities, civil society organizations and media.

In their actions, police officers follow the National Plan for Combating Trafficking in Human Beings 2018-2021. With regard to identifying victims of trafficking in human beings in 2019, police officers continued cooperating with the relevant ministries involved in the referral system for combating trafficking in human beings, civil society organizations, the Croatian Red Cross, and international organizations. Accordingly, when identifying the victims, standard operating procedures were used, in accordance with the existing Protocol on Identification, Assistance and Protection of Victims of THB.

## **OBJECTIVE XI - Manage borders in an integrated, secure and coordinated manner:**

In 2019, the Republic of Croatia adopted a new Integrated Border Management Strategy and Action Plan and is acting upon them. As well, Croatia is providing bilateral assistance to several countries of Southeast Europe for better managing their borders and has taken part in several Frontex operations in Greece and Albania.

In the aforementioned Council Conclusions on cooperation with the Western Balkans partners, border management is also a topic of prominent importance.

Furthermore, the Republic of Croatia, as a country which manages the longest EU external land border, has been continuously improving its resources and capacities, primarily as a response to illegal migration pressures and accession to the Schengen area. So far, it invested over 240 million euros in upgrading its border infrastructure and training of its 6500 border police officers.

**OBJECTIVE XII - Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral:**

The Republic of Croatia has developed a risk analysis system within the framework of the border police, in line with EU regulations.

**OBJECTIVE XIII - Use migration detention only as a measure of last resort and work towards alternatives:**

In accordance with the Return Directive, the Republic of Croatia uses detention only as a measure of last resort and for the shortest time necessary. Likewise, we have transposed into our national legislation a provision related to the use of less corrective measures imposed as an alternative to detention (depositing travel documents, money, regular contacting of the competent authorities and ban on leaving the address of accommodation). As regards unaccompanied minors, it is prescribed that, in general, they are to be accommodated in open type facilities. A written decision is made on detention, justifying the reasons and the duration of detention. The applicant for international protection can institute an administrative dispute against such a decision, which is decided on by the administrative court within 15 days.

**OBJECTIVE XIV - Enhance consular protection, assistance and cooperation throughout the migration cycle:**

Every arrested third-country national is informed of the possibility of contacting his/her diplomatic mission or consular post with regards to his/her arrest.

**OBJECTIVE XV - Provide access to basic services for migrants:**

All illegally staying third-country nationals are entitled to emergency medical assistance and essential treatment. In addition to health care, minors are also entitled to primary education free of charge. Persons who have been granted international protection in the Republic of Croatia are entitled to accommodation free of charge for two years upon receiving an administrative decision, as well as to the access to labor market.

**OBJECTIVE XVII - Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration:**

Police officers participate in training provided by UNHCR, UNICEF and NGOs.

**OBJECTIVE XXI - Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration:**

The Republic of Croatia has fully implemented the Return Directive which contains standards related to return and protection mechanisms, which we apply in return operations (protection of third-country nationals against expulsion, legal remedies, monitoring of forcible removals). A system of assisted voluntary return and reintegration (AVRR) has been set up. It is financed under AMIF, and a contract has been signed with IOM for its implementation.

**OBJECTIVE XXIII - Strengthen international cooperation and global partnerships for safe, orderly and regular migration:**

We have been implementing a resettlement programme for Syrian nationals from Turkey. The priority is on families with minor children and children at risk. Within this programme, already 250 refugees from Turkey have been resettled.

**4. Next steps:**

Croatia will continue advocating for a comprehensive, efficient and humane migration management on all migration routes. At the national level we will continue to strengthen our capacities and develop comprehensive policies aimed at the successful acceptance and integration of migrants into Croatian society.