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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

## International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	<a href="#">UN Convention Relating to the Status of Stateless Persons, 1954</a>	Yes.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.1.b		If yes, when was ratification/accession?		8 October 1991	
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No.	
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes.	
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	<a href="#">UN Convention on the Reduction of Statelessness, 1961</a>	Yes.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/2011_06_8_66.html">https://narodne-novine.nn.hr/clanci/medunarodni/2011_06_8_66.html</a>
IOB.2.b		If yes, when was ratification/accession?		The Convention entered into force on 21 December 2011.	
IOB.2.c		Are there reservations in place? Please list them.	As above	No.	Citizenship Act: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
IOB.2.d		Does the Convention have direct effect?	As above	Yes.	
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	<a href="#">European Convention on Nationality, 1997</a>	The Republic of Croatia signed the Convention on 9 January 2005, but did not accede to it.	<a href="https://vlada.gov.hr/UserDocsImages//2016/Sjednice/Arhiva//136-5.pdf">https://vlada.gov.hr/UserDocsImages//2016/Sjednice/Arhiva//136-5.pdf</a>
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	<a href="#">European Convention on Human Rights, 1950</a>	The Republic of Croatia acceded to the Convention on 5 November 1997.	<a href="https://www.zakon.hr/z/364/(Europska)-Konvencija-za-za%C5%A1titu-ljudskih-prava-i-temeljnih-sloboda">https://www.zakon.hr/z/364/(Europska)-Konvencija-za-za%C5%A1titu-ljudskih-prava-i-temeljnih-sloboda</a>
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	<a href="#">Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006</a>	No.	
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	<a href="#">Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)</a>	Yes.	<a href="https://narodne-novine.nn.hr/clanci/sluzbeni/full/2018_05_46_860.html">https://narodne-novine.nn.hr/clanci/sluzbeni/full/2018_05_46_860.html</a>
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	<a href="#">Convention on the Rights of the Child, 1989</a>	Yes, since 8 October 1991.	<a href="http://www.mvep.hr/hr/vanjska-politika/multilateralni-odnosi0/multi-org-inicijative/ujedinjeni-narodi/konvencija-o-pravima-djeteta/">http://www.mvep.hr/hr/vanjska-politika/multilateralni-odnosi0/multi-org-inicijative/ujedinjeni-narodi/konvencija-o-pravima-djeteta/</a>

IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Civil and Political Rights, 1966</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	<a href="#">International Covenant on Economic, Social and Cultural Rights, 1966</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	<a href="#">Convention on the Elimination of all Forms of Discrimination Against Women, 1979</a> <a href="#">CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness</a>	Yes, since 8 October 1991.	<a href="https://mup.gov.hr/online-prijave/zastita-djece-i-obitelji/nasilje-u-obitelji-281678/konvencija-o-uklanjanju-svih-oblika-diskriminacije-zena-i-fakultativni-protokol-uz-konvenciju/281943">https://mup.gov.hr/online-prijave/zastita-djece-i-obitelji/nasilje-u-obitelji-281678/konvencija-o-uklanjanju-svih-oblika-diskriminacije-zena-i-fakultativni-protokol-uz-konvenciju/281943</a>
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	<a href="#">Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	<a href="#">International Convention on the Elimination of All Forms of Racial Discrimination, 1965</a>	Yes, since 8 October 1991.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html">https://narodne-novine.nn.hr/clanci/medunarodni/1993_10_12_27.html</a>
IOB.3.k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	<a href="#">International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990</a>	No.	
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	<a href="#">Convention on the Rights of Persons with Disabilities, 2006</a>	The Republic of Croatia ratified the Convention on 1 June 2007.	<a href="https://narodne-novine.nn.hr/clanci/medunarodni/2007_06_06_80.html">https://narodne-novine.nn.hr/clanci/medunarodni/2007_06_06_80.html</a>

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p><a href="#">CEDAW, Gen. Rec. 32 (2014)</a>: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p><a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a>: Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p><a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Improve quantitative and qualitative data on stateless populations.</p> <p><a href="#">ISI, The World's Stateless (2014)</a>: States should strengthen measures to count stateless persons on their territory.</p> <p><a href="#">International Recommendations on Statelessness Statistics (IROSS)</a> (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p>	The population census from 2021 contains a category "stateless". According to the census, 558 persons or 0,01% of the population do not have a citizenship. The data is disaggregated by residence (the majority of persons without citizenship reside in the City of Zagreb - 93). The data is not disaggregated by gender or age, nor by place of birth and ethnicity.	<a href="https://popis2021.hr/">https://popis2021.hr/</a>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	The population census from 2021 contains a category "unknown citizenship". According to the census, 173 persons have unknown citizenship, compared to 2,137 in the last census in 2011. This decrease is likely due to the fact that the majority of people with 'unknown citizenship' who came from ex-Yugoslavia have resolved their status during the past ten years. Practice suggests that persons with unknown citizenship originate mainly from ex-Yugoslavia countries (Serbia, Kosovo, Bosnia-Herzegovina, Macedonia), with the most common causes being state succession and lack of birth registration in the birth registry books. The terms "stateless" and "unknown citizenship" are not defined in the methodology of the 2021 Census (although the term "stateless" is mentioned in the definition of "citizenship").	<p><a href="https://popis2021.hr/">https://popis2021.hr/</a></p> <p>Information on practice based on ILC's casefiles and experience.</p>
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	<p>UNHCR reports 733 persons under its statelessness mandate in Croatia, as of mid-2023. While the number in 2023 is significantly lower than the 2,879 people reported at the start of 2022, this is likely due to the fact that the number of stateless people is not regularly updated. On UNHCR's Croatia website, which contains data that is not fully up to date, the number of stateless people reported is 2,886 and it is disaggregated: 36 stateless persons (source GoC/Ministry of Interior – registration); 54 of undetermined citizenship (source GoC/Ministry of Interior – registration); 713 stateless (census) and 2,083 of undetermined citizenship (census).</p> <p>According to the UNHCR's "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness in Croatia", 27 stateless persons are officially recognised in Croatia (8 on temporary stay, 19 on permanent stay). If we count persons with undetermined citizenship with a right of temporary stay or permanent stay in Croatia (39), then the total number of stateless persons and persons at risk of statelessness officially recognised in Croatia is 66.</p>	<p>UNHCR Croatia website: <a href="https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva">https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva</a></p> <p>UNHCR, Refugee Data Finder [query 'stateless persons' in Croatia]: <a href="https://www.unhcr.org/refugee-statistics/download/?url=khUF1Z">unhcr.org/refugee-statistics/download/?url=khUF1Z</a></p> <p>UNHCR, 2020, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness in Croatia", p. 80: <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p> <p>UNHCR Global Trends Report 2022, Table 5: <a href="https://www.unhcr.org/global-trends">https://www.unhcr.org/global-trends</a></p>

POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	UNHCR published the study 'Stateless persons and persons at risk of statelessness in Croatia' in 2018. It concluded that the estimated number of people with unresolved legal status within the Roma population varies between 500 and 1,500 persons, with the most common estimate being approximately 1,000 persons. The research did not conclude how many of these are persons at risk of statelessness.	Stateless persons and persons at risk of statelessness in Croatia, Publisher: UNHCR, Zagreb, 2018.
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	According to the National Plan for Roma Inclusion 2021 - 2027, over 98% of the Romani population has Croatian citizenship, while 1.8% of Romani people in Croatia are without Croatian citizenship, of which 23 are stateless persons.	National Plan for Roma Inclusion 2021 – 2027: <a href="https://commission.europa.eu/system/files/2021-12/ukljucivanje-roma publikacija_web_en.pdf">https://commission.europa.eu/system/files/2021-12/ukljucivanje-roma publikacija_web_en.pdf</a>
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	According to official data, the number of people who are stateless or at risk of statelessness is under 100. However, the figures from UNHCR and NGOs working with stateless persons and persons at risk of statelessness differs significantly from the official data.	UNHCR, 2020, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness in Croatia", p. 5: <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a>
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. <a href="#">EASO/EUAA, Practical guide on registration (2021)</a> : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	On 31 December 2022, there were four stateless asylum seekers (out of a total of 12.872 asylum seekers in Croatia) recorded in the Ministry of Interior data collection systems. During the first nine months of 2023 there were no stateless asylum seekers (out of a total 54.482 asylum seekers). According to our knowledge, the Government does not count these groups in figures for the stateless population.	Statistical indicators of persons granted international protection in the Republic of Croatia in 2022: <a href="https://mup.gov.hr/UserDocImages/OTVORENI%20PODACI/Tra%C5%BEitelj%20me%C4%91unarodne%20za%C5%A1tite/web%20statistike%202022%20Q4%20TMZ.pdf">https://mup.gov.hr/UserDocImages/OTVORENI%20PODACI/Tra%C5%BEitelj%20me%C4%91unarodne%20za%C5%A1tite/web%20statistike%202022%20Q4%20TMZ.pdf</a>  Statistical indicators of persons granted international protection in the Republic of Croatia until 30. 09.2023: <a href="https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-trazitelj-medjunarodne-zastite/283234">https://mup.gov.hr/pristup-informacijama-16/statistika-228/statistika-trazitelj-medjunarodne-zastite/283234</a>
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Improve quantitative and qualitative data on stateless populations. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. <a href="#">ISI, The World's Stateless (2014)</a> : States should strengthen measures to count stateless persons on their territory. <a href="#">Equal Rights Trust, Guidelines (2012)</a> : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. <a href="#">Council of the European Union, Conclusions on Statelessness (2015)</a> : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.	The Government maintains internal records on the number of stateless people held in detention centres, but this data is not published. The Ministry of Interior publishes annual 'basic safety indicators', which includes the nationality of people held in immigration detention, but there are no published records about stateless people held in immigration detention.	Statistical overview of basic safety indicators and work results in 2019, p. 162: <a href="https://mup.gov.hr/UserDocImages/statistika/Statisticki_pregled_2019_WEB.pdf">https://mup.gov.hr/UserDocImages/statistika/Statisticki_pregled_2019_WEB.pdf</a>  Statistical overview of basic safety indicators and work results in 2020, p. 161: <a href="https://mup.gov.hr/UserDocImages/statistika/2021/Statisticki_pregled_2020_web.pdf">https://mup.gov.hr/UserDocImages/statistika/2021/Statisticki_pregled_2020_web.pdf</a>  Statistical overview of basic safety indicators and work results in 2021, p. 161: <a href="https://mup.gov.hr/UserDocImages/statistika/2022/Statisticki_pregled_2021_Web.pdf">https://mup.gov.hr/UserDocImages/statistika/2022/Statisticki_pregled_2021_Web.pdf</a>  Statistical overview of basic safety indicators and work results in 2022, p. 163: <a href="https://mup.gov.hr/UserDocImages/statistika/2023/Statisticki_pregled_2022_web%20prelim.pdf">https://mup.gov.hr/UserDocImages/statistika/2023/Statisticki_pregled_2022_web%20prelim.pdf</a> <a href="#">UNHCR Croatia</a>
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	No.	



## Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	<a href="#">1954 Convention</a> : Articles 1(1) & 1(2).	Article 3 of the Foreigners Act adopted on 1 January 2021 provides a definition of a stateless person. The official English translation of the Act previously in force states “a stateless person means a person who is not considered to be a citizen by any state under its national legislation”, which is narrower than the 1954 Convention definition. However, according to experts, the definition in the original Croatian version of the Act is in line with the 1954 Convention.	Article 3 of the Foreigners Act, OG, no. 133/2020, 114/22, 151/22: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	<a href="#">UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006)</a> : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	In 2021, UNHCR organised three formal trainings in Rijeka, Pula and Slavonski Brod about statelessness for representatives of the Ministry of Interior. UNHCR Croatia, together with the Red Cross and the Ministry of Interior, also organises annual conferences on international protection of refugees and statelessness for government bodies, judges, and lawyers.	ILC practice UNHCR Croatia
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	See SDS.2.a.	ILC practice
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? <b>Choose only one and then proceed to question indicated.</b>  <b>1.</b> There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status ( <b>answer Question SDS.3.b. and proceed to Question 4a</b> ).  <b>2.</b> There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights ( <b>answer Question SDS.3.b. and proceed to Question 10a</b> ).  <b>3.</b> There is a dedicated statelessness status but no formal procedure for determining this ( <b>answer Question</b>	<a href="#">UNHCR, Handbook on Protection (2014)</a> : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified.	

		<p><b>SDS.3.b. and proceed to Question 15a).</b></p>			
<p>SDS.3.b</p>	<p>Temporary protection for people fleeing war</p>	<p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless persons who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, please state so. Please describe any other barriers for stateless people or people at risk of statelessness in accessing the territory or receiving temporary protection, asylum, or other protection.</p>	<p><a href="#">EU Temporary Protection Directive (2001)</a> <a href="#">EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine &amp; European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine</a>: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>Entry into Croatia is possible for all displaced people from Ukraine, including people not eligible for temporary protection and people without a travel document. People who declare to the border police at the border crossing of Croatia that they are displaced from Ukraine may enter Croatia regardless of whether they have a travel document for crossing the State border or not. Pursuant to the Government’s Decision on introduction of temporary protection in the Republic of Croatia for displaced persons from Ukraine, Croatia shall grant temporary protection to the nationals of Ukraine and members of their families: a) residing in Ukraine on 24 February 2022 and who left Ukraine since 24 February 2022; b) stateless persons and third country nationals who were under international or equivalent national protection in Ukraine on 24 February 2022 and members of their families who were granted residence in Ukraine on 24 February 2022 and who left Ukraine since 24 February 2022; c) country nationals who had a valid permanent stay in Ukraine on 24 February 2022 in accordance with Ukrainian regulations and who cannot return to their country or region of origin in safe and permanent conditions and who left Ukraine since 24 February 2022. Furthermore, temporary protection shall also be granted to the displaced citizens of Ukraine and members of their families who left Ukraine immediately before 24 February 2022 due to the security situation and cannot return to Ukraine due to the armed conflict. ‘Immediately before’ is to be considered as starting from 1 January 2022, according to the official statement of the Ministry of Interior. Persons who left Ukraine before that date are referred to regulate their status in accordance with the possibilities provided in the Aliens Act or Act on International and Temporary Protection. Among these possibilities, as suggested also by the Ministry of Interior, one can benefit from a short-term residence permit regulated in Article 55 of the Aliens Act (up to 90 days within the period of 180 days), during which a person can find work and then apply for a stay and work permit (temporary residence for the purposes of work) regulated in Article 88 of the Aliens Act once they find an employment. If a person cannot find a job or does not meet the conditions for a temporary residence permit for any of</p>	<p>Ministry of Interior, Croatia for Ukraine: <a href="https://hrvatskazaukrajinu.gov.hr/">https://hrvatskazaukrajinu.gov.hr/</a>  <a href="https://hrvatskazaukrajinu.gov.hr/UserDocsImages/dokumenti/HR/odluke/022-03-22-04-77_3-07-03.pdf">https://hrvatskazaukrajinu.gov.hr/UserDocsImages/dokumenti/HR/odluke/022-03-22-04-77_3-07-03.pdf</a>  Temporary protection Croatia, p.4 <a href="https://asylumineurope.org/wp-content/uploads/2023/06/AIDA_HR_Temporary-Protection_2022.pdf">https://asylumineurope.org/wp-content/uploads/2023/06/AIDA_HR_Temporary-Protection_2022.pdf</a>  Articles 55 and 88 of the Foreigners Act, OG, no. 133/2020, 114/22, 151/22: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html(HR)">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html(HR)</a>  International and Temporary Protection Act OG 70/2015, 127/2017, 33/23: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html(HR)">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html(HR)</a>  <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055</a></p>



				<p>the purposes prescribed by the Aliens Act (e.g. digital nomad, studying, other purposes, etc.), they can apply for a temporary residence for humanitarian reasons.</p> <p>Furthermore, persons displaced from Ukraine can regulate their stay based on the Act on International and Temporary Protection, by expressing their intention to submit an application for international protection. As can be inferred from the above, for some categories of persons displaced from Ukraine the temporal scope of temporary protection was broadened, as was the case for Ukrainian citizens and their family members. Further categories of persons entitled to temporary protection are stateless persons and third country nationals who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and members of their family, a category which falls under the scope prescribed by the Temporary Protection Directive (TPD).</p> <p>The Croatian government decided to broaden the scope of the temporary protection by accepting the option provided for in Article 2 Paragraph 2 of the TPD, <i>i.e.</i> by including third country nationals who had valid legal permanent residence in Ukraine on 24 February 2022 and cannot return to their country or region of origin in safe and permanent conditions to the circle of persons entitled to temporary protection in Croatia. However, family members of these persons are not falling under the scope of temporary protection.</p> <p>The Government's Decision accepted the definition of a family member from the Council's decision. However, the only category the government omitted from the definition are minor children of a spouse of a person who is entitled to temporary protection according to aforementioned conditions.</p> <p>According to the Government's Decision, the following persons shall be considered to be part of a family of Ukrainian citizen, stateless person or third country national (with international or equivalent national protection status in Ukraine) who shall be granted with temporary protection according to the Government's Decision:</p> <ul style="list-style-type: none"> <li>- the spouse or the common-law partner;</li> <li>- their minor children, regardless of whether they were born in a married or common law partnership or adopted;</li> <li>- other close relatives who lived in a joint household at the time when the circumstances related to the displacement of persons from Ukraine arose, and who at that time were completely or mostly dependent on these persons.</li> </ul> <p>Persons considered to be family members will be granted temporary protection and they will be provided with access to all rights arising from temporary protection status in accordance with the provisions of the Act on International and Temporary Protection.</p> <p>The only condition set out for mentioned family members to be entitled to temporary protection is that they resided in Ukraine on 24 February or 'immediately before' and left Ukraine since 1 January 2022 due to the aggression. No other conditions, such as Ukrainian nationality or permanent residence, are required.</p> <p>Stateless persons and third country nationals who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and members of their family who left Ukraine since 24 February 2022 are under the scope of the temporary protection, alongside family members of Ukrainian citizens, while family members of persons granted with permanent</p>	
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				<p>residence in Ukraine are not falling under the scope of the temporary protection in Croatia.</p> <p>If a person who is theoretically entitled to temporary protection, left Ukraine since 1 January or 24 February 2022 because of the war of aggression, but had already obtained regulated status on another basis in Croatia, they will not be eligible for temporary protection. For example, if Ukrainian citizen who obtained a work and residency permit in Croatia in 2021 went for holidays in Ukraine in the beginning of February 2022 and needed to leave the country due to the outbreak of the aggression, they would not be allowed to submit application for temporary protection.</p>	
SDS.10.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	<b>If there is no dedicated SDP leading to a statelessness status</b> , are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?	<p><a href="#">ENS (2013)</a>: For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>There is no formal procedure for the determination of statelessness in Croatia.</p> <p>Statelessness is assessed ad-hoc upon submission of an application for asylum, legal residence, or citizenship. A person can be identified as stateless through the national asylum procedure in accordance with the International and Temporary Protection Act, covering both refugee status and subsidiary protection.</p> <p>There are some provisions in Croatian law which are meant to facilitate the integration and stay of stateless persons. For example, Article 61 of the Foreigners Act prescribes that a third country national who does not possess a valid foreign travel paper, and requests temporary stay in Croatia, is to be issued a decision on granting temporary stay. This provision is meant for cases in which the document has expired, although it can be used in the case of persons who are of undetermined nationality until it is proven whether they are stateless.</p>	<p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.77-78: <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p>
SDS.10.b		Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?	<p><a href="#">1954 Convention</a></p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p>	<p>In the Foreigners Act, all regulations which apply to foreigners also apply to stateless persons. There are no special provisions for stateless persons.</p> <p>Temporary stay is a stay granted to third country nationals for a specific purpose and for a specific period. The period for which it can be granted is usually up to one year.</p> <p>A stateless person may apply for Temporary Stay under the Foreigners Act if they can meet the general requirements, including if they prove the purpose for which it would be allowed, have a valid foreign travel document, sufficient funds, health insurance, do not have a ban on entry and stay in Croatia, and do not represent a danger for public order, national security or public health.</p> <p>It is very hard for a stateless person to prove the requirements for temporary stay as they usually lack any documentation, may have a precarious financial status and lack health insurance.</p>	<p>Article 57 of the Foreigners Act, OG, no. 133/2020, 114/22, 151/22: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a>(HR)</p> <p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.69-70: <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p>
SDS.11.a	Access to procedures (Group 2)	Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise.</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>In Croatia, statelessness is assessed ad-hoc and on a case-by-case basis upon submission of an application for asylum, legal residence, or citizenship. For each individual case, the Ministry of Interior (Mol) takes into account all relevant facts and, inter alia, requests a document from the country of origin to verify that the foreigner is not a national (except in asylum proceedings). There is no specific deadline foreseen if the government concerned fails to reply, but there are deadlines foreseen in the General Administrative Procedures Act of 30 or 60 days for completing procedures. In practice, this can be extended. The Croatian authorities rely on a formal reply from the government of a State with which a person/applicant has a link. If it is determined during a procedure that an applicant is stateless, the applicant will be considered a stateless person for the purposes of that procedure.</p>	<p>Information Legal Centre's Research template: Addressing Statelessness in the Western Balkan Region Croatia</p> <p>Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a>(HR)</p> <p>Administrative Procedure Act, Article 101: <a href="https://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku">https://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku</a></p> <p>Citizenship Act: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English)</p>

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SDS.11.b		Are there obligations in law on authorities to consider a claim of statelessness?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Access to the procedure must be guaranteed. <a href="#">EASO/EUAA, Practical guide on registration (2021)</a> : Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person’s statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.	All relevant elements of the application will be assessed by the Ministry of the Interior, including the applicant’s statements and all the documentation at the applicant’s disposal regarding the person’s nationality(ies).	EMN Inform, Statelessness in the European Union, 2020:  <a href="https://emn.ie/wp-content/uploads/2020/02/2020_EMN_Inform_Statelessness.pdf">https://emn.ie/wp-content/uploads/2020/02/2020_EMN_Inform_Statelessness.pdf</a>
SDS.11.c		Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?	<a href="#">1954 Convention</a> <a href="#">UNHCR, Handbook on Protection (2014)</a> : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	Not applicable	
SDS.11.d		Is there cooperation between agencies that may have contact with stateless people?	<a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	Not consistently. The Government’s National Roma Inclusion Strategy 2013 to 2020 and corresponding Action Plans envisaged forming inter-agency mobile teams that were intended to facilitate cooperation for the resolution of civil registration and citizenship issues in all areas where Roma reside. However, there is evidence that the formal mobile teams were often substituted by teams of civil society organisations. Additionally, multi-sector info centres were never formed, which leads to the conclusion that mechanisms envisaged by the National Strategy and the Action Plans were inefficient and that the cooperation between agencies that might have contact with stateless people exists only on paper, but not in practice (further details on PRS.6.b).	Stateless persons and persons at risk of statelessness in Croatia, Publisher: UNHCR, Zagreb, 2018.p.11-14
SDS.12.a	Assessment (Group 2)	Who has the burden of proof when determining or identifying statelessness (in law and practice)?	<a href="#">UNHCR, Handbook on Protection (2014)</a> : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). <a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a> : SDPs must take into consideration the difficulties inherent in proving statelessness. <a href="#">UNHCR, Geneva Conclusions (2010)</a> : In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. <a href="#">ECtHR, Hoti v. Croatia (2018)</a> : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	The burden of proof is primarily on the applicant; however, as per legislation, the burden of proof is also on the government if it concerns information that is officially and easily available to the competent Croatian authority.	Information Legal Centre's Research template: Addressing Statelessness in the Western Balkan Region Croatia

SDS.12.b		What is the standard of proof to evidence statelessness, in law and in practice?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p><a href="#">UNHCR, Good practices in nationality laws (2018)</a>: The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p><a href="#">ECtHR, Hoti v. Croatia (2018)</a>: If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	<p>The standard of proof to evidence statelessness is not established in law or in practice.</p> <p>It is determined on a case-by-case basis based on the rules of the general administrative procedure. For each individual case, the Ministry of the Interior takes into account all relevant facts and, inter alia, requests a document from the country of origin to verify that the foreigner is not listed in the national Register of Citizens.</p> <p>The Croatian authorities rely on a formal reply from the government of a State with which the person/applicant has a link. The Ministry of the Interior officials are familiar with the previous and current legislation in the successor states to SFRY. In case of doubt, the Ministry will check the nationality status with governments of those countries with which the applicant for Croatian nationality has links.</p>	<p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.78: <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p>
SDS.12.c		Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin relating to statelessness, etc.)?	<p><a href="#">ENS (2013)</a>: Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p> <p><a href="#">Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</a></p>	<p>Not applicable.</p> <p>There is no country-of-origin information relating to statelessness that is available.</p>	
SDS.13.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people generally?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p><a href="#">ENS (2013)</a>: If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>The Free Legal Aid Act only refers to foreigners and does not explicitly mention stateless persons. According to the Act, the following categories of people have the right to free legal aid:</p> <ol style="list-style-type: none"> <li>1. an unaccompanied child found in Croatia;</li> <li>2. a person with approved permanent stay;</li> <li>3. an asylum-seeker, a person who is granted asylum or subsidiary protection, and the members of their families who have a right to reside in Croatia;</li> <li>4. a person who is irregularly staying in Croatia and a person on short-term stay regarding deportation or return proceedings.</li> </ol> <p>Decisions on granting free legal aid under the above provisions are made on an individual basis and it is not certain whether a stateless person would be able to access to legal aid.</p> <p>The Free Legal Aid Act prescribes that foreigners with a temporary stay permit have the right to free legal aid, but only under the condition of reciprocity (i.e. if their country of origin offers legal aid to Croatian citizens), which stateless persons cannot meet.</p>	<p>Free Legal Aid Act: <a href="https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i">https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i</a></p> <p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.73,74: <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p>
SDS.13.b		Is free interpreting available to stateless people?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The right to assistance with interpretation/translation [is] essential.</p> <p><a href="#">ENS (2013)</a>: Assistance should be available for translation and interpretation.</p>	<p>Free interpreting is not available as a right to stateless people, but it is available in international protection procedures.</p>	<p>ILC practice.</p>
SDS.13.c		Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal, audits in decision-making, etc.)?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>Stateless people have an opportunity to claim their statelessness in an interview during an application for temporary residence at the local police department and during international protection procedures.</p> <p>Decisions are given in writing with reasons according to general rules of administrative procedure.</p> <p>According to ILC's practice, stateless persons can apply for temporary residence for humanitarian reasons. There is no time limit for such applications. According to Article 101 of the General Administrative Procedure Act, first-instance bodies (e.g. local police departments) have the obligation to decide on request within 30 days, and in ILC's practice the deadline is usually respected. Stateless persons can apply for a travel document for</p>	<p>ILC practice.</p> <p>General Administrative Procedure Act OG 47/2009, 110/21: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2009_04_47_1065.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2009_04_47_1065.html</a></p> <p>International and Temporary Protection Act OG 70/2015, 127/2017, 33/23: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)</p>



				<p>stateless persons only if they are granted temporary, long-term or permanent stay. ILC is not aware of any appeal cases in procedures of temporary residence on humanitarian grounds or in issuing travel documents for stateless persons.</p> <p>The request for international protection can be submitted as soon as possible, and no later than 15 days from registration of the status in the records of the Ministry. No appeal is allowed against the Ministry's decision to reject the request, but an action may be filed with the administrative court within eight days from the date of delivery of the decision.</p>	
SDS.14.a	Protection (Group 2)	<p>Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.</p>	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>National regulations do not grant any rights to stateless persons except for the right to acquire a travel document under the 1954 Convention.</p>	<p>Ordinance on travel documents for foreigners, visas and conduct towards foreigners, OG 36/08,                  Foreigners Act:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a>(HR)</p>
SDS.14.b		<p>Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access:</p> <ul style="list-style-type: none"> <li>- right to reside</li> <li>- travel document</li> <li>- work</li> <li>- healthcare</li> <li>- social security</li> <li>- education</li> <li>- housing</li> <li>- family reunification</li> <li>- right to vote.</li> </ul> <p><b>[Section complete, proceed to DET]</b></p>	<p><a href="#">1954 Convention</a>  <a href="#">UNHCR, Handbook on Protection (2014)</a>: The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>No rights are prescribed by the Foreigners Act to stateless people. They are considered to be foreigners who can be granted temporary, long-term, or permanent stay. Temporary stay can be granted for up to one year. According to the previous Foreigners Act, people with a temporary stay permit were not able to access any rights, they had to pay to access healthcare even in emergency situations, and children were only able to enrol in primary education. The new Foreigners Act, which came into force on 1 January 2021 introduces in Article 86 the following rights for people with temporary residence on humanitarian grounds: education, study, vocational training, attending courses, and right to work without a permit. People with temporary residence do not have access to free healthcare. After five consecutive years, a person with temporary stay can be granted a long-term stay permit, and after three or in some cases four consecutive years, a person with temporary stay can be granted a permanent stay permit for an indefinite period. Long-term and permanent stay give access to a broad range of rights (right to work including self-employment, professional development, education and student scholarships, social care, rights pertaining to health and pension insurance, child allowance, maternity and parental support, tax exemptions, access to the goods and services market, freedom of association, membership in workers or employers' unions or special professional organisations, register their domicile in Croatia, etc.). Access to permanent residence has been difficult for stateless persons as it was conditional on providing a valid foreign travel document. Other conditions included not representing a danger to public order or national security and submitting evidence of sufficient funds, adequate lodging, and health insurance. However, according to Article 153 of the new Foreigners Act, a valid foreign travel document is no longer a condition for obtaining long-term residence for stateless persons or persons who are granted asylum or subsidiary protection, but it remains to be seen how this will be implemented in practice. Stateless people with any residence permit are entitled to family reunification, however, there are restrictions for people with a temporary residence permit. Stateless people do not have the right to vote in Croatia in any circumstances.</p>	<p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", p.69-71:  <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p> <p>Foreigners Act:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a>(HR)</p>

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p><a href="#">ICCPR</a>: Article 9  <a href="#">ECHR</a>: Article 5  <a href="#">EU Return Directive</a>: Article 15  <a href="#">UNHCR, Handbook on Protection (2014)</a>: Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient.  <a href="#">UN General Assembly (2009)</a>: Calls upon all States to adopt alternative measures to detention.  <a href="#">HRC, Report of the Special Rapporteur (2012)</a>: The obligation to always consider alternatives before resorting to detention should be established by law.  <a href="#">International Detention Coalition (2015)</a>: Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>Immigration detention powers are provided in the Foreigners Act and the International and Temporary Protection Act.</p> <p>The Foreigners Act specifies in Article 211 that restriction on freedom of movement (and detention) is a special measure related to deportation or return proceedings, and in any case as an exception. Croatia has three detention centres with a total capacity for 219 people.</p> <p>The Foreigners Act states that a person may be placed in a detention centre if forced removal and return cannot be ensured by more lenient measures (Article 212). Alternatives are deposit of travel tickets and/or travel documents, deposit of certain financial resources, ban on leaving a certain accommodation address, and reporting to the police. The International and Temporary Protection Act stipulates that foreigners and asylum seekers (including stateless persons) have freedom of movement, which exceptionally, may be limited to a ban on movement outside a certain area, accommodation in a reception centre for foreigners, and deposit of travel documents.</p> <p>There is evidence that immigration detention for removal/return purposes is used in practice prior to all alternatives being considered. In the case of asylum applicants and Dublin transfers, although the law provides for it, detention is not used systematically. According to the Ministry of Interior, detention was used in 2 cases during the Dublin procedure in 2018. In 2021, this option was used in only one case, and the person was detained in the Reception Centre for Foreigners. No public information on detention during the Dublin procedure is available for 2022. Detention is not used systematically for asylum applicants. Although most applicants do not possess any identity documents, up to now this was rarely used as a ground to restrict their freedom of movement. Asylum applicants are usually detained where they request international protection after having been issued with a deportation order, and in situations where they have left or attempted to leave Croatia before the completion of the procedure for international protection. Further information on immigration detention in Croatia can be found in the AIDA Country Report.</p>	<p>Foreigners Act:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)</p> <p>International and Temporary Protection Act OG 70/2015, 127/2017, 33/23:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a>(HR)</p> <p>Ordinance on the Status and Work of Third Country Nationals in the Republic of Croatia], Official Gazette, no. 52/2012, 81/2013, 38/2015 and 100/2017</p> <p>Ordinance on the treatment of third-country nationals, OG 68/2018 (July 27, 2018)</p> <p>Annual Ombudsperson’s Report for 2019</p> <p>Amnesty International, “Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along Balkan Route,” March 2019:  <a href="https://www.amnesty.org/en/documents/eur05/9964/2019/en/">https://www.amnesty.org/en/documents/eur05/9964/2019/en/</a></p> <p><a href="#">EU: Inquiry into European complicity in Croatian border violence against migrants and refugees ‘significant’</a></p> <p>Asylum Information Database (AIDA)  Country report Croatia, 2020 Update, p.97-103:  <a href="https://asylumineurope.org/reports/country/croatia/">https://asylumineurope.org/reports/country/croatia/</a></p> <p>Asylum Information Database (AIDA)  Country report Croatia, 2020 Update:  <a href="https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-HR_2020update.pdf">https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-HR_2020update.pdf</a></p> <p>Asylum Information Database (AIDA)  Country report Croatia, 2022 Update, p.108  <a href="https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-HR-2022-Update.pdf">https://asylumineurope.org/wp-content/uploads/2023/06/AIDA-HR-2022-Update.pdf</a></p>



DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p><a href="#">ICCPR</a>: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7).</p> <p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a>: In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation.</p> <p><a href="#">EU Return Directive</a>: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	A proposed country of removal must be identified in the return decision. Each case takes into consideration the principle of "non-refoulement". In practice, the Reception Centre for Foreigners in Jezevo enforces two types of removals: removal by readmission to neighbouring countries in which a person resided previously and forced removal to the country of origin. The third way of enforcing removal includes release by serving a person with a decision on return in which it is stated that the person must leave Croatia within 7-30 days.	<p>Regulation on the treatment of third-country nationals (OG 68/18), Purpose and conditions of detention in Croatia, Centre for Peace Studies  <a href="https://www.cms.hr/system/publication/pdf/88/Svrha_i_uvjeti_d_etencije_u_Hrvatskoj_2016.pdf">https://www.cms.hr/system/publication/pdf/88/Svrha_i_uvjeti_d_etencije_u_Hrvatskoj_2016.pdf</a></p> <p>International and Temporary Protection Act OG 70/2015,127/2017, 33/23  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a>(HR)</p>
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	<p><a href="#">EU Return Directive</a>: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p><a href="#">UN Working Group on Arbitrary Detention (2018)</a>: When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a>  <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a></p>	<p>If someone expresses the intention to apply for international protection from the detention centre, after having been detained under the Foreigners Act, they must be released or served with a new decision under the Act on International and Temporary Protection (AITP). The detention centre informs by email the service dealing with applicants for international protection about the intention to seek international protection. The Service for Reception and accommodation of applicants for international protection organises the lodging of the application for international protection on the first following working day and, depending on the assessment, issues the decision on the restriction of freedom of movement, i.e. a detention order. If the decision on the restriction of freedom of movement is not issued, the applicant would be moved to the Reception Centre for Applicants for International Protection.</p> <p>There is a clear obligation on authorities to release a person when there is no reasonable prospect of removal. According to Article 220 of the Foreigners Act, a third-country national or a stateless person will be dismissed from the centre without delay if:</p> <ul style="list-style-type: none"> <li>• the conditions for accommodation in the centre are no longer met;</li> <li>• it is reasonably expected that the third country national or stateless person will not be able to be forcibly removed within the period referred to in the Law.</li> </ul>	<p>Asylum Information Database (AIDA)  Country report Croatia, 2020 update  <a href="https://asylumineurope.org/reports/country/croatia/">https://asylumineurope.org/reports/country/croatia/</a> p.99</p> <p>Foreigners Act:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a>(HR)</p> <p>International and Temporary Protection Act OG 70/2015, 127/2017, 33/23  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a>(HR)</p> <p>Croatian Legal Centre, The Croatian Asylum System in 2020, national report. pp. 23, 99:  <a href="file:///C:/Users/HP/Downloads/nacionalni-izvjestaj-o-sustavu-azila-u-2020-ENG.pdf">file:///C:/Users/HP/Downloads/nacionalni-izvjestaj-o-sustavu-azila-u-2020-ENG.pdf</a></p>
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p><a href="#">ECtHR, Auad v. Bulgaria (2011)</a>  <a href="#">ECtHR, Mikolenko v. Estonia (2009)</a>: Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p><a href="#">CMW, General comment No. 5 (2021)</a>: States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: States must identify stateless persons within their territory or</p>	The Foreigners Acts equates the status of stateless persons with foreigners, which indicates that statelessness is not relevant in decisions to detain. A person has the right to obtain residence permits and personal documents in accordance with their residence or asylum status. Detention in these cases may last until an appropriate decision is made. Appropriate decisions include decisions which are in accordance with the law and which have become final. If a stateless person so requests, they can obtain the relevant documents and remain temporarily in Croatia until the proceedings are completed.	<p>Foreigners Act:  <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a>(HR)</p> <p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness":  <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p>

			subject to their jurisdiction as a first step towards ensuring the protection of their human rights. <a href="#">ICJ, Migration and International Human Rights Law (2014)</a> : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.		
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a> : Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	Yes. Article 182(2) of the Foreigners Act specifies as vulnerable persons: minors, persons with disabilities, the elderly, pregnant women, single parents with underage children, victims of human trafficking, victims of violence, rape or other forms of psychological, physical or sexual violence such as victims of female genital mutilation and persons with mental disabilities. Article 4 (14) of the Act on International and Temporary Protection defines vulnerable persons as persons deprived of legal capacity, children, unaccompanied children, the elderly and infirm, seriously ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disabilities and victims of trafficking, torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation. Croatian law does not consider statelessness a factor increasing vulnerability.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  International and Temporary Protection Act OG 70/2015,127/2017, 33/23: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. <a href="#">EU Return Directive</a> : Article 16(3) <a href="#">EU Return Handbook (2017)</a> : Attention should be paid to the specific situation of stateless persons. <a href="#">Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013)</a> : European entities should assess the situation of LGBTI persons in detention. <a href="#">PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021)</a> : There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.	There is no procedure aimed at identifying stateless persons. Vulnerability assessments are carried out on a case-by-case basis and often depend on the involvement of the Ombudsperson, lawyers or NGOs.	UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness": <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a>
DET.2.d		Are stateless people detained in practice?	As above.	In practice, most stateless persons are not restricted in their movements because they are long-term residents in Croatia and their family members are often Croatian citizens (predominantly Roma). Movement is restricted only to persons who have applied for international protection (asylum) and are detained during the procedure, which applies also to asylum seekers who are stateless and whose statelessness may not have been identified by the authorities.	UNHCR Hrvatska: <a href="https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva">https://www.unhcr.org/hr/gdje-radimo/zastita-osoba-bez-drzavljanstva</a>
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<a href="#">ICCPR</a> : Article 9(4) <a href="#">ECHR</a> : Article 5(4) <a href="#">EU Return Directive</a> : Articles 12, 13 and 15(5) <a href="#">HRC, Report of the Working Group on Arbitrary Detention (2010)</a> : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. <a href="#">CMW, General comment No. 5 (2021)</a> : States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There	There is a <b>time limit</b> for "Preliminary" detention of up to three months, while "regular" detention can be ordered for up to six months. Detention may then be extended by a further 12 months in certain circumstances. Under the International and Temporary Protection Act, the detention of asylum applicants can last up to three months, which may be "exceptionally" extended by another three months. According to the Croatian Legal Centre, detention is rarely prolonged beyond the initial three months, and, on average, asylum seekers are detained for one month. Casework by the Information Legal Centre suggest that detainees are automatically released at the end of the maximum time limit.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  Article 54(9)&(10), International and Temporary Protection Act OG 70/2015, 127/2017, 33/23 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)  Asylum Information database: Report Croatia – Croatian Legal Centre: <a href="https://asylumineurope.org/reports/country/croatia/">https://asylumineurope.org/reports/country/croatia/</a>

		<p>should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. <a href="#">UNHCR, Detention Guidelines (2012)</a>: To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p><a href="#">UNGA, Body of Principles (1988)</a>: Anyone who is arrested shall be informed at the time of the reason for their arrest.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible. <a href="#">International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014)</a>: The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p> <p><a href="#">ECtHR, Kim v. Russia (2014)</a>: The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>Under the Foreigners Act detainees should immediately <b>be informed of the reasons</b> for their arrest and the possibility of contacting a diplomatic or consular mission. In practice, the staff of the Ministry of Interior inform asylum seekers orally about the reasons for their detention and an interpreter reads the decision to them. However, detention decisions tend to use complex legal language and the majority of asylum seekers do not understand the reasons for their detention.</p> <p>There are no <b>regular periodic reviews</b> of detention before a court or independent body. The review of the legality of detention is carried out on the basis of appeals or judicial action before administrative courts. According to the Ombudsperson's Annual Reports for 2018 and 2019, the Ministry of Interior has been unlawfully preventing access to cases and information on the treatment of people with irregular immigration status. The 2019 Annual Report reports that migrants, including minors, were detained at the border without access to toilet, water, or food and denied the possibility of applying for asylum.</p> <p>The scope of the <b>right to appeal</b> is narrowed in administrative procedures involving persons in detention. The Croatian Citizenship Act prescribes that all decisions regarding detention are administrative acts. There is always the possibility of appealing against detention decisions, and the appeal is decided by the administrative body of the Ministry of the Interior. Following the final decision of the appeal, a dispute may be initiated before the administrative court. The same is prescribed by the International and Temporary Protection Act. Under the Foreigners Act some decisions can be appealed whilst some cannot.</p> <p><b>Free legal aid</b> is available to challenge the decision on detention. However, there are issues with providing persons in detention with an appropriate interpreter and appropriate legal assistance. In 2020, the Ombudsperson investigated access to free legal aid in the Reception Centre for Foreigners in Ježevo. It was determined that detainees were not adequately informed that they are entitled to free legal aid and were not made aware of contact persons to access legal assistance.</p>	<p>Global Detention Project: Country Report - Immigration detention in Croatia, April 2019: <a href="https://www.globaldetentionproject.org/wp-content/uploads/2019/04/GDP-Immigration-Detention-in-Croatia.pdf">https://www.globaldetentionproject.org/wp-content/uploads/2019/04/GDP-Immigration-Detention-in-Croatia.pdf</a></p> <p>Croatian Law Centre, "Country Report: Croatia," Asylum Information Database (AIDA), December 2015: <a href="http://www.asylumineurope.org/reports/country/croatia">http://www.asylumineurope.org/reports/country/croatia</a></p> <p>Website of the Ombudsperson: <a href="https://www.ombudsman.hr/hr/izvjescja-puckog-pravobranitelja/#">https://www.ombudsman.hr/hr/izvjescja-puckog-pravobranitelja/#</a></p> <p>Website of the Ombudsperson, Annual Reports: <a href="https://www.ombudsman.hr/en/reports/#">https://www.ombudsman.hr/en/reports/#</a> <a href="https://www.ombudsman.hr/hr/izvjescja-puckog-pravobranitelja/#(HR)">https://www.ombudsman.hr/hr/izvjescja-puckog-pravobranitelja/#(HR)</a></p> <p>Law on general administrative procedure, OG, no:47/2009, 110/21 Ordinance on free legal aid in the procedure of granting international protection, OG 140/2015 International and Temporary Protection Act, OG no:70/2015, 127/17, 33/23</p> <p>UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness": <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p> <p>Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)</p> <p>Free Legal Aid Act, Official Gazette, no. 143/13, 98/19</p> <p>Ordinance on free legal aid in the procedure of granting international protection OG 140/2015 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html</a> (HR)</p>
DET.3.b	Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>The law stipulates that police officers shall provide all necessary information on the procedure for granting international protection to a third-country national or a stateless person detained at a reception centre, at a border crossing point, or in a transit area of an airport, seaport or inland port, who wishes to express an intention in a language which he is reasonably presumed to understand and in which he can communicate. The law also states that the Ministry shall inform the foreigner under temporary protection in writing, as soon as possible, of their rights and obligations in a language which they are reasonably presumed to understand and in which they can communicate. The Free Legal Aid Act, and the Ordinance on free legal aid in the procedure of granting international protection, determine the possible recipients of free legal aid, which includes detainees.</p>	<p>International and Temporary Protection Act, Article 59 &amp; 91</p> <p>International and Temporary Protection Act OG 70/2015,127/2017, 33/23 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)</p> <p>Free Legal Aid Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3064.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2013_12_143_3064.html</a> (HR)</p> <p>Ordinance on free legal aid in the procedure of granting international protection OG 140/2015: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_12_140_2609.html</a> (HR)</p>
DET.3.c	Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p>	<p>No. During the detention procedure, the Consular Services of the state of origin or previous residence will be contacted where possible. There are no special rules for reopening proceedings or submitting new documents after the proceedings</p>	<p>General Administrative Procedure Act OG 47/2009, 110/21 Administrative Disputes Act, Official Gazette No.20/10, 143/12, 152/14, 94/16, 29/17, 110/21</p>



			<a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a> : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	(deportation/removal) have been completed. The provisions of the General Administrative Procedure Act and the Administrative Disputes Act apply.	
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	<p><a href="#">1954 Convention</a>: Article 27</p> <p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Being undocumented cannot be used as a general justification for detention.</p> <p><a href="#">CMW, General comment No. 5 (2021)</a>: There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p><a href="#">ENS, Protecting Stateless Persons From Arbitrary Detention (2015)</a>: State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	If they have no other residence status, people released from detention should be issued with a temporary identity card. The duration of temporary identity cards varies, and their validity may be extended. This does not provide protection from re-detention.	<p>Ordinance on the treatment of third-country nationals, OG 68/2018 (July 27, 2018)</p> <p>Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)</p> <p>International and Temporary Protection Act OG 70/2015, 127/2017, 33/23 <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)</p> <p>Goldner and Z. Jezek, “National Synthesis Report: Croatia: Detention for the Purpose of Removal”, Odysseus Network, Redial Project, 2017: <a href="http://euredial.eu/docs/publications/nationalsynthesisreports/Croatia_III.pdf">http://euredial.eu/docs/publications/nationalsynthesisreports/Croatia_III.pdf</a></p>
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	<p><a href="#">CJEU, Kadzoev, C-357/09 PPU (2009)</a>: After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p><a href="#">Equal Rights Trust, Guidelines (2012)</a>: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	If the purpose of detention is not fulfilled and the person must be released, they should be issued with a temporary identity card, but this does not provide them with any other rights. No information is available on such cases.	Art.54, International and Temporary Protection Act, O.G.70/2015;, 127/2017, 33/23: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_06_70_1328.html</a> (HR)
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	<p><a href="#">UNHCR, Handbook on Protection (2014)</a>: Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p><a href="#">UNCRC, MKAH v Switzerland, no 95/2019 (2021)</a>: The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	<p>The status of stateless persons according to the Foreigners Act and other legal regulations is equal to the status of third-country nationals (outside the EU), therefore there is no evidence that statelessness has an impact on decision-making in practice. The Republic of Croatia has concluded several bilateral agreements on the reception of persons irregularly residing in the Republic of Croatia (agreements have been concluded with: Macedonia, Slovakia, Germany, Lithuania, Greece, the Czech Republic, Norway, Bosnia and Herzegovina, Turkey, Bulgaria, Albania).</p> <p>According to article 182 of the Foreigners Act, when applying measures to ensure return, the best interests of minors and the needs of other vulnerable persons, family life and the health condition of the third-country national against whom the measures are taken will be taken into account. Additionally, according to the article 207, before the forced removal of an unaccompanied minor citizen of a third country, it will be determined whether the minor will be handed over to a family</p>	<p>Croatia – Iceland <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2002_05_6_72.html">https://narodne-novine.nn.hr/clanci/medunarodni/2002_05_6_72.html</a> (HR)</p> <p>Croatia – Macedonia <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2002_12_15_173.html">https://narodne-novine.nn.hr/clanci/medunarodni/2002_12_15_173.html</a> (HR)</p> <p>Croatia – Slovakia <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2009_07_5_52.html">https://narodne-novine.nn.hr/clanci/medunarodni/2009_07_5_52.html</a> (HR)</p> <p>Croatia – Germany <a href="https://narodne-novine.nn.hr/clanci/medunarodni/2012_08_7_77.html">https://narodne-novine.nn.hr/clanci/medunarodni/2012_08_7_77.html</a> (HR)</p> <p>Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)</p>

				member, an appointed guardian or an appropriate reception institution in the country of return.	
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		<p>No information is available about stateless persons being returned under bilateral readmission agreements. In general, the legal treatment of stateless persons is the same as for foreigners with a nationality. It should be emphasised that bilateral agreements with individual states relate primarily to citizens of those states and not to stateless persons.</p> <p>The Republic of Croatia is bound by EU regulations and agreements with third countries on the extradition of persons residing on its territory without a legal basis. They do not particularly distinguish stateless persons from persons who have a nationality.</p>	ILC practice

## Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p><a href="#">1954 Convention</a>: Article 32</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p><a href="#">ENS (2013)</a>: The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	There is no facilitated naturalisation for stateless persons in Croatia. The standard timeframe for naturalisation in Croatia is at least eight years of continuous permanent residence.	Citizenship Act (Article 8): <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	<p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	Yes. The person must respect the legal order and customs of the Republic of Croatia and pose no security obstacles.	Citizenship Act: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	<p><a href="#">1954 Convention</a>: Article 32</p> <p><a href="#">UNHCR, Good Practices Papers – Action 6 (2020)</a>: It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p><a href="#">CoE Committee of Ministers, Recommendation No. R (99) 18 (1999)</a>: Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p><a href="#">UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021)</a>: States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.</p>	<p>There are no exemptions for stateless persons from the general conditions for naturalisation, which include:</p> <ol style="list-style-type: none"> <li>1) 18 years old and legal capacity;</li> <li>2) no foreign nationality or renouncing that nationality upon acquisition of Croatian citizenship;</li> <li>3) permanent residence in the Republic of Croatia for at least eight continuous years before applying for citizenship and valid permanent residence status;</li> <li>4) knowledge of the Croatian language and Latin alphabet, Croatian culture and social system; respecting the legal order and customs of the Republic of Croatia and posing no security obstacles.</li> </ol> <p>Acquisition of Croatian citizenship is subject to the payment of a fee of 1,050 HRK (approx. 140 EURO). It is the same fee for adults and children. If the decision concerns members of the same family, no fee is paid for minors.</p> <p>Under the new Foreigners Act, as of 1 January 2021, a valid foreign travel document is no longer a condition for obtaining long-term residence for stateless persons who have been granted asylum or subsidiary protection. It is not yet clear how this will be implemented in practice and whether it will facilitate access to naturalisation for stateless people in Croatia. Based on information received from the Police Department in Brod-Posavina County, according to the new Foreigners Act, the police can no longer request valid foreign travel documents from stateless people and nationals of third countries applying for long-term residence who have been granted asylum or subsidiary protection in accordance with the regulation governing international protection.</p> <p>There are no known barriers to naturalisation caused by discriminatory laws, policies or practice.</p>	Regulation on the Tariff of Administrative Fees, tariff number 9, paragraph 2



PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? <b>[If yes, continue to PRS2b. If no, proceed to PRS2i]</b>	<a href="#">1961 Convention</a> : Article 1 <a href="#">ECN</a> : Article 2 <a href="#">CRC</a> : Article 7 <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. <a href="#">HRC, CCPR General comment No. 17 (1989)</a> : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. <a href="#">European Parliament resolution (2018)</a> : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	Yes. A stateless person who is born stateless on the territory of the Republic of Croatia is entitled to Croatian citizenship if both parents are unknown, of unknown citizenship or without citizenship. However, Croatian citizenship acquired by an otherwise stateless child may be cancelled by the age of 14, if it is established that both parents are nationals of a foreign country. This provision is not applied in practice (see PRS.1.e).	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	The provision for otherwise stateless children to acquire Croatian citizenship is not automatic and requires an application to the Registry office of the County Administration. The law does not mention how the provision should be implemented.	Citizenship Act (Croatian), Article 24 para 1 and 2: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Administrative Court Rijeka, Judgment on acquiring nationality by birth, March 2017 <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80736e43">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80736e43</a>
PRS.2.c		Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	ILC is not aware of any information being provided to parents.	ILC casework.
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : The test is not an inquiry into whether a child's parents are stateless. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	Yes, it is a requirement that the parents are also stateless (or of "unknown citizenship").	Citizenship Act (Croatian), Article 5 para 3 <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a>  Citizenship Act, Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Constitutional Court Decision: <a href="https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&amp;documentId=C1256A25004A262AC1256FAF00437202">https://sljeme.usud.hr/usud/praksaw.nsf/fOdluka.xsp?action=openDocument&amp;documentId=C1256A25004A262AC1256FAF00437202</a>
PRS.2.e		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws.	Yes, children are required to prove they cannot access another nationality. Their parents/representatives need to provide documents (originals and official translations into Croatian language) evidencing that a child is not a national of any country that a child and both parents may have links to, as well as proving	Administrative Court Rijeka, Decision Number: USI-603/17 and Decision Number: USI-1298/2019-15 dated 29 January 2020

		describe how this is determined in practice.	The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	that a child cannot acquire nationality of those countries. In practice, stateless children are treated the same as third country nationals and Article 7 is not applied.	
PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. <a href="#">CRC</a> : Articles 3 & 7 <a href="#">Committee on the Rights of the Child, Concluding observations on the Netherlands (2015)</a> : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. <a href="#">ECN</a> : Article 6(2)(b)	PRS.2.a describes the provisions of the Croatian Citizenship Act regarding children born stateless in Croatia. However, in practice, stateless children born on the territory are required to fulfil a period of residence in order to be granted citizenship as they are considered to be a third country national, and they are treated the same way as foreigners. Therefore, the Foreigners Act is applied, and children born stateless in Croatia need to fulfil a period of residence of eight years and then apply to naturalise under the general conditions.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  Administrative Court Rijeka, Judgment on permanent residence approval, September 2018, <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba808c1f17">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba808c1f17</a> (HR)
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<a href="#">Committee on the Rights of the Child, Concluding observations on Czech Republic (2011)</a> : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	The law does not provide for such a requirement. However, in practice parents and children are considered the same way, and therefore, they are all required to fulfil a period of residence. The situation in practice in Croatia is very different than the legal framework. According to Article 8 of the Regulation on the Croatian Citizenship Act, stateless parents have to prove their statelessness or the fact of their unknown citizenship.	Foreigners Act: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2020_12_133_2520.html</a> (HR)  Regulation on the Croatian Citizenship Act, Article 8
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<a href="#">1961 Convention</a> : Article 1(2) <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	The age limit for making an application for citizenship for a stateless person born on the Croatian territory is 18 according to the law.  An administrative fee in the amount of HRK 1,050.00 (approximately 139.36 EUR) is payable for the decision on the application for Croatian citizenship, unless the legal representative of the child is an employee of the social welfare centre or if the legal representative of the child is a person who is exempt from paying administrative fees.	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Regulation of the tariff of administrative fees, Tar.br.9: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2021_08_92_1662.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2021_08_92_1662.html</a>  Administrative Fees Law, Article 8: <a href="https://www.zakon.hr/z/333/Zakon-o-upravnim-pristojbama">https://www.zakon.hr/z/333/Zakon-o-upravnim-pristojbama</a>
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	There are no specific provisions.	International and Temporary Protection Act, <a href="https://www.zakon.hr/z/798/Zakon-o-me%C4%91unarodnoj-i-privremenoj-za%C5%A1titiCroatrian">https://www.zakon.hr/z/798/Zakon-o-me%C4%91unarodnoj-i-privremenoj-za%C5%A1titiCroatrian</a> (HR)

PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<a href="#">1961 Convention</a> : Article 2 <a href="#">ECN</a> : Article 6(1)(b)	No. Foundlings who are born or found on the territory may acquire Croatian citizenship through a procedure involving the Centre for Social Welfare, who makes the decision, and foundlings are then entered into the birth registry. The provision on foundlings is prescribed by Article 14 of the State Register Act. In accordance with the law, if the Centre for Social Welfare issues the decision on the foundlings to be entered into the birth registry, authorities cannot refuse data entry in the citizenship registry.	Citizenship Act (Croatian), Article 7 and Article 24: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Act on State Registries, Article 14 <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama(HR)">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama(HR)</a>
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	An age limit is set in law by using the term "child", which means that it applies to a child until the age of 18.	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	<a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Article 7 of the Croatian Citizenship Act prescribes that Croatian citizenship can be withdrawn from foundlings if, by the age of 14, it is established that both parents are foreign nationals.	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	<a href="#">1961 Convention</a> : Article 5 <a href="#">ENS, No Child Should Be Stateless (2015)</a> : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	An adopted child can be released from Croatian citizenship if requested by the parents. Croatian authorities request confirmation that the child has acquired another nationality before withdrawing Croatian citizenship.	Citizenship Act (Croatian), Article 20 and Article 22: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Administrative Court of Croatia, Judgment on release from Croatian citizenship, February 2005: <a href="https://sudskapraksa.csp.vsrh.hr/decisionText?id=090216ba806ac4de&amp;q=dr%C5%BEavljanstvo(HR)">https://sudskapraksa.csp.vsrh.hr/decisionText?id=090216ba806ac4de&amp;q=dr%C5%BEavljanstvo(HR)</a>
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	<a href="#">ECN</a> : Article 6(4)(d) <a href="#">Committee on the Rights of the Child, Concluding Observations on Switzerland (2015)</a> : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes, a foreign child adopted by national parents acquires Croatian citizenship. The age limit is set by using the term "child", which means the age of 18. Generally, there is no risk of statelessness.	Citizenship Act (Croatian), Article 4: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent ( <i>ius sanguinis</i> ) in general and/or if they would otherwise be stateless?	<a href="#">1961 Convention</a> : Article 4 <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012)</a> : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Children born to citizens abroad acquire Croatian citizenship by descent, in general, if both parents are citizens. If one parent is a citizen, the child must be registered either at the Croatian Embassy abroad or at a Registry Office in Croatia as a Croatian citizen. If a person is born abroad having one parent who is a Croatian citizen, the child acquires Croatian citizenship if they would otherwise be stateless.	Citizenship Act (Croatian), Article 5: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<a href="#">ECtHR, Genovese v. Malta (2011)</a> : The state must ensure that the right to nationality is secured without discrimination. <a href="#">CEDAW, Gen. Rec. 32 (2014)</a> : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. <a href="#">UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2023</a> : Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness.	In general, no. The requirement to register is equally applied in cases where only one parent is a citizen i.e. it does not make any distinction if the Croatian parent is the father or the mother, or if the parents are married. However, Article 11(3) and (5) of the Citizenship Act discriminates against people who left the territory of the Republic of Croatia after 8 October 1991. Article 11 stipulates that emigrants and their descendants may acquire Croatian citizenship without fulfilling conditions that other foreigners must fulfil. However, only persons that emigrated from the Republic of Croatia before 8 October 1991 are considered to be emigrants. Moreover, persons that left Croatia for other countries that were part of ex-Yugoslavia are not considered to be emigrants. As such, there are certain groups of	Citizenship Act (Croatian): <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a>  (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>



			<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4</a>	citizens, which include Serbian and other refugees during the conflict, who are discriminated against.	
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	<p><a href="#">CRC: Article 7</a>  <a href="#">ICCPR: Article 24(2)</a>  <a href="#">CoE, Recommendation CM/Rec(2009)13 (2009):</a> Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.  <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012):</a> Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.  <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7</a>  <a href="#">UN Sustainable Development Goal 16.9</a>  <a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021):</a> Calls on States to overcome discrimination against rainbow persons and families.  <a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021):</a> All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	Yes. All children born in Croatia are registered at birth. When parents are undocumented, the police and the Centre for Social Welfare are involved in the registration procedure. However, birth certificates in such cases will be issued but not completed. Registration is automatic if a child is born at the hospital. If a child is born outside of the hospital, parents have 15 days to register the birth. If the parents fail to submit a request for birth registration after giving birth to a child outside the hospital, then the Centre for Social Welfare may decide to issue a supervision order. If the parents are foreigners in Croatia, they have 30 days to submit the request for temporary or permanent residence in Croatia for their newborn child. There are no reported issues in birth registration of children linked to the sexual and/or gender identity of their parents.	Act on State Registries: <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama(HR)">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama(HR)</a>
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p><a href="#">HRC, Resolution A/HRC/RES/20/4 (2012):</a> Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.  <a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC:</a> Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.  <a href="#">General Comment No 7 (2005) CRC:</a> States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p>	Yes, all children are issued with birth certificates upon registration, including children of undocumented parents, and regardless of their parents' sexual or gender identity. However, if parents do not have all the documents, the birth certificates will not be completed. When registering the birth of a child born outside of a health care institution, medical documentation on the birth of the child or proof of maternity must be submitted to the registrar.	Act on State Registries: <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama(HR)">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama(HR)</a>
PRS.6.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	<a href="#">CRC: Articles 3 &amp; 7</a>	The child's nationality is determined and recorded upon birth registration if the child fulfils the conditions outlined in the Citizenship Act. If the child does not fulfil the conditions under the Citizenship Act, the birth registration field "nationality" is left blank. If the nationality of the parents is known, then the child will be recorded as having the same nationality as the parents.	Citizenship Act (Croatian), Articles 4 and 5: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>
PRS.6.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and	<p><a href="#">CRC: Articles 3 &amp; 7</a>  <a href="#">1961 Convention: Articles 1 &amp; 4</a>  <a href="#">UNHCR, Guidelines on Statelessness No. 4 (2012):</a> States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.</p>	There is no legal framework to determine a child's nationality at a later stage. Article 7 of the Citizenship Act states that a child born or found in the territory, whose parents are unknown or of unknown nationality or stateless, shall acquire Croatian citizenship, but this is not applied in practice (see PRS.2.a).	Citizenship Act (Croatian), Article 7: <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a>  Supreme Court, Judgment on legality, November 2011: <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80277679(HR)">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba80277679(HR)</a>

		whether the child's best interests are taken into consideration.	<a href="#">HRC, CCPR General comment No. 17 (1989)</a> : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. <a href="#">UNHCR, Best Interests Procedure Guidelines (2021)</a> <a href="#">HRC, D.Z. v. Netherlands (2021)</a>		
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. <a href="#">Global Compact for Safe, Orderly and Regular Migration</a> : States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. <a href="#">Global Compact on Refugees</a> : States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. <a href="#">European Parliament Resolution (2018)</a> : Calls on Member States to take immediate corrective measures to stop discriminatory birth registration. <a href="#">European Parliament, Resolution on LGBTIQ rights in the EU (2021)</a> : Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents. <a href="#">UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021)</a> : All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed. <a href="#">Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021)</a> : Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.	No, there are no credible reports about barriers to birth registration. There is some anecdotal evidence of lower birth registration rates among the Roma population. There are no reports of children being prevented from registering their birth because of the parents' sexual orientation, gender identity or because they were born as a result of a surrogacy.	Act on State Registries: <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)  CRP Sisak casework practice
PRS.6.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> and <a href="#">Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC</a> : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. <a href="#">CoE, ECRI General Policy Recommendation No. 16(2016)</a> : States should clearly prohibit the sharing	No, there are no official mandatory reporting requirements, but in practice, all state institutions and bodies are reporting undocumented persons to the police.	Right to access to Asylum System and Protection of Fundamental Rights of Migrants, Page 23, <a href="https://www.irh.hr/dokumenti/107-pravo-na-pristup-sustavu-azila-i-zastita-temeljnih-prava-migranata-prirucnik-zapolicijske-sluzbenike/file">https://www.irh.hr/dokumenti/107-pravo-na-pristup-sustavu-azila-i-zastita-temeljnih-prava-migranata-prirucnik-zapolicijske-sluzbenike/file</a> (HR)

			of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.		
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	<a href="#">Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC</a> : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. <a href="#">HRC, Resolution A/HRC/RES/20/4 (2012)</a> : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. <a href="#">General Comment No 7 (2005) CRC</a> : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.	The statutory deadline is 15 days for birth registration. The deadline for registration of a personal name is 30 days. Late birth registration is possible after 30 days based on a decision by a relevant administration body.	Act on State Registries, Articles 12, 13 and 27 <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)  Zagreb Declaration 27 October 2011 <a href="https://www.refworld.org/docid/4fa2193e2.html">https://www.refworld.org/docid/4fa2193e2.html</a>
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Yes, there are additional requirements for late birth registration. There are administrative fees for the procedure and for obtaining necessary documents to be attached to the request for late registration. Supporting documents include all personal and other related documents of both parents. In some cases, court procedures are necessary, e.g. for the establishment of fatherhood or motherhood or the establishment of other birth related facts. For late registration in Registry Offices, Registry Offices are first instance administrative bodies in administrative procedures while the second instance body is the Ministry of Administration. When procedures cannot be done through administrative procedures, the competent institution is the Municipal Civil Court where the issue is dealt with through a civil procedure. Both administrative and court procedures have related fees and expenses. The administrative fee for one document is approximately 3 EUR, and the court fee is approximately 150 EUR per case.	Act on State Registries, Articles 12, 13 and 27 <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)  Family Act, Article 59 and 60 <a href="https://www.zakon.hr/z/88/Obiteljski-zakon">https://www.zakon.hr/z/88/Obiteljski-zakon</a> (HR)  Act on Court Fees <a href="https://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama">https://www.zakon.hr/z/224/Zakon-o-sudskim-pristojbama</a> (HR)  Act on Administrative Fees <a href="https://www.zakon.hr/z/333/Zakon-o-upravnim-pristojbama">https://www.zakon.hr/z/333/Zakon-o-upravnim-pristojbama</a> (HR)
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	<a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 7	No, the Government does not have any programmes for promoting civil registration, including birth registration.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	<a href="#">1961 Convention</a> : Article 9 <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a> : Action 4 <a href="#">HRC, Recommendations of the Forum on Minority Issues (2019)</a> : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	It is considered that most stateless persons and persons at risk of statelessness in the Republic of Croatia are Roma. According to the 2021 Census, there are 17,980 Roma in Croatia. However, it is estimated that the number is in reality three times higher. According to the National Plan for Roma Inclusion for 2021-2027, published by the Government's Office for human rights and rights of national minorities, there are 23 stateless Roma in Croatia. Members of the Roma community in Croatia are economically, culturally, and politically marginalised, which leads to unresolved legal status.	Roma Inclusion in the Croatian Society a Baseline Data Study: <a href="https://www.cms.hr/system/publication/pdf/109/Roma_Inclusion_in_the_Croatian_Society.pdf">https://www.cms.hr/system/publication/pdf/109/Roma_Inclusion_in_the_Croatian_Society.pdf</a>  ECRI Report on Croatia 2018: <a href="https://rm.coe.int/fifth-report-on-croatia/16808b57be">https://rm.coe.int/fifth-report-on-croatia/16808b57be</a>  Commissioner for Human Rights Report, October 2016, p. 16: <a href="https://rm.coe.int/ref/CommDH(2016)31">https://rm.coe.int/ref/CommDH(2016)31</a>



					UNHCR, Stateless persons and persons at risk of statelessness in Croatia, 2018, pp.11-14
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	<p><a href="#">1961 Convention</a>  <a href="#">UNHCR, Global Action Plan to End Statelessness 2014-24 (2014)</a>: Actions 1 &amp; 8  <a href="#">UNHCR, Good Practices Paper - Action 1 (2022)</a>: States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.</p>	<p>Yes, the Government signed the Zagreb Declaration 27 October 2011. The Government also adopted the National Roma Inclusion Strategy from 2013 to 2020 and corresponding Action Plans. The Strategy envisaged forming mobile teams that were intended as an intersectoral instrument consisting of representatives of competent ministries, police administrations and police stations, state administration offices in different counties, centres for social welfare, Roma associations and associations for Roma people, local units of self-government, and Roma representatives, aiming to provide support to every county where Roma live. It also envisaged forming multi-sector information centres in all areas where Roma reside. However, the independent Evaluation of the National Roma Inclusion Strategy indicated that the formal mobile teams were often substituted by teams of civil society organisations (e.g. the project “Legal Assistance for Stateless Persons” implemented by Information Legal Centre in five counties with financial support from UNHCR and EU). Multi-sector info centres were never formed, which leads to the conclusion that mechanisms envisaged by the National Strategy and the Action Plans were inefficient.</p> <p>The Government adopted a National Plan for Roma Inclusion for 2021-2027. It does not have any measures on awareness-raising, reducing statelessness, or promoting birth/civil registration among the Romani population. On statelessness, it only mentions that "over 98% of the Roma population has Croatian citizenship, while 1.8% of Roma in Croatia are without Croatian citizenship, of which 23 are stateless persons."</p>	<p>Zagreb Declaration 27 October 2011:  <a href="https://www.refworld.org/docid/4fa2193e2.html">https://www.refworld.org/docid/4fa2193e2.html</a></p> <p>National Roma Inclusion Strategy from 2013 to 2020:  <a href="https://pravamanjina.gov.hr/UserDocsImages/arhiva/23102013/Nacionalna%20Roma%20inclusion%20strategy%202013-2020.eng.pdf">https://pravamanjina.gov.hr/UserDocsImages/arhiva/23102013/Nacionalna%20Roma%20inclusion%20strategy%202013-2020.eng.pdf</a></p> <p>Action Plan for implementation of the National Roma Inclusion Strategy for the period 2019/2020:  <a href="https://ljudskaprava.gov.hr/UserDocsImages/dokumenti/Akcijiski%20plan%20za%20provedbu%20Nacionalne%20strategije%20za%20uklju%C4%8Divanje%20Roma%20za%20razdoblje%20od%202013.%20do%202020.%20godine,%20za%202019.%20i%202020.%20godinu.pdf">https://ljudskaprava.gov.hr/UserDocsImages/dokumenti/Akcijiski%20plan%20za%20provedbu%20Nacionalne%20strategije%20za%20uklju%C4%8Divanje%20Roma%20za%20razdoblje%20od%202013.%20do%202020.%20godine,%20za%202019.%20i%202020.%20godinu.pdf</a></p> <p>ILC’s annual reports to UNHCR and final report for EU project “Legal inclusion and sustainable integration of Roma in Croatia”.</p> <p>National Plan for Roma Inclusion 2021 – 2027, p.21:  <a href="https://commission.europa.eu/system/files/2021-12/ukljucivanje-roma publikacija web en.pdf">https://commission.europa.eu/system/files/2021-12/ukljucivanje-roma publikacija web en.pdf</a></p>
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p><a href="#">1961 Convention</a>: Article 8 &amp; 9  <a href="#">ECN</a>: Article 7(3)  <a href="#">UDHR</a>: Article 15(2)  <a href="#">Principles on Deprivation of Nationality</a> and the <a href="#">Draft Commentary</a>: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 &amp; 6  <a href="#">HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009)</a>: para. 23  <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a>: the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).  <a href="#">ILEC Guidelines (2015)</a>: Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	<p>Yes. There are regulations in the State Registries Act (Article 39) and Citizenship Act (Article 27), which regulate changes in state registries and citizens' registry, which allow the cancellation of citizenship.</p> <p>The Constitution of Croatia prescribes that Croatian citizenship cannot be revoked, but it is possible for a person to lose Croatian citizenship through release, renunciation or by international treaties.</p> <p>There are some situations of renunciation of Croatian citizenship that may result in statelessness (see PRS.8.d.).</p> <p>There are also some situations where children may become stateless if their parents are released from or renounce their Croatian citizenship and are unable to pass on their new nationality to the children (see PRS.8.g.).</p>	<p>Act on State Registries, Article 39  <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%Beavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%Beavnim-maticama</a>(HR)</p> <p>Citizenship Act (Croatian), Article 27  <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%Beavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%Beavljanstvu</a>  (English) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a></p> <p>Supreme Court, Judgment on changes in State Registries after basic registration, January 2005:  <a href="https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba805258ba">https://sudskapraksa.csp.vsrh.hr/decisionPdf?id=090216ba805258ba</a>(HR)</p> <p>UNHCR, “Analysis of the legal framework concerning stateless persons and persons at risk of statelessness”, p.52-55:  <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p>

PRS.8.b	Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p><a href="#">1961 Convention</a>: Article 8(4)  <a href="#">ECN</a>: Articles 10 to 13  <a href="#">Principles on Deprivation of Nationality</a>: Principle 7.  Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.  <a href="#">ILEC Guidelines (2015)</a>: The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	The competent authorities are the Ministry of Interior, Registry Offices and relevant local administration bodies. Individuals may appeal decisions and initiate administrative procedures. Stateless persons do not have a right to free legal aid in accordance with the Free Legal Aid Act. According to the Administrative Procedure Act, administrative procedures may last up to 30 or 60 days; however, these deadlines are rarely respected. A person whose Croatian citizenship has been “cancelled” would be able to access legal aid providing they fulfil one of preconditions stipulated in the Free Legal Aid Act.	<p>Free Legal Aid Act:  <a href="https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i">https://www.zakon.hr/z/286/Zakon-o-besplatnoj-pravnoj-pomo%C4%87i</a> (HR)</p> <p>Citizenship Act (HR):  <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a>  (ENG) <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a></p> <p>Act on State Registries:  <a href="https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama">https://www.zakon.hr/z/603/Zakon-o-dr%C5%BEavnim-maticama</a> (HR)</p> <p>ILC ‘s and CRP’s Sisak case files and reports</p> <p>Administrative Procedure Act: <a href="https://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku">https://www.zakon.hr/z/65/Zakon-o-op%C4%87em-upravnom-postupku</a> (HR)  <a href="https://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima">https://www.zakon.hr/z/101/Zakon-o-upravnim-sporovima</a> (HR)</p>
PRS.8.c	Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		Although there are no explicit provisions on deprivation of nationality that may render a person stateless, different cases happen in practice. CRP Sisak has had one case where the client and her five children were <i>ex officio</i> erased from the Croatian Citizenship Registry Books. This procedure rendered the family stateless.	<p>CRP’s Sisak case files and reports</p> <p>UNHCR web page,  <a href="https://www.unhcr.org/news/stories/2018/11/5bd887264/stateless-rops-men-normal-lives-croatia.html">https://www.unhcr.org/news/stories/2018/11/5bd887264/stateless-rops-men-normal-lives-croatia.html</a></p> <p>UNHCR web page: <a href="https://www.unhcr.org/ceu/11749-roma-woman-wants-grandchild-born-into-world-of-opportunity.html">https://www.unhcr.org/ceu/11749-roma-woman-wants-grandchild-born-into-world-of-opportunity.html</a></p> <p>Citizenship and statelessness for parliamentary representative:  <a href="https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&amp;docid=49a528a22">https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&amp;docid=49a528a22</a></p>
PRS.8.d	Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p><a href="#">1961 Convention</a>: Article 7  <a href="#">ECN</a>: Articles 7 and 8</p>	<p>Yes, partly. Article 21 of the Croatian Citizenship Act prescribes that a person who is at least 18, already a foreign national, and lives abroad, is entitled to renounce their Croatian citizenship.</p> <p>Article 19 of the Citizenship Act states that a person who renounced Croatian citizenship and does not acquire another nationality may inform the authorities and the decision on renunciation will be annulled. Article 19 is not aligned with the 1961 Convention. The person has a deadline of six years from the moment of renunciation to revoke this decision, contrary to Article 7 of the 1961 Convention.</p> <p>As of 1 January 2020, it is no longer possible for a person to reacquire Croatian citizenship if they renounced it when they were of age, which can result in statelessness (if the person also loses another nationality).</p> <p>In addition, Article 23 states that if a minor renounced or resigned Croatian citizenship, they may re-acquire it if they reside on the territory for at least one year continuously and if they provide a written statement for being considered as a Croatian citizen. However, Article 21 states that an adult may not reacquire Croatian citizenship if they renounced it.</p>	<p>Citizenship Act, Articles 19, 23, 21:  <a href="https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu">https://www.zakon.hr/z/446/Zakon-o-hrvatskom-dr%C5%BEavljanstvu</a> (HR)  <a href="https://www.refworld.org/pdfid/3ae6b4dc14.pdf">https://www.refworld.org/pdfid/3ae6b4dc14.pdf</a> (ENG)</p> <p>UNHCR, “Analysis of the legal framework concerning stateless persons and persons at risk of statelessness”:  <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a></p>
PRS.8.e	Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)?	<p><a href="#">Principles on Deprivation of Nationality</a> Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted</p>	No, there are no provisions on deprivation of nationality in a national security context.	

		Please describe these provisions and if/how they are applied in practice.	narrowly and in accordance with international law standards. <a href="#">UNHCR Guidelines on Statelessness No.5 (2020)</a> : Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.		
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<a href="#">ICCPR</a> : Article 26 <a href="#">1961 Convention</a> : Article 9 <a href="#">ECN</a> : Article 5 <a href="#">Principles on Deprivation of Nationality</a> : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.	No, there are no provisions on deprivation of nationality that directly or indirectly discriminate.	
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<a href="#">1961 Convention</a> : Article 6 <a href="#">CRC</a> : Articles 2(2), 7 and 8 <a href="#">CEDAW</a> : Article 9(1) <a href="#">Principles on Deprivation of Nationality</a> : States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).	There are no safeguards to prevent derivative loss of nationality. Derivative loss of nationality may occur in Croatia as children follow the legal position of the parents. The Croatian Citizenship Act prescribes that a child under the age of 18 will be released from Croatian citizenship if both parents lost their Croatian citizenship through release or renunciation and request that the child's nationality is released. The child will not automatically lose Croatian citizenship and will remain a Croatian citizen if the parents do not submit such request.  Since 1 January 2020, a child will be released from Croatian citizenship if one parent lost their Croatian citizenship, and the other parent is still a Croatian citizen but gave written consent for the child to be released from Croatian citizenship.  If one of the parents lost their Croatian citizenship through release or renunciation, and the other parent is a foreign national, the child's Croatian citizenship will be lost <i>ex lege</i> .  A child who is a Croatian citizen and is adopted by foreign nationals will be released from Croatian citizenship if the parents so request.  All the above provisions can result in the child being rendered stateless, as it is possible for the child not to acquire the nationality of the parent(s) according to the respective nationality laws. This is especially true in instances in which release has been granted only on the basis of evidence that a person will, in the future, acquire a foreign nationality.  Persons who lost Croatian citizenship as children either through release, or through renunciation by their parents, can obtain Croatian citizenship if they reside in Croatia for at least one year and give a written statement that they consider themselves Croatian citizens.	UNHCR, "Analysis of the legal framework concerning stateless persons and persons at risk of statelessness", pp. 52-55: <a href="https://www.refworld.org/docid/5f0c2deb4.html">https://www.refworld.org/docid/5f0c2deb4.html</a>

## Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p>Supreme Court of the Republic of Croatia, County courts, High administrative court of the Republic of Croatia, Administrative Court</p> <ol style="list-style-type: none"> <li>1. Usl 603/2017-17 // Administrative court in Rijeka, 05.09.2018</li> <li>2. Uzz 32/2009-2 / ECLI:HR:VSRH:2013:1286 / Supreme Court of RH, Presuda,; 16.01.2013</li> <li>3. Us 6500/2008-7 // High administrative court RH 10.08.2011</li> <li>4. Usl 293/2015-6 // Administrative court Split, 31.03.2017</li> <li>5. Gž 1140/2018-2 // County court Osijek, 28.02.2018</li> <li>6. Uzz 13/2010-6 / ECLI:HR:VSRH:2015:619 / Supreme Court RH, 11.02.2015</li> <li>7.Uzz 28/2010-2 / ECLI:HR:VSRH:2013:5213 / Supreme Court RH, 28.11.2013</li> <li>8. II Kž 495/2009-3 / ECLI:HR:VSRH:2009:397 / Supreme Court RH, 29.07.2009</li> <li>9. Usl 491/2015-8 // Administrative Court Rijeka, 30.03.2017</li> <li>10. 4 Usl -879/2020-13 / Administrative Court Osijek, 14.10.2020.</li> <li>11. I Kž 546/2018-5 / Supreme Court RH, 03.10.2018.</li> </ol> <p>Decisions the Constitutional Court of the Republic of Croatia</p> <ol style="list-style-type: none"> <li>1. U-III-424/2019 - X. Y. - 17.12.2019</li> <li>2. U-III-4880/2015 - NnamdiAniagolu, Justus - 14.02.2019</li> <li>3. U-III-4940/2017 - KhasrawOthman, Jegr - 29.03.2018</li> <li>4. U-III-6958/2014 - S. A. K. - 27.02.2018</li> <li>5. U-III-6415/2012 - Wainsworth, Rorey Tingle - 01.12.2016</li> <li>6. U-III-684/2014 - Tingle Wainsworth, Rorey - 19.10.2016</li> <li>7. U-III-2096/2013 - Mirošnikov, Igor - 16.12.2015</li> <li>8. U-III-5799/2012 - Mirošnikov, Igor - 03.06.2015</li> <li>9. U-III-560/2013 - Mirošnikov, Igor - 03.06.2015</li> <li>10. U-III-4288/2012 - Mirošnikov, Igor - 06.05.2015</li> <li>11. U-III-1168/2014 - Lavrenov, Victor - 03.07.2014</li> </ol> <p>Supreme Court of the Republic of Croatia, County courts, High administrative court of the Republic of Croatia, Administrative Court, High Misdemeanor Court</p> <ol style="list-style-type: none"> <li>1. II Kž 173/2020-4 / ECLI:HR:VSRH:2020:385 / Supreme Court RH, 08.05.2020</li> <li>2. II Kž 272/2013-4 / ECLI:HR:VSRH:2013:2369 / Supreme court RH, 26.06.2013</li> <li>3. Usž 1027/2018-2 / ECLI:HR:VUS:2018:9 / High administrative court RH, 07.03.2018</li> <li>4. II Kž 229/2014-4 / ECLI:HR:VSRH:2014:4114 / Supreme Court RH, 23.06.2014</li> <li>5. II Kž 10/2016-4 / ECLI:HR:VSRH:2016:1021 / Supreme Court RH, 13.01.2016</li> <li>6. Jž 648/2013-2 / ECLI:HR:VPS:2013:33 / High Misdemeanor Court RH, 20.02.2013</li> <li>7. II Kž 45/2019-4 / ECLI:HR:VSRH:2019:158 / Supreme Court RH, 08.02.2019</li> <li>8. Rev 2987/1990-2 / ECLI:HR:VSRH:1991:1775 / Supreme Court RH, 10.04.1991</li> </ol>	<p>Case law of the Supreme Court of the Republic of Croatia <a href="https://sudskapraksa.csp.vsrh.hr/home">https://sudskapraksa.csp.vsrh.hr/home</a>(HR)</p> <p>Case law of the Constitutional Court of the Republic of Croatia <a href="https://www.usud.hr/hr/praksa-ustavnog-suda">https://www.usud.hr/hr/praksa-ustavnog-suda</a></p> <p>Case law of the Supreme Court of the Republic of Croatia <a href="https://sudskapraksa.csp.vsrh.hr/home">https://sudskapraksa.csp.vsrh.hr/home</a>(HR)</p>



RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	<a href="#">UNHCR, Handbook on Protection (2014)</a> : Applicants must have access to legal counsel.	According to the official data of the Ministry of Justice, 54 associations (NGOs) and legal clinics (faculty legal clinics) in Croatia are authorised for provision of free legal aid. Free Legal Aid act determines that these services can be provided by county administrative bodies, registered NGOs, legal clinics, lawyers. Information Legal Centre (ILC) and Civil Rights Project (CRP) are specialised NGOs for provision of free legal aid to stateless and at risk of statelessness persons. Croatian Legal Centre (CLC) is specialised for provision of free legal aid to asylum seekers and persons with approved international protection. Additionally, the Ministry of Interior has published on its website a list of attorneys for provision of free legal aid in procedures of application for international protection.	Free Legal Aid Act, Official Gazette, no. 143/13 Ministry of Justice: <a href="https://pravosudje.gov.hr/istaknute teme/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190">https://pravosudje.gov.hr/istaknute-teme/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190</a> (HR)  <a href="https://mup.gov.hr/UserDocsImages//dokumenti/stranci/2020//BESPLATNA%20PRAVNA%20POMOC-%20LISTA%20PRUZATELJA%202020.pdf">https://mup.gov.hr/UserDocsImages//dokumenti/stranci/2020//BESPLATNA%20PRAVNA%20POMOC-%20LISTA%20PRUZATELJA%202020.pdf</a> (HR)
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		<ol style="list-style-type: none"> <li>1. Metelko-Zgombić, Andreja: Succession of states from 1918 until the present day within the Republic of Croatia territory and its influence on nationality of natural persons, ZbornikPravnogfakultetaSveučilišta u Rijeci, Vol. 32, No. 2, 2011.</li> <li>2. Mesić, Milan: The Globalisation of migration, Migracijskeietničkete, Vol. 18, No. 1, 2002</li> <li>3. Glibo, Maja: DržavljanstvoEuropskeUnije (Citizenship of the European Union), Pravnik, Vol. 46, No. 93, 2013.</li> <li>4. Zlatković, Jelena: Legal and Social Exclusion in New Europe: A Comparison of Baltic States, Slovenia and Croatia, Revija za socijalnopolitiku, Vol. 22, No. 1, 2015.</li> <li>5. Kardov, Krno; Žunec, Ozren: Terrorism and Civil Rights and Liberties, Društvenaistraživanja, Vol. 14, No. 6 (80), 2005.</li> <li>6. Lalić Novak, Goranka: The Principle of Non-Refoulement and Access to Asylum System: Two Sides of the Same Coin, Migracijskeietničkete, Vol. 31, No. 3, 2015.</li> <li>7. Rogelj, Boštjan: The Changing Spatiality of the “European Refugee/Migrant Crisis”, Migracijskeietničkete, Vol. 33, No. 2, 2017</li> <li>8. Gojević-Zrnić, Marija; Radečić, Gligor: Measure restricting the freedom of movement of asylum seekers in international, European and national legislation with proposals to amend Croatian legislation, Pravnik, Vol. 47, No. 94, 2013.</li> <li>9. Jurković, Rahela: The Integration of Refugees into Croatian Society. Ethnographies of Exercising Rights, Etnološkatribina, Vol. 48, No. 41, 2018.</li> <li>10. Župarić-Iljić, Drago; Gregurović, Margareta: Student Attitudes towards Asylum Seekers in Croatia, Društvenaistraživanja, Vol. 22, No. 1, 2013.</li> <li>11. Lalić Novak, Goranka: The Right to Asylum in Case Law – Do Croatian Courts Promote Higher Standards of Protection of Asylees and Asylum Seekers, Hrvatska ikomparativnajavnauprava, Vol. 14, No. 4, 2014.</li> <li>12. Pezerović, Alma; Milić Babić, Marina; Porobić, Selma: Parents in Exile: Challenges of Parenting among Refugees and Asylum Seekers in Bulgaria, Revija za socijalnopolitiku, Vol. 26, No. 1, 2019.</li> </ol>	All the listed texts (and more) are available in the database of professional articles "Hrčak": <a href="https://hrcak.srce.hr/">https://hrcak.srce.hr/</a>