

Act on Movement and Stay of Aliens

(excerpts)

(entry into force in October 1991, amended by the Act No. 26/1993)

Chapter I - GENERAL PROVISIONS

Article 1

An alien is, in accordance with this Act, considered a person who is not a Croatian citizen.

Article 2

An alien may enter the Republic of Croatia, and staying on its territory having a valid travel document issued in accordance with regulations of a foreign state, or with a valid travel document for aliens issued by the state organ competent for issuing travel documents with affixed visas, if not otherwise regulated by this Act.

Article 3

An entry to the Republic of Croatia can be forbidden or limited to an alien, or he can be forbidden to move in a particular area, his stay can be renounced, or his permanent settlement in particular areas can be forbidden for the reasons of national security or public order protection.

Article 4

An alien has a duty, while moving and stay in the Republic of Croatia, to obey the regulations and the decisions of the state organs.

Article 5

Aliens are hereby forbidden to organize political parties.

Aliens being acknowledged a permanent stay, or being issued a business visa, or who are staying on the basis of the extended stay for a year, can set up associations of aliens pursuant to regulations on establishment of citizens associations.

An alien may acquire, possess, and carry weapons and munitions pursuant to the regulations on acquisitions, possession, and carrying weapons.

An alien can wear a foreign military, police or custom uniforms under conditions stipulated by this Act.

Chapter II - TRAVEL DOCUMENTS AND VISAS

1. Travel Documents

Article 6

Travel documents are, in accordance with this Act, a foreign travel document and a travel document for aliens.

A passport (individual or family), a group passport, a diplomatic passport, an official passport, maritime and ship's papers, and other documents recognized as such by international treaties are hereby considered foreign travel documents.

A refugee travel document, a travel document of a stateless person and a travel paper for aliens are hereby considered to be travel documents for aliens.

Article 7

A travel document for aliens is issued by a police precinct i.e. a police station of the Ministry of Internal Affairs (hereinafter: the competent authority) with regard to the place where an alien has a residence i.e. domicile, and a travel paper for aliens may be issued also by a diplomatic or consular mission of the Republic of Croatia abroad.

A travel document for aliens is issued for the period of up to one year.

Refugee's and stateless person's travel document validity can be extended up to the total period of validity of five years only.

Article 8

A travel paper for aliens is a travel document issued to an alien with no valid travel document, if:

1. he has been granted the protection by the Republic of Croatia - for his arrival to the Republic of Croatia;
2. he has been dismissed from the Croatian citizenship - for his departure abroad;
3. he has lost his foreign travel document or has remained without it in a different way, and the country of his citizenship has neither its own diplomatic or consular mission in the Republic of Croatia, nor its interests are represented by another state - for his departure abroad;
4. while abroad, he has lost his travel paper issued by the competent authority, or a diplomatic or consular mission of

the Republic of Croatia abroad - for his return to the Republic of Croatia.

A travel paper for aliens can be issued to other aliens if justified by well-founded reasons.

Article 9

A travel document for alien is issued:

1. to the alien referred to in Article 8, Paragraph 1, Points 1 and 4 of this Act by a diplomatic or consular mission of the Republic of Croatia abroad;
2. to the alien referred to in Article 8, Paragraph 1, Points 2 and 3 of this Act by the competent authority;
3. by the competent authority i.e. a diplomatic or consular mission of the Republic of Croatia abroad;

In case of Article 8, Paragraph 1, Points 4 and Paragraph 2 of this Act a consent of the Ministry of Internal Affairs is necessary.

Article 10

A travel document for an alien is issued to an 18 year old person.

A minor can be registered in a travel document of one of his parents.

Exceptionally, a foreign document for aliens may be issued to a person younger than 18 if justified by a well-founded reasons.

Article 11

A travel document for an alien shall not be issued to a person:

1. charged and prosecuted for a criminal offense or infringement, on the request of a state organ in charge of the procedure;
2. punished by imprisonment until serves a sentence in full;
3. on a written request of a competent court if the person has not regulated his due proprietary obligations related to his matrimonial or parental relationship, or some other enforceable proprietary obligations;
4. due to the reasons of national security or public order protection.

Article 12

An alien will be deprived of his travel document if any of the reasons referred to in Article 11 Paragraph 1 of this Act existed before or appeared after issuing of the travel document.

A decision on withdrawal and cancellation of a travel document is passed by the competent authority.

In a decision on rejecting a request for issuing i.e. withdrawing of a travel document passed on the basis of Article 11, Paragraph 1, Point 4, of this Act, the competent authority does not need to state reasons for the decision.

An appeal against the decision of Paragraph 2 of this Article does not withhold the execution of the decision.

Article 13

The competent authority can temporarily withhold a foreign travel document of an alien

1. who possesses a travel document belonging to someone else or an or an invalid travel document;
2. who is charged and prosecuted for a criminal offense or infringement, on the request of a state organ in charge of the procedure;
3. who has not fulfilled his due proprietary obligations on the written request of a competent court;
4. if necessary for the protection of national security or legal order.

The foreign travel document in cases of Paragraph 1 of this Article, will be withheld as long as the reasons for its detention exist.

A receipt is issued on the temporary withholding of a foreign travel document.

2. Visas

Article 14

A visa is issued to an alien for entry, departure or crossing the territory of the Republic of Croatia.

The Government of the Republic of Croatia may decide that citizens of certain countries do not require a visa for entry, departure or crossing the territory of the Republic of Croatia. A visa is issued for one or unlimited numbers of journeys.

A visa is issued with a validity of one year i.e. for the period of validity of a foreign travel document if its period of validity is less than a year.

A visa with a validity longer than a year may be issued to diplomatic or consular staff of a foreign state in the Republic of Croatia, under

the reciprocity.

The visa referred to in Paragraph 1 of this Article is issued by the competent body i.e. a diplomatic or consular mission of the Republic of Croatia abroad.

The visa referred to in Paragraph 5 of this Article, and the visa for a member of other foreign missions that have diplomatic status in the Republic of Croatia are issued by the Ministry of Foreign Affairs.

An entry visa for a tourist or a business visit, a transit visa or an expired exit visa for more than three days, may be also issued by a police precinct i.e. a police station competent for the control of the state border crossings.

Article 15

For issuing a visa for employment purposes, education, specialization, scientific research, or for performing some professional activity, a consent of the Ministry of Internal Affairs is necessary.

Before giving the consent referred to in Paragraph I of this Article, the Ministry of Internal Affairs will obtain opinion of the Ministry competent for the activity for which the visa is requested.

Article 16

An alien may be also issued a business visa.

A business visa will be issued to an alien for performing commercial and other activities stated in the regulations concerning foreign investments and foreign trade.

A business visa will be issued to an alien being employed in order to perform professional activities stipulated in agreements on long-term production cooperation, technology transfer, and foreign investments.

A business visa is issued with a term of validity necessary for completing the task for which the visa has been issued, but not longer than for a term of validity of the foreign travel document.

During validity of the business visa an alien may freely enter and leave the Republic of Croatia unlimited number of times.

A business visa is issued by a diplomatic or consular mission of the Republic of Croatia abroad i.e. by the competent authority, on request of an alien, a legal entity or an independent employer with the submission of the Ministry of Trade decision if the visa is requested for the reasons referred to in Paragraph 2 of this Article, i.e. with the submission of the Ministry of Labor and Social Welfare decision if the visa is requested for the reasons referred to in Paragraph 3 of this Article.

Article 17

A business visa will be withdrawn and canceled before its expiry date if the alien referred to in Article 16 of this Act does not begin with the activities referred to in Article 16 Paragraph 2 of this Act within one year after the issuing of the visa, i.e. if within this period the alien does not incorporate his firm, if a firm which he established i.e. invested his capital in, has closed down, if he has accomplished the contracted work within the time shorter than the period of a validity of his business visa, or if he is not employed within 30 days upon arrival or if his employment ceases.

The visa referred to in Paragraph 1 of this Article is withdrawn and canceled by the competent authority.

Article 18

A request for issuing visa to an alien will be rejected if:

1. he has participated in terrorist activities;
2. he is registered in the competent authority's record as an international criminal offender;
3. he is involved in illegal importation or distribution of narcotics;
4. he has been sentenced by a security measure to be expelled or sent away, or if his stay in the Republic of Croatia is renounced for the time while such a measure is in force;
5. he is without documents on the basis of which his identity may be determined, or if his documents are invalid;
6. he is without an entry visa of a neighboring state territory to which or through which he travels, if such a visa is required;
7. he has no means for living;
8. he is coming from the territory under contagious disease epidemic, and with no vaccination certificate;
9. required by the reasons of national security, legal order, or reasons resulting from international relations, or other reasons concerning public order protection.

Article 19

An alien will not be granted an exit visa due to the reasons stated in Article 13 Paragraph 1 of this Act.

Chapter III - ALIENS ENTRY TO THE REPUBLIC OF CROATIA

Article 20

As exception from Article 2 of this Act, a police precinct i.e. a police station competent for the control of the state border crossings can issue a border pass on the basis of an identification document issued by the state of the citizenship of an alien.

A border pass can also be issued on the basis of a passenger list verified by a commander of a ship i.e. an airplane to an alien on a cruising tour in international maritime, fluvial or air traffic.

The passenger list of Paragraph 3 of this Article contains: a name and surname, a birth year, citizenship, and a number of the travel document of a passenger i.e. a number of other identification document.

Article 21

A request for issuing a border pass will be rejected, or the entrance into the Republic of Croatia will not be permitted for the same reasons as for rejecting the request for issuing a visa.

Chapter IV - STAY OF ALIENS

Article 22

Stay of an alien, in accordance with this Act, is considered: a temporary stay, an extended stay, a stay with a business visa, a stay on the basis of the permission of a permanent settlement, and a stay on the basis of the refugee status acknowledgment.

1. Temporary Stay

Article 23

Temporary stay, in accordance with this Act, is considered a stay of an alien with a transit visa, an entry visa for a tourist or business visit or with a border pass.

An alien with a transit visa may stay until the expiring of the visa, but not longer than for seven days from entry date to the Republic of Croatia.

An alien with an entry visa for a tourist or business visit may stay until the expiring of the visa, but not longer than for three months from entry date to the Republic of Croatia. A border pass is issued with a validity of three months.

A border pass will be withdrawn due to the reasons stated in Article 13, Paragraph 1 of this Act.

A receipt on withdrawal of a border pass will be issued.

2. Extended Stay

Article 24

An alien, who has arrived for education, specialization, scientific research, employment, or for performing professional activity, for medical treatment, tourism, or who has married a Croatian citizen, or who, for some other justifiable reason, wishes to stay in Croatia for longer than three months must submit a request for extension of stay before the expiration of the three month period.

An approval for the extension of stay may be issued only for the same reasons as for issuing a visa.

Article 25

An alien who comes for employment is to be issued an extended stay permit for the time of validity of an employment agreement, but not longer than 2 years, and in other cases referred to in Article 24, Paragraph I of this Act, for a validity of one year.

The extended stay permit referred to in Paragraph 1 of this Article may not be issued for a longer period than the validity of a travel document.

An extended stay permit is issued by the competent authority.

An extended stay permit is registered in a travel document.

Article 26

An extended stay permit validity may be prolonged.

An extended stay permit, issued for educational purposes, may be prolonged for the period of up to two year time beyond the period of time stipulated as educational program period at a particular school or a university.

An alien has a duty to submit a request for the prolongation of an extended stay permit before the expiration of a validity of the extended stay permit.

Article 27

An extended stay request shall be rejected to an alien:

1. who has not enclosed justified reasons of his stay (Article 24, Paragraph 1);
2. who has no means for living;

3. who has no valid travel document.

Exceptionally, the alien referred to in Point 3 of Paragraph 1 of this Article can be granted an extended stay.

An appeal against the decision referred to in Paragraph 1 of this Article can be submitted within three days from the delivery date.

3. Stay on Business Visa

Article 28

An alien with an issued business visa can stay until the expiration of the period of its validity.

4. Permanent Settlement

Article 29

Permanent settlement can be granted to an alien married to a Croatian citizen for at least a year, or another alien who has been granted permanent settlement in the Republic of Croatia, or to one who has been employed for three years in continuation.

Exceptionally, permanent settlement can be granted to other aliens for special private or business reasons which are of economic interest to the Republic of Croatia, or of another important interest to the Republic of Croatia.

A minor legally follows a parent who has been granted permanent settlement.

Article 30

Proofs that accommodation and work of an alien are permanently guaranteed, or that he has another financial source have to be enclosed with a permanent settlement request.

The Ministry of Internal Affairs gives an approval of permanent settlement.

5. Refugees

Article 31

An alien who has left the country of his citizenship, or the country where he was settled permanently as a stateless person in order to avoid prosecution because of his political opinion or national, racial, or religious affiliation, can be acknowledged a refugee status.

Article 32

An alien has a duty to submit a request for determining a refugee status to the competent authority immediately upon the entry to the Republic of Croatia.

The alien of Paragraph 1 of this Article will be provided with an accommodation at a reception center for aliens until the completion of the procedure, if accommodation and means for living are not guaranteed in another way.

Article 33

A request for determining a refugee status will be rejected to an alien if a well-founded suspicion exists that he has committed a terrorist activity, or a felony, or that he has acted contrary to the purposes and principles of the UN, or if the reasons of national security or public order require so.

A refugee status will be revoked if the reasons stated in Paragraph 1 of this Article existed before, or if they occurred after determining the status.

Article 34

A child of an alien with a recognized refugee status enjoys the same rights as the parent.

A person referred to in Paragraph 1 of this Article after turning the age of 18, is considered an alien with an extended stay.

Article 35

The Ministry of Internal Affairs with a preliminary acquired consent of the Ministry of Labor and Social Welfare, decides upon determination i.e. revocation of a refugee status.

Article 36

An alien with a recognized refugee status is provided with necessary accommodation, necessary means for living and health protection from departure to another country, or until obtaining the conditions for self-supporting, but no longer than three months from the date of the determination of a refugee status.

The limitation of the period referred to in Paragraph 1 of this Article does not refer to an alien incapable of working and of self-supporting.

Article 37

An alien with a recognized refugee status is by the Ministry of Internal Affairs referred to a reception center for aliens.

The Ministry of Labor and Social Welfare and the Ministry of Health take care of the accommodation and the use of means for living, and

health care of the alien referred to in Paragraph 1 of this Article, during the time spent in the reception center.

Article 38

A place of residence of an alien with a recognized refugee status, who is not in the reception center for aliens, will be determined by the competent authority.

The competent authority passes a decision on insuring accommodation and proffering means necessary for living to the alien of Paragraph 1 of this Article.

The Ministry of Labor and Social Welfare and the Ministry of Health take care of accommodation and use of necessary means for living, and creation of conditions for self-supporting of aliens with recognized refugee status, and who is not placed in a reception center for aliens.

Article 43

Stay of an alien with a recognized refugee status will be renounced if so required by the reasons of national security or public order protection.

The decision of Paragraph 1 of this Article is passed by the competent authority.

A period within which an alien has to leave the territory of the Republic of Croatia is determined by the decision of Paragraph 1 of this Article depending on the time necessary for him to be accepted by another state.

The competent authority does not need to state reasons for passing the decision on renouncement of the stay.

(...)