



Are You Syrious?
Božidara Magovca 165
10 000 Zagreb,
Croatia

24th April 2023

Dublin returnees - legal and practical obstacles in Croatia

General information

During the first quarter of 2023, the number of individuals returned to Croatia under the Dublin III regulation exceeded the figures for the entirety of 2022. Depending on their status prior to leaving (asylum seekers, people under international protection), people face different legal and practical obstacles.



Number of Dublin returnees to Croatia: 2016- March 31st, 2023 (1)

Asylum seekers

Dublin returnees who left Croatia before the end of the procedure (in the status of asylum seekers) get their initial case suspended, so they have to re-apply for international protection and start the whole procedure from the beginning.

Persons whose application was rejected before leaving Croatia, upon return can only become subsequent applicants. We are familiar with cases in which people experienced multiple

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Dublin returns and used all legal possibilities for asylum claims, therefore upon their arrival, they got “Decision on leaving the EEA” and couldn’t regulate their status. In this case, if they don't leave Croatia in a given time, they face the possibility of being detained in the Reception center for foreigners in Ježevo.

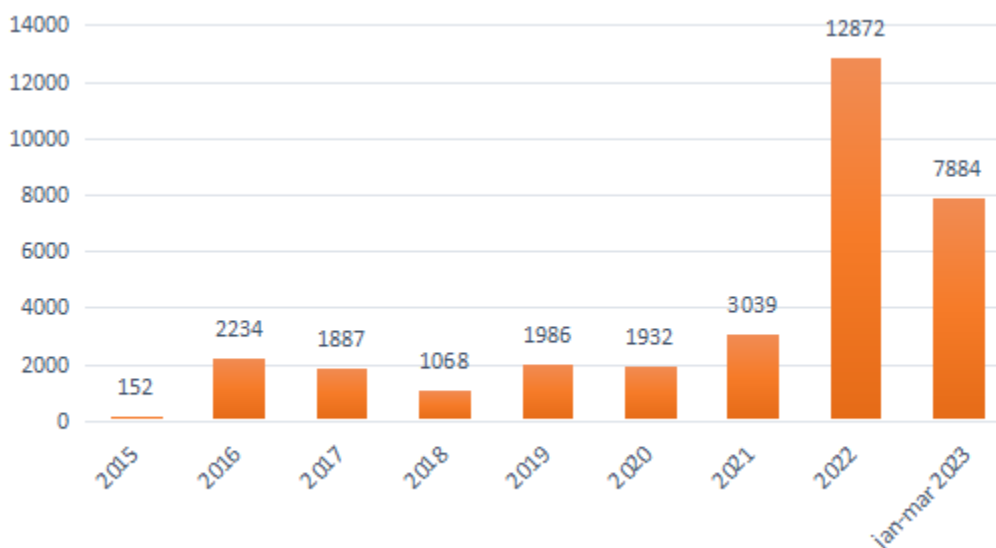
Besides losing status, people also could be detained in order to “Protect national security and public order”, which can be misused to target certain nationals. We are familiar with the detention of 50 Chechens in autumn 2022., some of them asylum seekers from Reception center Porin.

In addition, according to data released by the Ministry of the Interior, a total of 505 individuals were detained in Croatia in 2021, of which 308 were identified as Turkish citizens. Of particular concern is the fact that 88% of Turkish citizens (271) were subjected to forcible removal from the country, though data regarding removal destination is not provided by MoI (2). The number of detainees in 2022 has increased, with a total of 905 individuals detained, including 409 Turkish citizens, of whom 84% were forcibly removed (7).

We are familiar with cases of Kurdish individuals from Turkey, who was in detention and feared being forcibly removed to Turkey, but their lawyers assisted them to ask for asylum. What happened to their inmates remains unknown, since they left the country because they didn’t believe in the existence of the rule of law in Croatia.

The number of asylum claims in Croatia significantly raised during 2022 and became the highest since the beginning of the asylum system in Croatia. However, the existing reception facilities for asylum seekers have remained unchanged. Within the initial quarter of 2023, the number of asylum seekers totaled 7844, while the capacity of reception centers remained unchanged. Currently, only two reception centers are available in Croatia, which have become overburdened with individuals in recent months, resulting in deteriorating living conditions for those residing there.

Asylum applicants / Croatia



Number of asylum applications from 2015 to March 31st, 2023 (3)

Based on the information available to us, there has been a significant increase in the number of asylum seekers who are forced to sleep on mattresses in the corridors of reception centers due to the lack of available rooms. Additionally, Zagreb facility currently has only five available washing machines. Each individual is allocated one coin per week for laundry, while families receive two coins. However, given the current population of the reception center, a significant number of individuals do not have the opportunity to wash their clothes once a week and are forced to wait in long lines for hours. Moreover, the recent malfunction of the washing machines has further deteriorated living conditions and presents a major health concern.

Médecins du Monde Belgique published a report in 2019, examining the mental health of asylum seekers, especially ones who were sent back to Croatia because of Dublin III regulation. The study states that: “57.83% of participants scored above the cut-off result on the anxiety scale; 67.47% of participants scored above the cut-off result on the scale of depression; while 65.06% of the participants scored above the cut-off result on the scale of overall psychological distress. Similarly, 50.61% of participants scored above the cut-off result on the scale of post-traumatic stress disorder symptoms. Asylum seekers transferred to the Republic of Croatia under the Dublin III Regulation on average demonstrate more pronounced depressive symptoms



and lower subjectively assessed quality of life; as well as lower levels of satisfaction with their own sense of future security.” (4)

According to the Act on International and Temporary Protection, healthcare provided to applicants shall encompass emergency medical assistance and required treatment for illnesses and severe mental disorders. Additionally, applicants who require special reception or procedural guarantees, particularly those who are victims of torture, rape, or other forms of serious physical, psychological, or sexual violence, shall receive appropriate healthcare services that cater to their specific condition or the effects of such offenses. (8) In Zagreb, where the majority of asylum seekers are accommodated, healthcare is provided by Medicines du Monde in the reception center and one clinic is appointed for asylum seekers. However, the quality of services has been inadequate due to a combination of factors, including an upsurge in asylum applications and Dublin returns, as well as insufficient capacity on the part of healthcare providers. As a result, meeting the healthcare needs of asylum seekers has become increasingly challenging.

In March 2020, the Ministry of the Interior, responsible for overseeing refugee camps, restricted access to the camp for civil society organizations, except for Medicines du Monde and the Red Cross, citing concerns related to the COVID-19 pandemic. This decision had a detrimental impact on the availability of psycho-social support, activities, and services for asylum seekers. Furthermore, civil society associations that offer legal advice have been unable to access the Reception center, which has further diminished the availability of services. As a result, the well-being and rights of asylum seekers have been compromised due to these limitations on access.

As per the Act on International and Temporary Protection, minor applicants possess the right to receive elementary and secondary education under the same conditions as Croatian citizens. Upon lodging an application, a minor applicant may exercise this right within 30 days of lodging an application. For those who are unable to speak Croatian or possess insufficient language proficiency, preparatory or supplementary classes in the Croatian language shall be provided. (8)

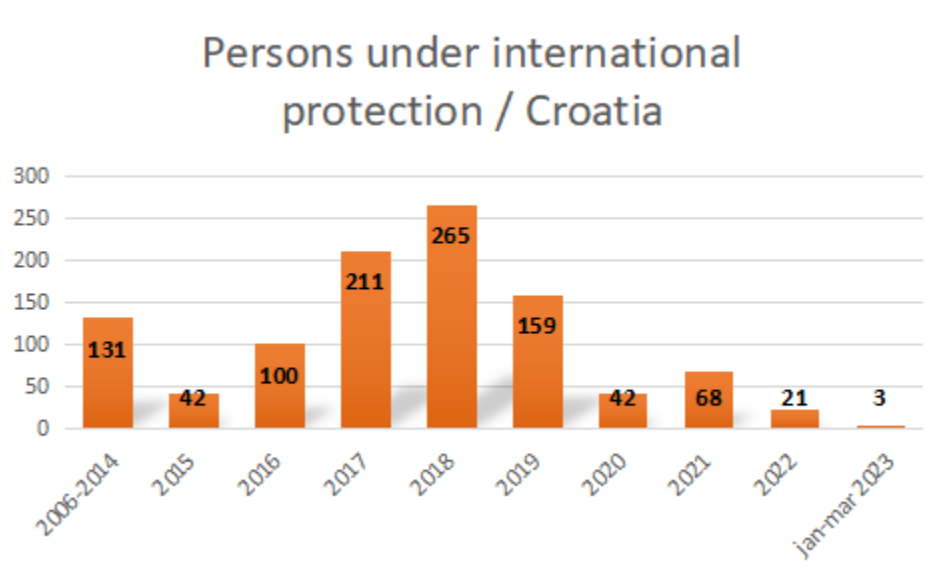
Despite legal provisions, the implementation of preparatory classes and the integration of minor asylum seekers into the education system is often hindered, especially when high school enrollment is necessary. Due to bureaucratic hurdles, the start of preparatory classes is frequently delayed, leaving a notable gap of 2-3 months where the child lacks language learning support. Furthermore, the maximum allotted language hours, capped at 140, fall short of enabling full language integration, leading to further barriers in accessing education.

Persons under international protection

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Despite high numbers of asylum claims, the number of granted international protections is extremely low. In 2020 only 42 international protections were granted, and only 21 in 2022. The small increase in 2021 was the consequence of the direct acceptance of Afghani nationals, after evacuation from Kabul (more than 50% of granted protections). During first quarter of 2023, only 3 international protections were granted, including two minors and one adult.



Statistics about international protection in Croatia (5)

Housing for most of the asylum grantees is provided in small cities without integration expertise, often in Sisak, a city affected by the earthquake in 2020 and still not rebuilt. Government-funded accommodation lasts up to 2 years from the day of the decision. Because of the lack of comprehensive integration policies, people don't get the opportunity to gain integration tools such as language. For example, evacuated Afghani nationals after being granted status were moved to the city of Sisak and for more than a year didn't have access to a language course.

Government-organized language course it's not available even in the capital, since the responsible Ministry of Science and Education for years didn't organize language learning in terms guaranteed by the law, but just sporadically language lessons which stopped because the government didn't pay for language schools.

Besides that, people with health conditions face multiple obstacles regarding access to the health system. Although persons under international protection enjoy the same rights as persons insured through the compulsory health insurance system, people who have been granted international protection in Croatia are not insured by the Croatian Health Insurance Fund.



Instead, they fall directly under the competence of the Ministry of Health. This “small” bureaucratic difference in practice means different administration and processing of refugees. Lack of informing and guiding medical staff through this process often has a consequence that they refuse refugee patients. (6)

During recent years we provided assistance to a great number of Dublin returnees. While for asylum seekers Dublin returnees' biggest challenge is the **psychological shock** after being back to poor camp conditions and starting a case all over again, returnees with granted status face even bigger struggles. If their **residence permit** is lost or expired, they need to get new documents in order to obtain any rights: social welfare, healthcare, education, bank account, job contract, etc. **Issuing the documents can be a long process**, during which people are in limbo. Without documents, **they can neither work nor get social welfare money**. Without a job, it's **impossible to find accommodation**, which is one of the conditions for issuing new documents. For returned asylees, the state doesn't ensure any kind of emergency assistance. In 2022 we assisted financially 24 Dublin returnees through our “housing fund”, ensuring one month's rent for those in need.

Moreover, access to education for those who are returned is a big challenge. The condition to access the educational system is to have a valid address since children are enrolled in the school based on their residential area. Since most of the returnees struggle to find an apartment, it prolongs children's enrollment in school. For those who are 17 years old and wish to continue their high school education (which they started in another EU country) procedure is extremely long, because first, their foreign educational documents need to be recognized, and later “teachers assembly” needs to approve their enrollment. If meanwhile, minor turns 18, the Ministry of Science and Education needs to approve their enrollment, which prolongs the whole procedure even more. If they didn't succeed to enroll in regular schools, the only option is to pay for courses/schools in adult learning institutions

For those who didn't finish primary education and turn 16, the only possibility is to enroll in elementary education for adults. Unfortunately, the courses are often not regular, which makes big gaps between every educational level (grade).



Sources:

- (1) Analysis based on publicly available data, provided by MoI:
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- (4) MDM, Nearing a point of no return? Mental health of asylum seekers in Croatia, February 2019, available at: <https://bit.ly/2UC9sLf>.
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