

CROATIA

Criminal Code

(excerpts)

Confiscation of Pecuniary Gain Acquired by a Criminal Offense

Article 82

1. No one shall keep any pecuniary gain acquired as a result of criminal offense.
1. The confiscation of a pecuniary gain shall be ordered by a court decision establishing that a criminal offense has been committed. If it is impossible to seize in full or in part the pecuniary gain consisting of money, securities or objects, the court shall obligate the perpetrator of the criminal offense to pay the corresponding pecuniary counter-value.
2. The pecuniary gain shall also be forfeited if it is owned by a third party on any legal ground if such party, according to the circumstances in which he has acquired the gain, knew or could and ought to have known that this gain was obtained as a result of a criminal offense.
3. The injured party who, in the course of criminal proceedings, or within the maximum time limit of three months after the final decision on the forfeiture of objects, wishes to realize his right to reimbursement within a period of three months after the decision regarding his right.

Establishment of Slavery and Transport of Slaves

Article 175

1. Whoever, in violation of the rules of international law, places another in slavery or in a similar status or keeps him in such a status, buys, sells, hands over to another person or mediates in the purchase, sale or handing over of such a person or induces someone else to sell his freedom or the freedom of the person he provides for or takes care of shall be punished by imprisonment for one to ten year.
2. Whoever, in violation of the rules of international laws, buys, sells, hands over to another person or mediates in the purchase, sale or handing over of a child or a minor for the purposes of adoption, transplantation of organs, exploitation by labour, minors, or for other illicit purposes shall be punished by imprisonment for not less than five years.
3. Whoever, in violation of the rules of international law, transports persons who are in a position of slavery or in a similar status shall be punished by imprisonment for six months to five years.

Illegal Transfer of Persons Across the State Border

Article 177

1. Whoever, for lucrative purposes, illicitly transfers across the state border a person or a number of persons shall be punished by a fine or by imprisonment not exceeding one year.
2. Whoever organises the perpetration of the criminal offences referred to in paragraph 1 of this Article shall be punished by imprisonment for six months to five years.
3. An attempt to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.

International Prostitution

Article 178

1. Whoever procures, entices or leads away another person to offer sexual services for profit within a state excluding the one in which such a person has residence or of which he is a citizen shall be punished by imprisonment for three months to three years.
2. Whoever, by force or threat to use force or deceit, coerces or induces another person to go to the state in which he has no residence or of which he is not a citizen, for the purpose of offering sexual services upon payment, shall be punished by imprisonment for six months to five years.
3. If the criminal offence referred to in paragraphs 1 and 2 of this Article is committed against a child or a minor, the perpetrator shall be punished by imprisonment for one to ten years.

4. The fact whether the person procured, enticed, led away, forced or deceived into prostitution has already been engaged in prostitution is of no relevance for the existence of a criminal offence.

(...)

Sexual intercourse by abuse of position

Article 191

1. Whoever, by abusing his/her position induces, another person to submit to sexual intercourse or a sexual act of the same nature and where that person is in a position dependent towards him/her due to harsh material, family, social, health or any other conditions or circumstances shall be punished by imprisonment for three (3) months to three (3) years.
2. A teacher, educator, parent, adoptive parent, guardian, step-parent or other person who abuses his/her power or relationship to a minor entrusted to that person for the purposes of teaching, education, guarding or caring, to commit sexual intercourse or an equivalent sexual act with that minor, will be punished by a prison sentence lasting from six (6) months to six (6) years.'

Sexual intercourse with a child

Article 192

1. Who commits sexual intercourse or an equivalent act with a child, will be punished by a prison sentence lasting from one (1) to eight (8) years.
2. Who commits violent sexual intercourse or an equivalent sexual act with a child or a disabled child will be punished by at least three (3) years' imprisonment.
3. Who commits sexual intercourse or an equivalent sexual act by abusing his/her power over the child will be punished by a prison sentence lasting from one (1) to ten (10) years.
4. Who commits the criminal act described in paragraph 1 of this Article in a particularly cruel or humiliating way, or if more sexual intercourse or equivalent sexual acts are committed by more than one perpetrator to the detriment of the same victim, will be punished by at least five (5) years' imprisonment.
5. If the criminal act described in the paragraph 1 of this Article has caused the death of the child or serious bodily injury, or the child's health has been seriously damaged, or the female child has become pregnant, the perpetrator will be punished by at least five (5) years' imprisonment or long-term imprisonment.'

Pandering

Article 196

1. Whoever panders child or a minor will be punished for three (3) months to three (3) years of imprisonment.
2. Whoever for profit organizes or enables other person giving sexual services will be punished by the sentence from paragraph 1 of this Article.
3. Whoever, for profit, by force, or by threat to use force, or by deceit forces or induces another to offer sexual services shall be punished by a fine or imprisonment from six (6) months to five (5) years.
4. If the crime under paragraphs 2 and 3 of this Article is committed to the detriment of a minor the perpetrator will be punished for one (1) to eight (8) years of imprisonment.
5. Whoever organizes or enables a child giving sexual services will be punished for three (3) months to three (3) years of imprisonment.
6. If the crime from paragraph 3 of this Article is committed with a child, perpetrator will be punished for one (1) to ten (10) years of imprisonment.
7. The fact whether the person who is procured has already been engaged in prostitution is of no relevance on the existence of the criminal offence referred to in this Article.

Code of Criminal Procedure

(excerpts)

(...)

Article 180

(1) If inquiries into offenses cannot be carried out in another way or would be accompanied by great difficulties, the investigating judge may, upon the request of the State Attorney, order against the person against whom there are grounds for suspicion that he has committed or has taken part in committing an offense referred to in Article 181 of this Act measures which temporarily restrict certain constitutional rights of citizens as follows:

- 1) surveillance and interception of telephone conversations or means of remote technical communication;
- 2) surveillance and technical recording in premises;
- 3) covert following and technical recording of individuals and objects;
- 4) use of undercover investigators;
- 5) simulated purchase of certain objects and simulated bribery;
- 6) supervised transport and delivery of objects from offenses.

(2) Measures referred to in subparagraph 1 paragraph 2 of this Article may also be ordered against persons against whom there are grounds for suspicion that he delivers to the perpetrator or receives from the perpetrator of the offenses referred to in Article 181 of this Act information and messages in relation to offenses or that the perpetrator uses their telephone, telex, telefax or similar device.

(3) The execution of measures referred to in paragraph 1 subparagraphs 4 and 5 of this Article should not constitute a instigation to commit an offense.

Article 181

Measures referred to in Article 180 of this Act may be ordered if the following offenses are involved:

- 1) offenses against the Republic of Croatia and against values protected by international law punishable by imprisonment for a term of five years or more;
- 2) murders, robbery with severe consequences, money laundering, counterfeiting of money, illicit possession of weapons and explosive substances, acceptance and offer of a bribe, blackmail, kidnapping, extortion, associating for the purpose of committing a criminal offense, bodily or sexual abuse of children and minors, abuse of narcotic drugs, unlawful transfer of persons across the state border, international prostitution, pandering, avoiding customs inspection, obstruction of evidence, duress against officials engaged in administration of justice and abuse performing governmental duties;
- 3) offenses punishable by imprisonment for a term of five years or more when reasonable suspicion exists that such offenses are prepared or committed by a group of persons or criminal organization.

Article 182

(1) Measures referred to in Article 180 of this Act shall be ordered by a written order containing a statement of reasons. The order shall be executed by police authorities. The order shall state the data on the person against whom the measures are to be applied, the facts justifying the necessity for applying the measures and the term for their duration. Postal organizations shall render technical help to police authorities, the investigating judge and the State Attorney in executing the order.

(2) The measures undertaken may last up to four months. Upon the motion of the State Attorney the investigating judge shall, on account of important reasons, prolong the duration of such measures for a term of another three months. The panel of the county court shall decide on a disagreement between the State Attorney and the investigating judge (Article 20 paragraph 2). As soon as the conditions for surveillance cease to exist the investigating judge is bound to order the vacation of the measures undertaken. If the State Attorney desists from prosecution or if the data and information obtained by the application of the measures are not relevant for proceedings, they shall be destroyed under the supervision of the investigating judge, who will draw up a separate record thereon and enclose it with the file.

(3) The order referred to in paragraph 1 of this Article shall be kept in a separate cover. After the termination of the surveillance and even before that, the order on surveillance may be delivered to the person the surveillance was ordered against if he so requests, provided that this is to the benefit of the proceedings.

(4) If in the course of the surveillance and covert recording data and information relating to another offense are recorded, that part of the recording shall be copied and delivered to the State Attorney if the offenses stated in

Article 181 of this Act are involved.

(5) Regarding the conversations of the defendant with his defense counsel the provisions from Article 69 of this Act shall be applied in the appropriate manner.

(6) If measures referred to in Article 180 of this Act are undertaken without the order of the investigating judge or if they are conducted contrary to the provisions referred to in Articles 180 and 182 paragraph 2 of this Act, the court's decision in criminal proceedings shall not be founded on the obtained data and information or on the evidence deriving from such data and information.

(7) The State Attorney Service and the investigating judge shall prevent in the appropriate manner (a transcript of the record or official notes without personal data therein, excluding the official note from the file etc.) unauthorized persons as well as the suspect and his defense counsel from establishing the identity of the police officials who carried out measures referred to in Article 180 paragraph 1 subparagraphs 4 and 5 of this Act.

Article 183

Police authorities may compare personal data of citizens kept in a database and other registers with police data records, registers and automatic data processing bases, provided that there are grounds for suspicion that the offense committed is an offense against values protected by international law, armed rebellion, anti-state terrorism, murder, kidnapping, extortion, abuse of narcotic drugs, money laundering and undermining the military and defensive power of the state. Information thus collected shall, along with a report on this to the State Attorney, be erased from the above-mentioned records as soon as it ceases to be necessary for successfully conducting proceedings, but not later than six months from the date they are stored. Upon the motion of the State Attorney the investigating judge may exceptionally prolong this term for three months if it is likely that in such a manner a search for a certain person or object may be successfully completed.

(...)

Article 238

(...)

(4) The witness may be permitted not to answer the questions from paragraph 3 of this Article (first name and surname, father's first name, unique citizen register number for national of Republic of Croatia, occupation, place of residence, place of birth, age, and his relation to the defendant and the injured person) if his answer could endanger his life, health, physical integrity, freedom or substantial property belonging to him or another person.

(...)

Article 239

(...)

(5) Taking into consideration his age, physical and mental health or other justifiable interests, the witness may be examined by means of technical devices for the transmission of image and sound, so that the parties may examine him without being present in the room where the witness is located. If necessary, for such a type of examination the expert referred to in Article 198 paragraph 8 of this Act may be appointed.

graph 1 of this Article comprises a search of a computer and other devices for automatic data processing connected with the computer. Upon the request of the court, the persons using the computer shall provide access to the computer, hand over the equipment on which data is stored (diskettes, tapes, etc.) and give necessary information for the use of the computer. A person who refuses to comply with the preceding provision, although the reasons referred to in Article 236 of this Act do not exist, may be punished by the authority carrying out the search according to the provision of Article 218 paragraph 2 of this Act.

Article 212

(1) A search of a person may be carried out if it is likely that the person searched has committed an offense or is in possession of objects relevant for proceedings.

(2) The search of a person shall be carried out only by a person of the same sex.

Article 213

- (1) A search shall be ordered by a written warrant with a statement of reasons issued by a court.
- (2) Before the commencement of the search, the search warrant shall be given to the person to be searched or whose premises are to be searched. Before the search of a dwelling, the occupant shall be instructed that he is entitled to notify a defense counsel.
- (3) Before the commencement of the search, the person against whom a warrant has been issued shall be invited to voluntarily hand over the wanted objects or persons.
- (4) A search may be commenced without previously giving a warrant and without an instruction on the right to a defense counsel or without an invitation to hand over the person or objects if armed resistance is expected or when it is required to carry out a search by surprise in cases where it is likely that serious offenses are involved committed by a group or criminal organization or whose perpetrators are connected with persons from abroad, or if the search shall be carried out on public premises.
- (5) The search shall be carried out during the day. The search may be carried out at night if it was commenced during the day and not completed or if there are grounds to carry out a search without a search warrant.
- (6) If a search is to be carried out in barracks or in a similar military building, the investigating judge shall deliver the search warrant to the military authorities who shall designate at least one military person to be present at the search.

Article 214

- (1) The occupant or his representative is entitled to be present at the search of a dwelling.
- (2) Two adult citizens shall be present as witnesses at the search of a dwelling or other premises.

Before the beginning of the search the witnesses shall be instructed to observe how the search is carried out and that they are entitled before the record of the search is signed to place their objection if they consider the contents of the record are incorrect.
- (3) When conducting a search of premises of state authorities and institutions, a representative of such authorities or institutions shall be called to be present at the search.
- (4) The search of a dwelling and a person shall be carried out carefully, without disturbing the good order.
- (5) A record shall be made of every search of a dwelling or a person and shall be signed by the person whose premises have been searched or who has been searched and by persons whose attendance at the search is obligatory. Only objects and documents related to the purpose of the search shall be temporarily seized in the course of the search. It shall specifically be stated in the record which objects and documents are seized, and this shall be written in a receipt which shall be immediately issued to the person from whom the objects or documents have been seized.

Article 215

- (1) If in the course of a search of a dwelling or a person objects are found unrelated to the offense for which the search warrant was issued, but indicating the commission of another offense subject to public prosecution, they shall be noted in the record and temporarily seized, and a receipt on seizure shall be issued immediately. The State Attorney shall be notified thereof. These objects shall be returned immediately if the State Attorney determines that there are no grounds to institute criminal proceedings and if no other legal ground for the seizure of these objects exists.
- (2) The objects used to search a computer or other device for automatic data processing shall be returned to their users after the search provided that they are not necessary in further criminal proceedings. Personal data obtained by a search may only be used for purposes of criminal proceedings and shall be erased immediately when this purpose ceases to exist.

Article 216

(1) Without a search warrant, police authorities may enter a person's dwelling or other premises and carry out a search as necessary:

1) if the tenant or occupant of a dwelling so desires or if somebody calls for help;

2) if it is absolutely necessary to execute an arrest warrant or to apprehend a perpetrator of an offense punishable for not less than three years;

3) if it is absolutely necessary to remove serious danger to the life or health of people or prevent damage to property of considerable value.

(2) In the case referred to in paragraph 1 of this Article the search can be carried out to find or secure evidence if it is carried out in the dwelling or other premises of the perpetrator. This search may only be carried out in the presence of witnesses.

(3) The police authorities may without a search warrant and without witnesses carry out a search of a person when executing a warrant for compulsory appearance or to make an arrest if it is likely that person is in possession of offensive weapons or tools or if it is likely that he will throw away, hide or destroy the objects which need to be seized as evidence in the proceedings.

(4) After conducting a search without a warrant, the police authorities are bound to submit a record of the search along with a report to the investigating judge and if the proceedings are not yet pending - to the competent State Attorney.

Article 217

If a search is carried out without a written warrant (Article 213 paragraph 1) or without the persons whose presence is obligatory at the search (Article 214 paragraph 1 and 2) or if the police authorities carry out the search in violation of the provisions of Article 216 paragraph 1 and 2 of this Act, the court's decision may not be founded on the records of the search or on other evidence obtained in the search.

[Temporary Seizure of Objects]

Article 218

(1) Objects which, according to the Criminal Code, have to be seized or which may be used to determine facts in proceedings shall be temporarily seized and deposited for safe-keeping on the ground of a court's decision.

(2) Whoever is in possession of such objects shall be bound to surrender them upon the court's request. A person who refuses to surrender them may be fined to an amount not exceeding 2,000.00 kuna, and in the case of further refusal may be imprisoned. Imprisonment shall last until the object is surrendered or until the conclusion of criminal proceedings, but not longer than one month. It shall be proceeded in the same way against an official or responsible person in a state authority or legal entity.

(3) The provisions of paragraphs 1 and 2 of this Article also apply to data stored in devices for the automatic or electronic processing of data which shall be presented to the authorities conducting the proceedings upon their request in a legible and comprehensible form. When obtaining them, the authority conducting proceedings shall proceed pursuant to the regulations related to maintaining the confidentiality of certain data.

(4) The panel of the county court (Article 20 paragraph 2) shall decide on an appeal against a ruling imposing a fine or imprisonment. An appeal against a ruling on imprisonment shall not stay the execution of the ruling.

(5) The police authorities may seize the objects stated in paragraphs 1, 2 and 3 of this Article when proceeding pursuant to the provisions of Article 177 and Article 184 paragraph 1 of this Act or when executing a court's warrant.

(6) When seizing objects it shall be noted where they were found and they shall be described and if necessary their identity shall be determined in another way. A receipt shall be issued for the seized objects.

(7) Compulsory measures stated in paragraphs 2 and 3 of this Article may not be applied against the defendant or against persons exempted from testifying.

Article 219

(1) State authorities may refuse to present or surrender their files and other documents if it appears to them that disclosure of their contents would prejudice the public good. Banks may refuse to reveal data which represent a bank secret. If presenting or giving files and other documents or data which represent a bank secret is denied, the final decision thereon shall be made by the panel of the county court (Article 20 paragraph 2).

(2) Commercial companies and other legal entities may request that data related to their business be not made public.

(3) The investigating judge may require from a bank to deliver him information on the bank accounts of a defendant or another person against whom proceedings for the confiscation of pecuniary benefit obtained in consequence of the commission of an offense are being conducted. Such a request may be made even before the commencement of an investigation, or before the commencement of proceedings for the confiscation of pecuniary benefit if grounds for suspicion exist that the money obtained by the illegal trafficking of narcotic drugs or by involvement in the commission of offenses committed by a group or a criminal organization punishable by imprisonment for a term of more than three years are placed in those bank accounts.

(4) If following the decision of the panel referred to in paragraph 1 of this Article the bank does not deliver to the investigating judge the data requested, the investigating judge shall immediately inform thereof the National Bank of Croatia and undertake other lawful measures.

(5) The court may order by a ruling an individual or legal entity to suspend temporarily the execution of a financial transaction if the suspicion exists that it represents an offense or that it serves to conceal an offense or to conceal the benefit obtained in consequence of the commission of an offense.

(6) By the ruling referred to in paragraph 5 of this Article the court shall temporarily seize according to Article 218 paragraph 1 of this Act the financial means assigned for the transaction referred to in paragraph 5 of this Article as well as cash amounts in domestic and foreign currency and shall deposit them in a special account to be kept until the termination of the proceedings or until the conditions are met for their recovery.

(7) The State Attorney, the owner of the cash amounts in domestic and foreign currency, the defendant and the individual or legal entity who is to proceed according to the ruling referred to in paragraph 3 and 5 of this Act may take an appeal from the ruling of the investigating judge referred to in paragraph 3 and 5 of this Article.

Article 220

(1) When files of evidentiary value are temporarily seized, a list of them shall be made. If this is not possible, the files shall be put in a separate cover and sealed. The owner of the files may put his own seal on the cover.

(2) The person from whom the files have been seized shall be summoned to attend the opening of the cover. If this person fails to appear the cover shall be opened, the files examined and a list of them made in his absence.

(3) When examining files, unauthorized persons should not have access to their contents.

Article 221

(1) The investigating judge may order that postal, telephone and other communication agencies retain and deliver to him, against a receipt, letters, telegrams and other shipments addressed to the defendant or sent by the defendant if circumstances exist which indicate that it is likely that these shipments can be used as evidence in the proceedings.

(2) The State Attorney may order only the retaining of shipments but the agencies stated in paragraph 1 of this Article are bound to retain this order if they do not receive the decision of the investigating judge within a term of three days from the receipt of the order.

(3) The retained shipments shall be opened by the investigating judge in the presence of two witnesses. When opening, care shall be taken not to damage the seals, while the covers and the addresses shall be preserved. A record shall be drawn up on the opening.

(4) If the interests of the proceedings so allow, the defendant or the addressee may be fully or partially informed of the contents of the shipment, which may be delivered to him as well. If the defendant is absent, the contents

of the shipment shall be communicated or the shipment shall be delivered to one of his relatives, and if there are none, the shipment shall be returned to the sender unless this would prejudice the interests of the proceedings.

Article 238

(...)

(4) The witness may be permitted not to answer the questions from paragraph 3 of this Article (first name and surname, father's first name, unique citizen register number for national of Republic of Croatia, occupation, place of residence, place of birth, age, and his relation to the defendant and the injured person) if his answer could endanger his life, health, physical integrity, freedom or substantial property belonging to him or another person.

(...)

Article 239

(...)

(5) Taking into consideration his age, physical and mental health or other justifiable interests, the witness may be examined by means of technical devices for the transmission of image and sound, so that the parties may examine him without being present in the room where the witness is located. If necessary, for such a type of examination the expert referred to in Article 198 paragraph 8 of this Act may be appointed.

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.

(...)