

REGIONAL CONFERENCE ON „MIGRANT INVESTMENT, RETURN AND
ECONOMIC REINTEGRATION FOR DEVELOPMENT IN THE SOUTH EASTERN
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CROATIAN MIGRATION LAWS, POLICIES AND INSTITUTIONS

Summary

In the short history of the Republic of Croatia we can identify three immigration policies.

The first policy was articulated in the early programs of the political parties, in the speeches of the politicians, in the Law on Croatian Citizenshipⁱ and in the National Program of Demographic Development.

The objective of that policy was demographic and economic development and general strengthening of the country.

That objective had to be achieved through large numbers of the Returnees from Croatian Diaspora while in the National Program of Demographic Development that objective was to be realized also through intake of foreign immigrants.ⁱⁱ

The Law on Croatian Citizenship is thus fairly liberal in order to facilitate the return of the Diaspora and immigration of other nationals. The Customs Law also incorporated customs reliefs for returnees and immigrants.

The second immigration policy was introduced by the Coalition party which came into power in year 2000 with the Law on Foreigners.ⁱⁱⁱ

The new interpretation of the Law on the Croatian Citizenship by the newly appointed administration made the process of the requesting citizenship more difficult both for Diaspora and foreign immigrants.

The last remains of the former Ministry for Immigration which tried to apply a policy similar to the policies of Israel, Canada and Australia, has been closed down. A new Law was adopted in order to establish an Office for Immigration but that office was never opened.

The Ministry of Interior handles the questions of Croatian immigrants and foreigners concerning the residence, work permit and citizenship status but very slowly.

The third immigration policy was introduced towards the end of the mandate of Coalition Party in government in the year 2003. with the introduction of the new Law on Foreigners, Law on Asylum and Migration Policy.

The former Law on Employment of Foreigners has been abolished. That Law contained an article defining that individuals of the Croatian heritage, **regardless of the national status, are not foreigners within the meaning of Articles of that law.** Croatian migrants who don't have Croatian citizenship or are apatriids are treated the same way as other foreigners. **They are allowed to stay in Croatia up to three months and if they wish to work they have to apply for the residence and work permit.** Many Croatian have to wait more than 1 year to get Croatian citizenship. Some of them even more than four years.^{iv}

The acquisition of the Croatian Citizenship was made extremely difficult. Each year about 10 000 people apply for the Croatia citizenship or apply to renounce to the Croatian citizenship.^v

There is not one central body to coordinate immigration. Every two years the Ministry of Interior should propose a Strategy of Migration policy. Each year the Ministry of labour and Croatian Chamber of Economy propose the number of foreign workers intake. For the year 2010. Croatia will import 7 000 foreign workers.^{vi}

However, some government institutions with limited resources try to implement an immigration policy. Croatian Heritage Foundation together with

the Ministry of Science, Education and Sport and Ministry of Culture, sponsor language and culture learning for the young Croatian who each year come to Croatia from all continents. Croatian Heritage Foundation spread relevant information to Croatians living abroad.

The National Foundation for Science, technological development is being very successful in attracting Croatian scientists born abroad to Croatia or has established a very fruitful cooperation with those who are working in foreign scientific institutions abroad. At the moment The Croatian National Foundation for Science hosts over 140 Croatian scientists from different countries of origin.

Croatian Chamber of Economy organized and sponsored in June last year International Conference under title “ Croatian immigration policy in function of economic development of Croatia”.

It is impossible to ignore the need of a new sustainable immigration policy in the interest of the Republic of Croatia, immigrants and the wider European community.

That Conference produced Conclusions which should be followed by the Croatian Government as one of its priority.^{vii}

CROATIAN POLITICS, LAWS AND INSTITUTIONS FOR CROATIANS LIVING ABROAD

Introduction

About a half of Croatian people are living outside of the Republic of Croatia spread in all continents and all countries.

In the neighboring countries we have Croatian minorities. In Bosnia and Herzegovina Croats are one of three constitutional nationalities.

In the countries of the European Union the large number of Croats lives as Guest workers.

The Constitution of the Republic of Croatia

The Constitution of the Republic of Croatia reflects the needs of the Croats living abroad. It takes into account their different positions in the countries they live. Their differences and specific needs.

The Constitution of the Republic of Croatia obliged Croatia to care for Croatian nationals living abroad.

„The Republic of Croatia shall protect the rights and interests of its citizens living or residing abroad, and shall promote their links with the homeland.

Parts of the Croatian nation in other states shall be guaranteed special concern and protection by the Republic of Croatia“.

Laws

The Constitutional obligation to care for the Croatian living abroad is translated in several laws with the aim to:

Promote links of the Croatian migrants with mother country

Facilitate their integration in the host countries

Preserve their national identity

Facilitate the return and integration of Croatian nationals who decide to turn to Croatia or to immigrate

(the descents of the third and fourth generation born abroad).

The constant care for the Croatians living abroad is guaranteed by following laws:

The Law on Croatian citizenship.

This law allows the Croatian citizenship even for the fourth generation Croatian expatriates to get citizenship without loosing the Foreign citizenship.

In accordance with the Constitution, Article 61 „The family shall enjoy special protection of the State“ the Law on Croatian Citizenship gives right to Croatian citizenship to the spouse and Descents of Croatian migrants no matter of their race, religion, gender of other differences. They don't have to renounce to their Foreign citizenship.

The Law on Croatian Citizenship

Article 2

The citizen of the Republic of Croatia who is at the same time foreign citizen, shall be, before the authorities of the Republic of Croatia, deemed to be exclusively a Croatian citizen.

II - ACQUIRING CITIZENSHIP

Article 3

Croatian citizenship shall be acquired:

1. by origin;
2. by birth on the territory of the Republic of Croatia;
3. by naturalization;
4. according to international treaties.

Article 4

A child shall acquire Croatian citizenship by origin if:

1. both of his or her parents were, at the time of his or her birth, Croatian citizens;
2. one of his or her parents was, at the time of his or her birth, a Croatian citizen, and the child was born in the Republic of Croatia;
3. one of his or her parents was, at the time of his or her birth, a Croatian citizen, while the other was a stateless person or a person whose citizenship was unknown, and the child was born abroad.

The child who is a foreign citizen or is a stateless person, shall acquire Croatian citizenship by origin, if, according to the provisions of a special Law, he or she was adopted with kinship legal effect by Croatian citizens. Such a child shall be deemed to be a Croatian citizen from the moment of his or her birth.

Article 5

A child, born abroad whose one parent was, at the time of his or her birth, a Croatian citizen shall acquire Croatian citizenship by origin if he or she is, by the age of eighteen, signed up for registration as Croatian citizen by the authorized body of the Republic of Croatia abroad or in the Republic of Croatia or if he or she establishes residence on the Republic of Croatia.

A child, born abroad, whose one parent was, at the time of his or her birth a Croatian citizen, but he or she does not meet one of the prerequisites from Paragraph 1 of this Article, shall acquire Croatian citizenship if he or she would otherwise be left stateless.

A child, who shall acquire Croatian citizenship according to Paragraph 1 or 2 of this Article is deemed to be a Croatian citizen from the moment of his or her birth.

Article 10

The foreigner who is married to a Croatian citizen and to whom permanent residency on the territory of the Republic of Croatia had been approved, can acquire Croatian citizenship by naturalization although he or she does not meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

Article 11

An emigrant, as well as his or her descendants can acquire Croatian citizenship by naturalization although they do not meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

The foreign citizen who is married to an emigrant who has acquired Croatian citizenship according to the provisions of paragraph 1 of this Article can acquire Croatian citizenship although he or she does not meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

According to paragraph 1 of this Article, an emigrant is a person who has emigrated from Croatia with the intention to live permanently abroad.

Article 12

A foreign citizen whose admission to Croatian citizenship would be of interest for the Republic of Croatia, can acquire Croatian citizenship by naturalization although he or she does not meet the prerequisites from Article 8, paragraph 1, points 1-4 of this Law.

Croatian citizenship can be acquired by the spouse of the person from paragraph 1 of this Article who has acquired Croatian citizenship although he or she does not meet the prerequisites from Article 8, paragraph 1, point 1-4 of this Law.

The authorized Ministry shall issue an opinion on the existence of an interest in the admission to Croatian citizenship of a foreigner from paragraph 1 of this Article.

Article 13

A minor shall acquire Croatian citizenship by naturalization:

1. if both parents acquire citizenship by naturalization, or,
2. if only one parent acquires citizenship by naturalization, and the child lives in the Republic of Croatia:
3. if only one parent acquires citizenship by naturalization, the other one is a stateless person or a person of unknown citizenship and the child is living abroad.

According to the provision of Paragraph 1 of this Article, a minor of a person from Article 9. of this Law shall acquire citizenship by naturalization.

Article 16

A member of the Croatian people who does not have a place of residence in the Republic of Croatia can acquire Croatian citizenship if he or she meets the prerequisites from Article 8, paragraph 1, point 5 of this Law and if he or she issues a written statement that he or she considers himself or herself to be a Croatian citizen.

The statement of Paragraph 1 of this Article shall be given before the competent authority or before the diplomatic or consular office of the Republic of Croatia abroad.

The Electoral system as it is now the **Law on elections** provides opportunity to all Croatian nationals who have Croatian citizenship to participate in the elections for the Parliament and for the President of the State.

The Country is divided in 10 electorates. Each of them elects 12 members of the Parliament. National minorities elect 7 MPs and 11th electorate is made by the Croatian citizenship who have their residence outside of Croatia. They have possibility to elect up to 12 MPs. The number of MPs elected by the Croatian expatriates depends on the number of voters. Actually we have 5 MPs elected by the Croatian citizens living abroad.

The Law of recognition of foreign diplomas facilitates integration of the Croatians returning or migrating to Croatia from different countries or just wishing take part in some scientific projects and investigations.

The Customs law gives privileges to the Croatian nationals who wish to return to Croatia. They are allowed to import free of charge vehicles, machineries and other means which they need to live and work in Croatia.

The Law on foreigners does not obliged the Croatian nationals nor matter of their citizenship.

They have right to stay and work in Croatia as long as they wish and work without work permit.

With different agreements signed by the Croatian Parliament the Croatian nationals returning to Croatia have social security

All Croatian citizens who wish to study in Croatia have the same chances as the Croatian citizens with the residence in Croatia.

INSTITUTIONS

The Implementation of these and other laws concerning Croatians living abroad is done by several institutions

Ministry of culture provides financial and cultural support for various projects and activities of the Croatians living abroad.

The Ministry of Science, Education and Sport finance the language, history and culture education for the children of the Croatian working in the European countries. The same ministry finances the schools, hospitals and university of the Croatians living in Bosnia and Herzegovina which is also a help to neighbor country.

The Ministry each year provides scholarship for the Croatian students who come to Croatia to study language or to continue to study for a university degree. They are provided with an amount of money, accommodation and chip meals.

The Ministry of family, veteran's affairs and intergenerational solidarity as well as the Ministry of Social Security cares for war veterans and their families.

The Ministry of Foreign Affairs and European Integration through embassies and consulates cares also for the Croatians living abroad. In the Ministry has been established **the Service for Croatians living abroad.**

One of the Institution with long experience is the **Croatian Heritage Foundation** which has its branches in Croatia and all over the World.

The Croatian Heritage Foundation has been publishing the MATICA monthly magazine for 55 years now, making it one of the oldest publications of its kind in Croatia.

It is presently printed on from 76 to 80 pages in 3000 copies. Besides its 2500 subscribers Matica it is dispatched to Croatian embassies, Croatian clubs, associations and the other places our communities across the globe gather.

In fulfilling its mission, the Croatian Heritage Foundation endeavours to develop a permanent dialogue with the Croatian emigrant communities with the aim of seeing an effective transfer of information from the social, cultural and economic scene in Croatia.

In response to frequent queries and requests for information from the Croatian emigrant communities, an **Information Department For Emigrant Croats** is being created at the Croatian Heritage Foundation, which will provide information from the various areas that are of interest to Croats and people of Croatian descent living outside Croatia.

The Information Department For Emigrant Croats will establish more direct and better ties with the relevant and competent bodies of the administration in order to provide satisfactory resolutions to the requests of emigrant Croats.

Information will be provided to emigrant Croats especially in the following areas:

Return of Emigrant Croats to Croatia

The Tax System & Tax policy

The Internal Affairs

The Economy, Labour & Business

Tourism & Development of Transport Infrastructure

Agriculture, Forestry & Water Management

Healthcare & Social Security

Zoning & Construction

Science, Education & Sport

Culture

Other issues of importance to the Emigrant Communities.

The National Foundation for Science, technological development and school system is very successful in attracting Croatian scientists working in foreign scientific institutions. Many of them come to work with other scientists in Croatia on different scientific projects and with other who remains in foreign institution, Croatian scientists who live in Croatian institutions have an excellent cooperation useful for all countries.

The parliamentary **Committee for the Croatians living abroad**

This recently established Committee should discuss all draft laws, propose amendments necessary to facilitate return and integration of the Croatians émigrés in the home country monitor the implementation of concerning laws and care for the Croatian minorities in the neighbor countries.

The Committee cooperates with the ministries and other institutions in order to get better information of the need to amend certain laws which influence the Croatians living abroad and the political, economic and other interests of the Republic of Croatia.

The Committee has a good cooperation with the **Croatian Chamber of Commerce** which last year organized a International Conference under title „ **The Immigration policy in the function of economic development of the Republic of Croatia.**“

Other major institutions in Croatia and around the world

Diplomatic Missions and Consular Offices in Croatia

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Croatian World Congress

Croatian Ethnic Institute

United Croatians of the World

Matrix Croatica

Canadian-Croatian Chamber of Commerce

Center for Croatian Studies Abroad etc.

Croatian Universities have different project for the Croatians living abroad.

(e.g. **Faculty of electronics and computing**, University of Zagreb, has a projects: E-learning as a help in learning Croatian language)

Croatian Radio & Television provides Radio & TV programs for the Croatians living abroad via Internet and Satellite.

Conclusion

The relation between Republic of Croatia and Croatian living abroad is not characterized only by a kind of platonic love.

It is a relation in which both sides get different benefits.

Croatia helps its Nationals abroad to keep their national identity and to be at the same time loyal citizens of the host countries.

Croatians living abroad contribute to Croatia a significant amount of money and other material contributions. They are lobbying for Croatia in the host countries and those who return to Croatia bring with them not only what they gained working in foreign countries but also their knowledge, work experience, children, parts of foreign culture and attitudes which are helping to produce a beneficial change of some elements of Croatian heritage hindering the development in the new situation.

For many Croatians who got higher degrees of Education abroad as well as for older people who return to homeland with foreign pensions, live in Croatia is better (less stress at work, social security, climate etc.)

Branko Barbić

ⁱ National program for demographic development, adopted by the Croatian Parliament in 1995 contains:

- Demographic picture of the Republic of Croatia
- Demographic trends
- Croatian Diaspora
- Measures for Return of the Croats living abroad
- Distribution of population
- Creation of positive climate
- Proposition of new motivation measures for the Return
- Proposition of Population policy
- Conclusion

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THE ALIENS ACT

I GENERAL PROVISIONS

Article 1

This Act regulates conditions for the entry, movement, stay and work of aliens in the Republic of Croatia.

The provisions of this Act relating to the stay and work of aliens shall not apply to the members of diplomatic missions and consular posts, to the members of the missions of the organisations of the United Nations and other specialised institutions of the United Nations, the members of the missions of international organisations accredited in the Republic of Croatia and the members of their families or household. In this Act, certain nouns are in the masculine gender, but are used as neutral to cover both the masculine and feminine grammatical gender.

Article 2

Within the meaning of this Act, an alien shall be any person who is not a Croatian national.

An alien with multiple nationality shall be regarded as a national of the state that issued the travel paper he used to enter the Republic of Croatia.

An alien who has submitted an application for extending temporary stay outside the term referred to in paragraph 1 of this Article, and before the expiration of the term of his valid temporary stay, may remain in the Republic of Croatia until the decision concerning his application becomes final.

By way of derogation from paragraph 1 of this Article, an alien may be granted temporary stay for other purposes, for a maximum period of 6 months within a single year.

^{iv}Božo Čubelić, Hitro na MUP-ov način, Fokus, November 111, 2005. See also Ivica Grčar , U Hrvatsku se useljava više menadžera i ulagača nego radnika, Lider, November 11, 2009.

^v Ministry of Interior, Answer to the question of D.M., MP

^{vi} Strancima dogodne 7000 radnih dozvola – Next year 7000 work permits to foreigners, Slobodna Dalmacija, 30.12.2009.

^{vii} **MEĐUNARODNA KONFERENCIJA "USELJENIČKA POLITIKA U FUNKCIJI RAZVOJA HRVATSKOGA GOSPODARSTVA"**

INTERNATIONAL CONFERENCE "IMMIGRATION POLICIES IN THE FUNCTION OF DEVELOPMENT OF CROATIAN ECONOMY"
ORGANIZED AND SPONSORED BY CROATIAN CHAMBER OF ECONOMY
Zagreb, 19-20 June 2009

Zagreb, June 20, 2009.

CONCLUSIONS:

Due to concerns about the demographic trends as well as the need to ensure adequate expert (competent) labor force for the development of Croatia, it has become necessary to define the immigration policies with clear goals for the promotion of social, economic, demographic and cultural interests.

In order to formulate future policies which will be in the function of economic development it is necessary to start from the national economic development strategy,

demographic trends and identifies deficiencies on the labor market, as well as establish clear goals.

Besides demographic and social statistics, in order to formulate the immigration policies it is necessary to have reliable analytical base and research on migration trends, as well as detailed analysis of labor market trends, but also short and long term economic demands.

It is, therefore, necessary to introduce a population register as soon as possible, so as to ensure reliable, statistical data about population movements.

Global economy has already created labor force which is fairly mobile and is willing to grasp the opportunities in various locations. One of the key policies in labor resource development should be to attract a segment of that labor force to Croatia to those areas where our economy has a great potential for development. With this in mind the immigration policies should not form an obstacle, but, rather actively support it.

Targeted immigration is not only a necessity but an incentive for the dynamic economy and Croatia should pro-actively regulate import of labor force.

It is necessary to determine the exponents for the drafting of immigration policy, as well as to consider the formation of central national body which would coordinate all activities relating to immigration and ensure simplification and better efficiency in implementation of administrative procedures.

Basic dilemma is not whether we need immigrants or not, because they are already here so it is necessary to find the most efficient way of managing the migration in accordance with established development goals and identified needs.

The educational system does not follow the changes. In order to be able to plane adequate education which would closely follow the needs of the economy, it is necessary to introduce a mechanism for adjustment which is based on the assessment of future needs of the economy.

There is a need for better coordination of measures of educational policies, professional orientation, changes in qualification and the actual needs on the Croatian labor market.

It is necessary to strengthen employability of the inactive and the unemployed and at the same time increase the flexibility of the Croatian labour market, so as to match the supply and the demand of labour force.

Particularly, it is necessary to increase the percentage of employment, and in the long run to increase birth rate, so as to ensure fiscal balance.

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Immigration can assist in solving short and middle term disbalance on the labor market, but also help achieve stability in the retirement (pension) system.

Priority should be given to the domestic population and intake of own emigrants and their families similar to the models of other countries with immigration programs

It is important to balance out migration of population and restrict concentration of population in large urban areas.

It is necessary to amend the law which regulates Croatian immigration policy

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