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Welcome? Challenges of integrating asylum migrants in Croatia

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INTRODUCTION

Croatia is at the doorstep of the European Union (EU) and as a future member state prepares for challenges and obligations the membership will bring. One of these is setting up the system of handling asylum migrants¹ and processing asylum applications. In the field of Freedom, Security and Justice (Chapter 24 of the *acquis communautaire*), Croatia has obliged itself to apply and implement common European asylum laws and norms, aimed at harmonizing the set of asylum policies in the member and candidate states. This means that Croatia has committed to set up an efficient system of controlling the (asylum) migration and to establish a reliable system of asylum protection, in line with the European laws and international humanitarian norms.²

Croatia is committed to protecting the rights of asylum migrants not only as a future EU member but also as a country

that upholds human rights and has their protection embedded in its Constitution. Most importantly, twenty years ago Croatian citizens were forced to leave their homes due to the war and hundreds of thousands were offered refuge in Europe and elsewhere in the world. Croatia, thus, also has a moral duty to help those in need just as it was helped by others before.

The problem we discuss in this brief analysis, however, is both of principle and practice of caring for asylum migrants.³ Our goal is twofold – on the one hand we would like to raise broader public awareness of the issue of asylum migration in Croatia and potential challenges it is expected to bring in the near future. On the other hand, we would like to draw attention to the already present difficulties in successfully integrating asylees. To do this, this policy paper looks at the legal framework of the asylum system, identifies key stakeholders, discuss pressing problems in the implementation, and in the

¹ Asylum migrants includes three categories of persons: asylum seekers, asylees (persons granted asylum status), and persons granted subsidiary protection.

² Prior to all: 1951 Geneva Convention and 1968 New York Protocol Relating to the Status of Refugees and European Convention of Human Rights.

³ For the sake of brevity, the term 'asylum migrants' is used to signify both categories – asylum seekers and asylees – in situations where this is possible.

concluding section offers recommendations. The analysis is based on reports, seminars⁴ and interviews with the Ministry of Internal Affairs, the Red Cross, the Croatian Law Centre, and the Centre for Peace Studies (CMS) conducted in June and September 2011.

1. CONTEXT

Until today, the Croatian asylum system has dealt with a relatively small number of asylum migrants. Since 2004, 1539 persons lodged asylum application, 44 out of which received asylum status or subsidiary protection.

The asylum issue in Croatia is not a 'hot' issue. Yet. In the European Union and its member states it is the opposite: due to real and perceived challenges that immigration and asylum pose to national economy, security and identity, they are one of top priorities both to national governments and the EU institutions and are subject to heated public debates.

program has the asylum migration issue high on the agenda, it is not publicly debated and there is no coordinated effort on the part of the government to tackle this issue in a comprehensive manner.

However, professionals working in this sector in Croatia (both governmental and non-governmental) underline that it may take several hundred asylum migrants more in the country to hit the political agenda, accompanied and/or stirred by problems in accommodation, education and employment of asylees. Even if reaching the number of several hundreds of asylees in Croatia

⁴ Center for Peace Studies, Zagreb: „Coordinating activities of NGOs working on integration of asylees in Croatia“, a workshop, May 25-26, 2011. Croatian Law Center, Zagreb: „Asylum Coordination“, September 26, 2011.

may seem far-fetched at this moment, no professional in this sector had any doubt that the numbers of asylees are destined to rise for a few reasons:

- Attractiveness of (most of) the EU member states for asylum seekers and overall migrants,
- Geographical position of Croatia being located on the important Western Balkan route used by a large number of migrants on their way to the EU,
- (Future) position of Croatia as administering in part external borders of the EU,
- EU regulations concerning a territorial share of responsibility for asylum migrations (in particular the Dublin II Regulation⁵).

Table 1: Annual rates of asylum applications and granted asylum statuses⁶ and subsidiary protection⁷ since 2004

Year	2004	2005	2006	2007	2008	2009	2010	2011*	Total
Asylum applications	99	171	88	170	126	120	262	503	1539
Asylum status	0	0	1	0	3	11	5	2	22
Subsidiary protection	0	0	0	0	3	2	8	9	22

Source: Ministry of Internal Affairs of the Republic of Croatia and UNHCR Croatia

* Data on October 6, 2011

Low numbers contribute to the 'invisibility' of the issue. No political party

⁵ The Dublin II Regulation of 2003 replaces the provision of the 1990 Dublin Convention. The Dublin II Regulation (EC2003/343) obliges the state of first entry to take responsibility for an asylum migrant, unless the presumed state of first entry can offer evidence to show that the asylum migrant has used the territory of another member state for transit or has previously resided in another member state. The rationale behind this Regulation is to prevent asylum seekers to apply in more than one state and ensure that each asylum applicant's case is processed by only one single member state.

⁶ According to the Law on Asylum (Article 4), asylum is granted to a person who owing to justified fears of being persecuted for reasons of race, religion, nationality, affiliation with a particular social group or political views, is outside the country of his or her residence, and is unable to or, owing to such fear, is unwilling to avail himself or herself of the protection of that country (unofficial translation of the Law on Asylum is available at http://www.vsrh.hr/CustomPages/Static/HRV/Files/Legislation_Law-Asylum.pdf)

⁷ According to the 2010 amended Law on Asylum (Articles 7 to 11), subsidiary protection can be granted to individuals who do not fulfil requirements for asylum, but whose return to the state of origin would risk their suffering serious harm or injustice and who cannot or, due to such fear, are not ready to seek protection from the state of origin. Persons with subsidiary protection enjoy the same socio-economic (and other) rights as individuals granted asylum. The only difference is that their status is time-bounded and the conditions under which the subsidiary protection is granted (potential to an individual suffering serious harm or injustice) are reviewed on a regular basis. Once the circumstances in the state of origin change requiring no further protection, the subsidiary protection is withdrawn.

Table 1. shows the number of persons who received the asylum status and subsidiary protection. However, what the Table does not show is a differentiation between applications which were rejected and those which were cancelled. The latter is a frequent practice in Croatia – persons lodge an asylum application in Croatia, the examination process begins only to be consequently cancelled because the person left Croatia, presumably on his/her way further to the EU. There were cases in which Croatian authorities reached a positive decision in relation to an asylum application only to find out that a person left Croatia and is probably waiting on a decision in some other EU country.

2. LEGAL AND INSTITUTIONAL FRAMEWORK

The Croatian Law on Asylum was adopted in the same year when Croatia submitted its EU membership application bid, namely 2003 (2004) and was further modified in 2007 (2008) and 2010 (2012). It was accompanied by the adjustments in the Law on Aliens in 2003 (2004), 2007 (2008), and 2009 (2009).⁸ Under this Law and in accordance with EU norms and international conventions, Croatia offers different protection and integration of individuals in the society, respecting their socio-economic, cultural and civil rights. The Law on Asylum (Article 40) entitles asylees to the following benefits: (1) sojourn, (2) accommodation, (3) right to work, (4) health care, (5) education, (6) freedom of religion and religious upbringing of children, (7) family reunion and maintenance of the unity of the family, (8) right of access to courts and right to legal counsel, (9) social assistance and (10) assistance in integration to society.

In practice, a number of actors are responsible for implementing the Laws and/or are engaged in providing assistance to asylum migrants. The Ministry of Internal Affairs is the most involved institution, responsible

⁸ Years in parentheses represent the years of the commencement of these laws.

for the management of reception centres, controlling for irregular migration, lodging the asylum application, examining the application and reaching a decision, issuing residency permits, identity cards and other documents to asylees, helping (in practice) with finding suitable housing for asylees, and assisting asylees with almost any other problem that arises from their integration in the society. The Ministry of Health and Social Welfare is responsible for providing access to health care and covering the cost of accommodation for asylees who are eligible for a two-year state-paid rent. The Ministry of Science, Education and Sports, as its name implies, is responsible for keeping education opportunities in Croatia open to asylees. This Ministry is also responsible for offering the instruction of the Croatian language to asylees, while the Centre for Peace Studies through their volunteers organize the instruction of the Croatian language to both asylum seekers and asylees. UNHCR participates in funding the asylum system in Croatia and along with other involved NGOs and international organizations, actively engages in advocacy (communicating the needs of the asylum system to the authorities), and lobbies for solutions. Apart from advocacy, the Croatian Red Cross and the Centre for Peace Studies with their volunteers play a crucial role in the day-to-day assistance to asylum migrants, in particular to asylees who need help with the complex bureaucratic system in Croatia. The Croatian Law Centre provides legal-aid to asylum applicants, contributes to the integration efforts, and, in case of need, secures access to therapy to victims of torture.

3. PROBLEMS IN THE ASYLUM CARE SYSTEM

Despite the comprehensive legal framework and the engagement of different actors, the challenge of integrating asylum migrants remains twofold, as noted in the beginning. It is one of principle and of practice. The principle is underlined by Croatia upholding human rights, observing EU and international

humanitarian norms and values, and recognising its own moral duty to help those in need just as it received help from others when was in need. However, to transcribe this principle into action requires the broader public awareness and the understanding of politicians that asylum migration is the important issue to address. The principle problems are, therefore, the ones related to the political context and the broader social environment, while practical ones relate to institutional and organizational factors. While the first two elements emphasize *macro* perspective in comparison to the *micro* management one, the two are clearly interlinked.

3.1. POLITICAL CONTEXT AND SOCIAL ENVIRONMENT

In general, due to a relatively low number of asylum migrants, Croatian politicians demonstrate low interest in this issue. However, as the analysis shows, low numbers may increase and with them the potential for problems which can be reduced if one acts rather than reacts. Instead of waiting for a crisis to rise and then reacting, it seems less costly and more beneficial to address these issues on time, especially in such a politically delicate domain. This means that the government should explain to the public who asylees are, why are they in Croatia, why should a country like Croatia offer them shelter, an opportunity to stay and continue their life here. In general, there is a need to raise public awareness about entire population of asylum migrants because the public in general do not know who these people are and what their needs are.⁹

The lack of public awareness and the growing fear of any immigrants, including asylum migrants, complicate the process of integration. Such social surroundings threaten to isolate asylum migrants from the Croatian society, undermine their capacity for creating social capital and, as examples from other national systems demonstrate, further

⁹ According to the Red Cross and the Ministry of Internal Affairs, the term *refugee* in the Croatia context refers to persons fleeing wars in the former Yugoslavia (mainly Bosnia and Herzegovina) and thus citizens tend to see asylum migrants as economic migrants threatening domestic labour force, or worse as (potential) criminals.

obstruct the potential for their successful integration (institutional socialization, education, and participation in the labour market, European Social Watch Report, 2009). This especially refers to the integration of asylees during the two-year period, where weak public consciousness about different migrant categories and unresponsive social milieu threaten to hamper their successful integration and thus produce further costs for the state's social welfare system.

3.2. INSTITUTIONAL AND ORGANIZATIONAL FACTORS

The institutional system suffers from several serious setbacks. First of all, there is no strategic integration policy in Croatia and no sufficient coordination between the institutions. This makes the share of responsibility unbalanced among various actors. The Ministry of Internal Affairs, quite justly, feels that their capacity to assist in the integration of asylees is already stretched thin. Other government institutions, which should also have an active role in the integration of asylees, are far less involved. The Ministry of Science, Education and Sports is often criticized for responding slowly to the needs of integration. It did not show sufficient interest and support to schools in which asylee children are enrolled, making it harder for schools to provide additional teaching assistance to children in this category who are in need of additional teaching assistance. In the field of higher education, *ad hoc* solutions were found for this school year. This Ministry has promised to adopt documents which standardize education opportunities for asylees, thus facilitating their access to education.

Croatian language instruction is not envisaged for the asylum seekers. Namely, as previously said, the Ministry of Science, Education and Sports provides the instruction of the Croatian language to asylees through "Croaticum". However, the review of an asylum application can last for months during which time applicants could learn the basics of Croatian. The Centre for Peace Studies organizes language instruction for asylum

seekers. Their volunteers travel to Kutina, 80 km east of Zagreb, where one of the two reception centres is located. In Zagreb, where there is the other reception centre in hotel “Porin” and where most asylees live, CMS offers language instruction to both categories of people at their premises in Zagreb.¹⁰ The language instruction is a direct and immediate way to mitigate concerns for asylum migrants’ social alienation and marginalization. The Centre for Peace Studies should be commended for providing this service. They also offer assistance to asylum migrants on a range of issues, like access social services, communication with government institutions, participation in social events, and, in general, adaption to the new environment.

The Croatian Red Cross finances, to a various degree, integration costs of asylees. Their volunteers also help out the Office for Integration of the Ministry of Internal Affairs in assisting asylees to complete a number of tasks required in the initial stages of integration.

Finally, one of the most urgent problems of the system is the accommodation of asylees. The government should seek a solution that is optimal both in terms of service and cost. At present, once a person receives asylum in Croatia, he or she becomes eligible to a two-year government paid rent. Yet, the government owns no property that can be used for the purpose of accommodating asylees. In practice this means that the government rents apartments on the market.

This has already proved to be a complicated, slow and expensive way of accommodating asylees.¹¹

¹⁰ The CMS receives limited funding for these activities. UNHCR funds Croatian language instruction to asylees, while the Office for Human Rights of the Government of the Republic of Croatia funds Croatian language instruction to asylum seekers. Funding for 2010 was 3,500 KN, for 2011 it is 10,000 KN. Information based on interviews with the CMS.

¹¹ A person working on integration in the Ministry of Internal Affairs described the process of searching for accommodation as time-consuming, expensive and exhausting, emphasizing that it will become more challenging once the numbers rise. When the Ministry finds a suitable place which is free and reasonably priced, several other problems occur. The first problem they encounter is the fact that the Ministry cannot make any payment for accommodation unless there is a valid contract, a situation a number of landlords prefers to avoid. Second, if the contract is not a problem, then the fact that the Ministry of Internal Affairs makes the call raises suspicions among the landlords that the tenant is financially suspicious. And then, when the centre manages to solve the first two issues, comes the third: who is the tenant and where is s/he from? Hearing Afghanistan, Nigeria, Sudan, the common reply is: “Well, it’s not because of me, I have no problem but, you see, what will the neighbours say?”

Scattered accommodation also means less efficiency of government institutions and organizations involved in the integration as it is easier to offer service or give information to a larger number of people in one place than trying to reach them at a number of locations. Although this approach is criticized for *ghettoisation*, the practice shows that in early stages of integration asylees benefit from living next to people with whom they share similar experience. This transition phase seems to reduce the level of anxiety and stress of facing new challenges in life. If streamlined, the cost of the asylum care system could be reduced while more services could be offered to more people.

To summarize, the Croatian response to the challenge of including and integrating asylum migrants suffers from institutional dispersion, suboptimal usage of financial resources, inadequate information sharing and *ad hoc* solutions and incremental adjustments without a long-term approach. Given the current challenges and anticipating the future asylum dynamics in Croatia, improvements in the system are necessary.

4. POLICY RECOMMENDATIONS

Similarly to the elaboration of the problem, the policy recommendations will follow the three domains, namely the political context and the social environment at the *macro* level, and the institutional and organizational factors at the *micro* level.

Croatian political elites need to show interest in and responsibility for the challenges of integrating asylum migrants that stems from the EU membership, normative values and moral obligation

The Government should underscore the Croatian commitment to protect asylum

migrants and integrate asylees and explain to the public why this is important. By openly discussing responsibilities stemming from the EU membership and the international law that are incorporated in the domestic legislation, political elites demonstrate political maturity and responsibility. The Government should also emphasize moral duty of the Croatian citizens given their own experience during the 1990s when thousands were forced to flee their homes and find shelter in Europe. Croatian accession to the EU means enjoying the benefits of security, stability and prosperity but it also yields responsibility for preserving the EU values and helping the people in need, the heritage lots of Croatian citizens still painfully remember.

Local and regional governments also share responsibility. Social integration of the asylum migrants and fulfilment of their basic human rights is largely territorially determined, so favourable integration policies are also responsibility of local communities. For instance, the local governments could facilitate mutual cooperation and information sharing on asylum issues.

Croatian citizens need to learn more about asylum migrants

Awareness can be encouraged by a number of easy and uncomplicated steps undertaken by political elites, media and non-governmental organizations. The first step is explaining who asylum migrants are, why they need to be protected, and in particular to discuss experience and problems of integration.

In this regard, it is necessary to establish public dialogue among political actors, the media, the academia and NGOs. However, once again, the Government has to play a crucial role being the agenda-setter and the coordinator of activities in the asylum policy. In addition, contacts between asylum migrants and citizens through volunteering and cultural events would create a social *milieu* that, hopefully, is able to tackle prejudice and xenophobia.

Establishing a single body in charge of coordinating institutions in the asylum

system and fostering social partnership with the NGOs

Given the currently fragmented asylum system, there is a need to establish¹² a coordinating body at the state level to facilitate efficiency, information flow and cost reduction. This office would coordinate activities, channel resources, cultivate partnership with NGOs and lead necessary changes, such as integrating accommodation and the services for asylees. We see the Office for Human Rights of the Government of the Republic of Croatia as best fit for this role.

CONCLUSION

By discussing the challenges of integrating asylum migrants, this paper hopes to trigger discussion on this issue in Croatia. In ideal circumstances, such discussion on the one hand would raise awareness of what Croatian responsibilities are and, on the other, what kind of society the citizens want to create. At the same time, the rights and flaws of the asylum system are just one small piece of the big puzzle that constitutes one of the most controversial EU policy domains today. Therefore, this paper also hopes to encourage debate on the future role of Croatia within the EU immigration policy. EU accession brings a completely new *Weltanschauung* that challenges decision-makers and citizens alike. Facing new challenges tends to be more successful in societies that, if nothing else, maintain an open and inclusive dialogue on their responsibilities and values.

¹² It is also possible to expand a portfolio of an existing office, for example the Office for Human Rights of the Croatian Government.

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