



ICLG

The International Comparative Legal Guide to:

Corporate Immigration 2017

4th Edition

A practical cross-border insight into corporate immigration law

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Croatia

Čipčić-Bragadin and Associates

Silvije Čipčić-Bragadin



Tomislav Bartolić



1 Introduction

1.1 What are the main sources of immigration law in your jurisdiction?

In the Republic of Croatia, the work of foreigners is regulated by the Aliens Act.

Croatia is a Member State of the EU and EEA (European Economic Area), and therefore grants immigration and employment benefits to EU, EEA, and EFTA (European Free Trade Area) citizens in compliance with EU freedom of movement legislation.

Aliens that are members of third countries can work in Croatia based on residence and work permits, work registration certificates and “EU Blue Cards”.

Nationals of EEA Member States do not need a residence and work permit or work registration certificate; however some nationals of EEA Member States may have limited access to the Croatian labour market due to reciprocity.

1.2 What authorities administer the corporate immigration system in your jurisdiction?

The Ministry of Interior Affairs and the relevant police administration/station administer the corporate immigration system.

1.3 Is your jurisdiction part of a multilateral agreement between countries (EU/NAFTA/MERCOSUR) which facilitates the movement of people between countries for employment purposes?

Yes, Croatia is a Member State of the EU and EEA (European Economic Area), and therefore grants immigration and employment benefits to EU, EEA, and EFTA (European Free Trade Area) citizens in compliance with EU freedom of movement legislation.

2 Business Visitors

2.1 Can business visitors enter your jurisdiction under a relevant visa waiver programme?

No. There is no visa waiver programme applicable in Croatia in relation to business visitors. EU/EEA/EFTA nationals do not require a visa in any case.

2.2 What is the maximum period for which business visitors can enter your jurisdiction?

This is not applicable in Croatia.

2.3 What activities are business visitors able to undertake?

This is not applicable in Croatia.

2.4 Are there any special visitor categories which will enable business visitors to undertake work or provide services for a temporary period?

This is not applicable in Croatia.

2.5 Can business visitors receive short-term training?

This is not applicable in Croatia.

3 Immigration Compliance and Illegal Working

3.1 Do the national authorities in your jurisdiction operate a system of compliance inspections of employers who regularly employ foreign nationals?

Yes, the national authorities operate such a system.

3.2 What are the rules on the prevention of illegal working?

State entities and legal and natural persons have an obligation to report any illegal work. There are regular controls of employers by the relevant inspectorate. Every employer is obliged to verify that the person they are employing has the right to work in Croatia.

3.3 What are the penalties for organisations found to be employing foreign nationals without permission to work?

Organisations can face potential closure of business in Croatia, seizure of business assets and a potential fine of up to 100,000 HRK (approximately EUR 15,000) for every illegal worker.

4 Corporate Immigration – General

4.1 Is there a system for registration of employers who wish to hire foreign nationals?

Yes, there is such a system.

4.2 Do employers who hire foreign nationals have ongoing duties to ensure immigration compliance?

Yes, employers have ongoing duties.

4.3 Do the immigration authorities undertake routine inspections of employers who sponsor foreign nationals, to verify immigration compliance?

Not specifically. Inspections are carried out in the ordinary course of business.

4.4 Do the immigration authorities maintain a list of skilled occupations which may be filled by foreign nationals?

No, there is no such list.

4.5 Is there a recognition that some occupations may be in short supply and do special exemptions apply to certain sectors and occupations?

No, these occupations are determined through a national quota system.

4.6 Are there annual quotas for different types of employment-related work permits or visas?

Yes, every year quotas of foreign workers are issued depending on the labour market needs.

4.7 Are there restrictions on the number of foreign workers an employer may sponsor, in relation to a maximum percentage of foreign workers in the employer's workforce?

No, there are no such restrictions.

4.8 Are employees who are sponsored to work in your jurisdiction required to demonstrate language proficiency?

No, there is no language proficiency requirement.

4.9 Are employees who are sponsored to work in your jurisdiction required to undergo medical examinations before being admitted?

No, there is no medical examination requirement.

4.10 Are employees who are sponsored to work in your jurisdiction required to have medical insurance or are they entitled to any free public medical services?

Yes, every employee must have health insurance.

4.11 Does the work permit system allow employees who hold work permits to be seconded to a client site?

Yes, secondment is allowed.

5 Highly Skilled Visas

5.1 Is there an immigration category which covers highly skilled individuals?

A stay and work permit (EU Blue Card) for highly qualified third-country nationals is at the same time a permit to temporarily stay and work in the Republic of Croatia. An EU Blue Card may be granted to a third-country national who meets the requirements under Article 54 of the Aliens Act and who encloses the following documents:

1. a contract of employment or any other appropriate contract for doing a highly qualified job, for a period of at least a year (the enclosed contract of employment or other appropriate contract has to state a gross annual salary which should amount to at least one-and-a-half times the average gross annual salary in the branch of activity in which the third-country national is to be employed according to the official data published by the competent statistics office);
2. proof of a university degree – a Bachelor's or Master's degree, an integrated Bachelor's/Master's degree or a specialised Master's degree. A stay and work permit (EU Blue Card) is issued to third-country nationals in the form of a residence permit. Further residence and work permits outside the annual quota for that year may be issued to:
 - daily migrant workers, under the reciprocity principle;
 - key personnel, service providers, workers and their family members, whose status is regulated by the Stabilization and Association Agreement between the European Communities and their Member States and the Republic of Croatia;
 - foreigners holding key positions in companies, branch offices and representative offices*;
 - foreigners transferred as part of internal staff relocation inside companies and other necessary persons, as defined by the Protocol on the Accession of the Republic of Croatia to the Marrakesh Agreement Establishing the World Trade Organization;
 - foreigners, self-employed in their own company, or in a company in which they hold a share exceeding 51%, or in their own craft**;
 - workers providing services on behalf or in the name of a foreign employer, who are not entitled to business settlement in a Member State of the EEA;
 - teachers and lecturers at educational institutions of the language and script of a national minority;
 - professional athletes or sport workers working in the Republic of Croatia;

- artists working in cultural institutions in the Republic of Croatia;
- foreigners employed in foreign associations registered as foreign associations in the Republic of Croatia and in at least three other states;
- foreigners who are members of the trust bodies of the representative offices of foreign trusts and foundations registered in the Register of the Representative Offices of Foreign Trusts and Foundations in the Republic of Croatia;
- foreigners working under youth mobility programmes, carried out by the Republic of Croatia in cooperation with other states;
- scientists and foreigners employed in scientific legal entities to perform scientific work, teaching or other research positions;
- university professors that are native speakers of foreign languages, foreign language instructors and other lecturers at the Croatian universities or registered schools for foreign languages; and
- foreigners working pursuant to an international treaty, other than the treaty referred to in Article 79, Paragraph 1, Point 2 of the Treaty on the Functioning of the European Union.

*Foreigners performing key activities in a company, branch office or representative office of a foreign company are considered to be:

1. persons having a higher rank in a company, branch office or representative office, persons managing business activities, persons under the general supervision or management of the management board or shareholders or members of the company and persons carrying out identical activity, including:
 - managing work of the company's divisions or subdivisions;
 - monitoring and supervision of the work of other employees, i.e. carrying out of supervisory or managerial tasks; and
 - authorisation to employ and dismiss workers and to give recommendations related to employment, dismissal or other personnel-related tasks; or
2. a person working in a company, branch office or representative office who possesses special professional knowledge and/or powers indispensable for providing services, using research equipment, applying technology or carrying out the business operations of a company, branch office or representative office.

**If:

- a) the value of share capital or assets for certain type of companies is a minimum of 100,000 HRK;
- b) in the same company, representative office or branch office, at least three Croatian citizens are employed in work different from a procurator, director or supervisory board member; and
- c) the gross salary is at least half the average gross salary paid in the Republic of Croatia for the last year.

Further, a residence and work permit outside the annual quota may be granted to foreigners who meet the criteria of temporary residence, and who:

- a) perform key activities in a company, or who hold an ownership of shares in such a company of at least 51%, and the company is a holder of incentive measures in accordance with the regulation on investment promotion, or carries out strategic investment projects in conformity with the regulation on strategic investment projects of the Republic of Croatia; or

- b) performs jobs or carries out projects in the Republic of Croatia pursuant to international treaties on professional and technical assistance, which the Republic of Croatia concluded with the European Union, some other state or an international organisation.

6 Investment or Establishment Work Permits

6.1 Is there an immigration category which permits employees to be authorised to work based on investment into your jurisdiction?

Not directly, but the investment can be one of the terms for obtaining a work permit in some cases. See question 5.1 above.

7 Temporary Work Permits

7.1 Is there an immigration category permitting the hiring of temporary workers for exchanges, career development, internships or other non-economic purposes?

Yes, the following categories of aliens may work for up to 90 days in a calendar year based on a work registration certificate:

1. procurators, key personnel and members of the supervisory board of a company who perform services for the company but are not employed;
2. service providers in tourism, tourist agents or recreation workers in accordance with special regulations;
3. scientists on scientific and professional training, scientist-representatives of international organisations and scientists who are to participate in the implementation of scientific projects important for the Republic of Croatia;
4. administrative staff, experts, teachers and lecturers at foreign cultural, educational and scientific institutions performing services in the Republic of Croatia as part of a cultural and educational cooperation programme, and administrative staff, experts, teachers and lecturers at foreign cultural, educational and scientific institutions having branch offices in the Republic of Croatia, provided that they come from their home institutions;
5. civilian and military officials of the governments of other states coming to the Republic of Croatia to work further to cooperation agreements with the Government of the Republic of Croatia;
6. foreign correspondents, accredited in the Republic of Croatia or foreign media reporters;
7. representatives and staff of religious communities performing activities exclusively related to religious or charitable service;
8. aliens who come to volunteer in work camps or on similar work and educational programmes organised by Croatian associations or institutions, or who are on training programmes at diplomatic missions and consular posts accredited in the Republic of Croatia;
9. volunteers working in non-profit associations and institutions in the Republic of Croatia in accordance with special regulations or based on international exchange and volunteer cooperation programmes;
10. aliens coming to the Republic of Croatia to complete their traineeship in companies, branch offices or representative offices owned by foreign companies, provided that the said aliens come from the registered office (seat) of such companies or from their representative office or branch office in some other state;

11. aliens performing the activities of supervision and inspection of overhaul and shipbuilding and aliens performing the activities of supervision or inspection of production, assembly of equipment, machinery and other facilities under an export or order contract for a foreign client;
12. aliens working on vessels, entered on a list of crew;
13. aliens completing traineeship, professional training or volunteer work within the Community Programmes, Lifelong Learning and Youth in Action programme, and other programmes and initiatives carried out by the authority competent for education and science and the authority competent for volunteer work;
14. experts in the area of cultural heritage protection, library and archives science;
15. aliens carrying out vocational or professional training or education of workers employed with legal and natural persons in the Republic of Croatia;
16. aliens engaged in activities related to the delivery, assembly or service of machinery or equipment, whose work is a condition for exercising warranty rights or is related to the delivery of machinery or equipment;
17. aliens completing professional training at a legal person with registered office (seat) in the Republic of Croatia which has organisational links to a foreign employer;
18. pupils receiving their practical education through an authorised organisation or pupils' exchange programme; and
19. aliens who come to Croatian legal or natural persons, institutions or associations to complete their traineeship without being paid.

Aliens who come under items 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 above who intend to stay and work in the Republic of Croatia for a period longer than 90 days may be issued a stay and work permit outside the annual quota if they meet the requirements for temporary stay and if they provide proof of performing activities and their length in the Republic of Croatia.

Further, the following categories of aliens may work up to 60 days in a calendar year on the basis of a work registration certificate:

1. providers of auditing and consulting services;
2. lecturers taking part in organised conferences and seminars;
3. artists and technical staff participating in opera, ballet, theatre, concert, visual arts and other cultural events, and authors and performers in film and television arts; and
4. aliens employed in circuses or amusement parks.

Further, the following categories of aliens may work up to 30 days in a calendar year on the basis of a work registration certificate:

1. authors and performers in the field of music and performing arts, as well as accompanying reporting, organisational and technical staff; and
2. aliens participating in fairs and exhibitions where their employers are exhibitors.

7.2 Are there sector-specific temporary work permit categories which enable foreign workers to perform temporary work?

Yes, please see question 7.1 above.

8 Group or Intra-Company Transfer Work Permits

8.1 Does a specific immigration category exist for inter-company transfers within international groups of companies?

Yes. A posted worker is a worker who is posted to work for a limited period of time in the Republic of Croatia by a foreign employer, in the framework of temporarily or occasionally providing cross-border services, provided that the Republic of Croatia is not a state in which such a worker usually works.

Such a worker may be posted to work in the Republic of Croatia:

1. on the basis of a contract between a user of services and the employer;
2. to his/her branch affiliated company or a company owned by the employer; or
3. if assigned to the user of services in the Republic of Croatia in the capacity of an agency for temporary employment (A-R labour relationship).

A posted worker may be a national of a third-country or an EEA Member State. A foreign employer is a natural or legal person established in the EEA.

A posted worker can be a national of a third country or of the EEA. A foreign employer is a natural or legal person established in the EEA. Posted workers (EEA or third-country nationals) must bear the A1 certificate issued by their home states from which they were posted to the Republic of Croatia. A foreign employer shall send a posting declaration to the Ministry of Labour and Pension System by e-mail to postingdeclaration.inspektorat@mrrms.hr. A posting declaration form can be found at <http://www.mrrms.hr/posting/>.

For work lasting fewer than 90 days, no work registration certificate or stay and work permit is necessary. A copy of the A1 certificate should be furnished to the Croatian Pension Insurance Institute. During his/her work in the Republic of Croatia, an alien should at all times carry a copy of the A1 certificate with him/her.

Should the mentioned category of foreign nationals work in the Republic of Croatia for more than 90 days, they have to regulate their status in the following manner: a police administration/police station shall grant a temporary stay for the purposes of work of a posted worker to a third-country national if he/she furnishes the A1 certificate and meets the conditions under the Aliens Act, Articles 54 and 86 (1). Also, he/she shall be issued a residence permit.

A police administration/police station shall issue a certificate of reporting a temporary stay for the purpose of work to an EEA national on grounds of a furnished A1 certificate and a valid ID or travel document.

8.2 What conditions must an employing company or organisation fulfil in order to qualify as part of a group of companies?

Please see question 8.1 above.

8.3 What conditions must the employer fulfil in order to obtain a work permit for an intra-company group employee?

Please see question 8.1 above.

8.4 What is the process for obtaining a work permit for an intra-company group employee?

Please see question 8.1 above.

8.5 What is the process for the employee to obtain a visa under the intra-company group transfer category?

Please see question 8.1. above. For work for a period of up to 90 days, there is no need to further regulate the status of a posted worker. For a period of work longer than 90 days, temporary residence should be obtained.

8.6 How long does the process of obtaining the work permit and initial visa take?

The relevant authority is obliged to decide on a request within 30 days of submission of the application.

8.7 How long are visas under the “initial” category valid for, and can they be extended?

Please see question 1.1 above.

Visas are issued for transit through the territory of the Republic of Croatia or a stay in the territory of the Republic of Croatia for a maximum period of 90 days in any 180-day period. The validity period of a visa and/or the duration of stay granted on the basis of the issued visa may be extended if the Ministry considers that the visa holder has delivered proof of:

- *force majeure* or humanitarian reasons that have prevented an alien from leaving the territory of the Republic of Croatia prior to the visa’s expiry or the expiry of the duration of stay granted by said visa; or
- serious personal reasons that justify the extension of the visa or the duration of stay.

8.8 Can employees coming under the intra-company transfer route apply for permanent residence?

Yes, if conditions for permanent residence are met. Please see question 12.1 below.

8.9 What are the main government fees associated with this type of visa?

Please see question 9.4 below.

9 New Hire Work Permits

9.1 What is the main immigration category used for employers who wish to obtain work permits for new hires?

There is no specific category, and usually a regular work permit application within issued quotas is required.

9.2 Is there a requirement for labour market testing, to demonstrate that there are no suitable resident workers, before a work permit can be issued to new hires?

Fundamentally no, but a suitable explanation must be given during the process of obtaining a work permit as to why there is a necessity for hiring a foreign worker.

9.3 Are there any exemptions to carrying out a resident labour market test?

This is not applicable in Croatia.

9.4 What is the process for obtaining a work permit for a new hire?

1. Submitting an application (in specified form 9a) to the competent police administration or police station with the necessary documents.
2. Receiving a notification from the competent police administration or station of the acceptance of the application. If application is successful, the foreigner will be issued a biometric residence permit and a residence and work permit.
3. If the application is successful, the foreigner is obligated to pay 800 HRK for the issuance of a residence and work permit and 240 HRK for the issuance of a biometric residence permit on behalf of the Republic of Croatia. Both amounts must be paid separately, and can be paid via a bank, post office or internet banking system.
4. After submitting proof of payment, the competent police administration or police station shall hand off the residence and work permit and biometric residence permit to the employer.

Applications must be submitted to the relevant authority in the proper form, enclosing:

- a 35x45mm photo, in colour;
- a copy of a valid travel document (passport);
- evidence of a health insurance;
- a copy of valid travel document, which will be verified by an official after checking the original document;
- proof of insured funds to support his/her stay;
- an employment contract, a written certificate on employment or another appropriate document;
- proof of education or qualification;
- proof of the registration of a company, branch office, representative office, craft, association or institution in the Republic of Croatia;
- an explanation of why the employment of the foreigner is justified, including information on his professional knowledge, qualification and working experience and reasons why the position cannot be fulfilled from the domestic Croatian national labour market; and
- a consular fee if the application is submitted through a diplomatic mission or consular office or stamp duty in the amount of 20 HRK if the application is submitted in the Republic of Croatia.

9.5 What is the process for the employee to obtain a visa as a new hire?

Please see question 9.4 above.

9.6 How long does the process of obtaining the work permit and initial visa for a new hire take?

The relevant authority is obliged to decide on a request for the issuance of a residence and work permit within 30 days of submission of the application.

9.7 How long are initial visas for new hires granted for and can they be extended?

Residence and work permits have limited validity for a period identical to the period which is required to complete the job or for which the employment contract is concluded, but shall not exceed one year. However, residence and work permits may be issued for up to two years if a shorter period is not requested in the application for the residence and work permit. Based on a registration certificate, foreigners can work up to 90 days annually. “EU Blue Cards” are issued for a two-year period; if the employment contract is concluded for a shorter period, the “EU Blue Card” will be issued for that period plus three additional months.

9.8 Is labour market testing required when the employee extends their residence?

No such test is required.

9.9 Can employees coming as new hires apply for permanent residence?

Yes, new hires can apply for permanent residence.

9.10 What are the main government fees associated with this type of visa?

Please see question 9.4 above.

10 Conditions of Stay for Work Permit Holders

10.1 What are the conditions of stay of those who obtain work permits and are resident on this basis?

Besides reporting the address of residence in Croatia (please see question 10.2 below), there are no other special conditions.

10.2 Are work permit holders required to register with municipal authorities or the police after their arrival?

Aliens must report their address of residence within three days of entering Croatia and, in the same period, any amendments to that address.

11 Dependants

11.1 Who qualifies as a dependant of a person coming to work on a sponsored basis?

1. members of the nuclear family;
2. spouses;

3. persons living in cohabitation in accordance with Croatian legislation;
4. minor children who were born of the marriage or of the cohabitation or who were adopted, and minor children of any of the partners, on condition that they have not formed families of their own; and
5. the parents or adopted parents of minor children.

Further, any other relative may also be regarded as a member of the nuclear family of a Croatian national or alien granted temporary or permanent stay and an alien with asylum seeker status if there are special personal reasons or serious humanitarian grounds for family reunification in the Republic of Croatia.

11.2 Do civil/unmarried or same-sex partners qualify as family members?

Yes, if conditions for such cohabitation are met in accordance with Croatian legislation.

11.3 Do spouses and partners have access to the labour market when they are admitted as dependants?

Yes, if they have been granted a temporary residence.

11.4 Do children have access to the labour market?

Minors below the age of 15 cannot enter the labour market. Minors aged 15 and older can enter into an employment agreement by receiving permission from their legal guardian.

12 Permanent Residence

12.1 What are the conditions for obtaining permanent residence?

Permanent residence may be granted to an alien who, before the submission of the related application in the Republic of Croatia, had legal residence for an uninterrupted period of five years, including granted temporary residence, asylum or subsidiary protection. It is also deemed that an alien had an uninterrupted residence in the Republic of Croatia if, within a period of five years, he was absent from the Republic of Croatia on multiple occasions up to 10 months in total, or up to six months in the case of a one-time absence. Marriage of aliens to Croatian nationals or aliens who have been granted permanent stay in the Republic of Croatia shall no longer be grounds for the acquisition of a permanent stay status.

Permanent residence shall be granted to a foreigner who fulfils the following:

- has a valid foreign travel document;
- has a means of subsistence;
- has health insurance;
- knows the Croatian language and the Latin script, and who has knowledge of Croatian culture and the social system; and
- does not pose danger to public order, national security or public health.

A national of an EEA Member State shall be entitled to permanent residence after a period of five years of uninterrupted legal residence in the Republic of Croatia.

A national of an EEA Member State has right to permanent residence before the above-stated five-year period in some cases, which are regulated by Article 174 of the Aliens Act.

12.2 Is it possible to switch from a temporary work visa to a work visa which leads to permanent residence?

Technically yes, if all relevant conditions are met.

13.2 Are criminal convictions a bar to obtaining work permission or a visa?

Not *per se*, but this can be a reason for not granting a stay in, or deportation from, Croatia if they pose a threat to national security, public order or health.

13 Bars to Admission

13.1 What are the main bars to admission for work?

The main bar to admission to work for non-EEA Member State citizens is to fulfil all conditions set by the Alien Act but fall within the limited and sometimes not very well-designed quota system.



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Silvije is a partner mainly in charge of the firm's vast corporate, banking and finance and commercial practice. Clients include a roster of international companies, financial institutions, funds, investment managers and public entities. To date, he has counselled on some of the biggest transactions and projects in Croatia. His list of clients include some of the leading Fortune Global 500 companies. Silvije is also regularly involved in various complex dispute resolution proceedings, including arbitration processes.

Silvije is one of the founders of the Croatian Private Equity and Venture Capital Association and Croatian Business Angels Network and the initiator of the establishment of ICC Croatia, the National Committee of the ICC. Silvije was also a member of several working groups responsible for drafting new laws in Croatia, e.g. the law on investment funds and an enforcement law (as a representative of the Croatian Employers Association).

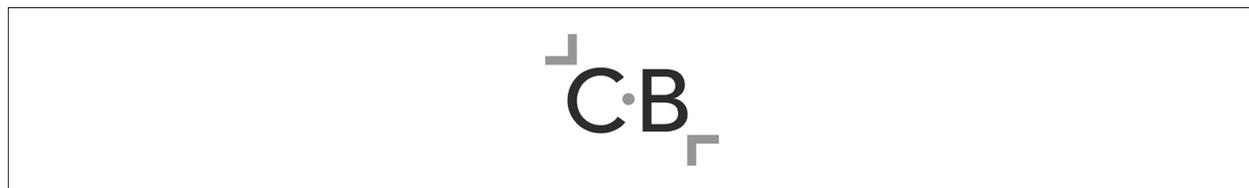


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Tomislav's practice comprises knowledge focused around corporate, commercial, banking and finance and insolvency practice, litigation and arbitration. Besides his legal diploma, he holds a diploma in German commercial law and European law organised by Dresden Law University. He is a well-recognised and experienced lawyer who regularly counsels many international and domestic clients ranging from large corporate and public bodies to SMEs and private clients. He has particular experience in the complex area of pre-bankruptcy and bankruptcy proceedings and related dispute resolution solutions and restructurings. He has been involved in some of the most complicated bankruptcy and dispute resolution proceedings to date in Croatia (including in arbitration) with a total value of more than EUR 300 million. His experience in high stakes dispute resolution is of paramount value to his clients. He is fluent in German and English, knowledgeable and is gifted with admirable analytical skills.



Čipčić-Bragadin and Associates is one of the leading legal practices in Croatia, recommended and recognised by many leading international legal guides such as *The Legal 500*, *IFLR1000*, *Chambers and Partners*, etc., that serves companies, financial institutions and private clients. With roots from 1928, after years of professional development, we now probably have more tradition, experience and market presence than almost any other law firm in Croatia. That puts us in a unique situation where we could help our clients not just on law-related issues but also on almost any business-related issue. At Čipčić-Bragadin and Associates today, the flavour is definitely international. Around 80% of our major clients are international enterprises doing business in Croatia. We work closely with the leading international law firms and consultants, so we're able to manage complex, cross-border projects and deals seamlessly and successfully.

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