

THE CROATIAN PARLIAMENT

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Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE RESIDENCE ACT

I hereby promulgate the Residence Act, passed by the Croatian Parliament at its session on 14 December 2012.

Class: 011-01/12-01/180

Reg. No: 71-05-03/1-12-2

Zagreb, 19 December 2012

The President of the Republic of Croatia

Ivo Josipović, m. p.

RESIDENCE ACT

I GENERAL PROVISIONS

Article 1

This Act lays down the conditions governing the registration and deregistration of permanent residence and temporary residence of Croatian nationals, the keeping of a database of permanent and temporary residence information, the procedures for deregistering permanent residence *ex officio* and for changing these information.

Article 2

Permanent residence is the place and address in the Republic of Croatia where a person has permanently settled for the purpose of exercising his or her rights and obligations associated with life interests, such as family, professional, economic, social, cultural and other interests.

Temporary residence is the place and address in the Republic of Croatia where a person is temporarily residing but has not permanently settled within the meaning of the provision of paragraph 1 of this Article.

Croatian nationals living or staying outside the Republic of Croatia may also have temporary residence in the Republic of Croatia.

Temporary residence shall be registered if it will last longer than three months or is conditional upon exercising only specific rights and obligations associated with life interests (employment, education, long-term medical treatment or other interests).

For the purposes of this Act, „place” means a city or municipality, and community forming part of a city or municipality, in accordance with regulations governing the regional organisation of local and regional self-government units.

For the purposes of this Act, „address” means the street or square name and the house number registered in the register of territorial units kept by the competent authority.

Permanent or temporary residence may not be registered at an address that is not registered in the register of territorial units (hereinafter: non-existent address).

Article 3

Permanent residence and temporary residence shall be registered with the police administration or police station of the Ministry of the Interior (hereinafter: competent authority) that is responsible for the place where the person concerned has his or her permanent or temporary residence.

With regard to a person who changes his or her permanent or temporary residence, the competent authority shall, *ex officio*, deregister his or her previous permanent or temporary residence.

A person leaving the Republic of Croatia with an intention to permanently settle in another country shall be required to deregister his or her permanent residence. The deregistration of permanent residence shall be filed prior to moving out. If a person fails to deregister his or her permanent residence prior to moving out, he or she must apply for deregistration through the competent diplomatic mission – consular office of the Republic of Croatia in the country concerned within 15 days of moving into this country.

The deregistration of the permanent residence of a person moving out of the Republic of Croatia shall be recorded by the competent authority in whose area the person has deregistered his or her permanent residence.

If a person leaves his or her permanent residence for a period of longer than one year in order to temporarily stay outside the Republic of Croatia for educational purposes, non-permanent and seasonal employment, long-term medical treatment or other reasons, the person shall notify thereof the competent authority in whose area his or her registered permanent residence is located, either directly or through the competent diplomatic mission – consular office of the Republic of Croatia abroad, submitting the relevant documents on the reasons for the temporary stay abroad.

If a person has left his or her permanent residence in order to temporarily stay outside the Republic of Croatia and this stay lasts for a period of longer than five years, the person shall re-notify the authorities referred to in paragraph 5 of this Article of his or her absence from the place of permanent residence and shall make such re-notification after the expiry of each subsequent three-year period, submitting the documents on the reasons for staying outside the Republic of Croatia.

The person referred to in paragraph 5 of this Article shall, within 15 days of returning to the Republic of Croatia, notify thereof the competent authority in whose area he or she has his or her registered permanent residence.

The obligations referred to in paragraphs 5 and 6 of this Article shall not apply to civil servants who are posted on behalf of the Republic of Croatia to work abroad nor to their family members.

A person shall be deemed to be staying outside the Republic of Croatia even if he or she occasionally comes to the Republic of Croatia but stays in the Republic of Croatia for no longer than three months in a period of one year.

II CONDITIONS AND PROCEDURE FOR THE REGISTRATION AND DEREGISTRATION OF PERMANENT RESIDENCE AND THE REGISTRATION OF TEMPORARY RESIDENCE

Article 4

An application for the registration of permanent and temporary residence shall be lodged within 15 days of the day of moving into the place and address of permanent residence, or of the day of arriving to the place and address of temporary residence.

Temporary residence may be registered for a period of one year.

If a person intends to stay at the place and address of his or her registered temporary residence even after the expiry of a one-year period, he or she must renew his or her temporary residence registration within 15 days of the expiry of that period, it being understood that the duration of temporary residence may not be for more than two years.

By way of derogation from paragraph 3 of this Article, temporary residence of persons undergoing education or persons carrying out jobs of non-permanent character at the place of temporary residence, as well as persons placed in various institutions, religious communities and other legal entities or at foster families and with other natural persons, may last as long as their education, employment or placement in institutions, in other legal entities or with natural persons, which shall be proved by documents to be provided by the persons concerned.

The competent authority shall issue a certificate of registration or deregistration.

Article 5

Registration or deregistration of permanent residence and temporary residence, or notification of a temporary stay outside the Republic of Croatia, shall be done in person.

For minors and persons fully deprived of legal capacity, and persons partially deprived of legal capacity with regard to making statements or taking actions concerning personal conditions in the administrative matter that is the subject of the procedure, registration shall be done by their parents or guardians.

When the parents of a minor have their registered permanent residence or temporary residence at different addresses, the permanent residence or temporary residence of the minor shall be registered at the address of one parent with the consent of the other parent.

If the parents of a minor do not live in a family union, an application shall be submitted by the parent with whom the minor lives, as determined by a decision of the competent authority, and the permanent residence of the minor shall be registered at the address of that parent.

If the parents of a minor do not live in a family union, and no decision of the competent authority has been adopted as to which parent the child shall live with, the permanent residence of the minor shall be registered at the address of the parent with whom the minor lives, subject to the consent of the social welfare centre.

Article 6

For a person who has no dwelling place or address nor the means to meet housing needs (hereinafter: homeless person), the competent authority shall, by way of derogation from the provision of Article 2, paragraph 1 of this Act, issue a decision determining his or her permanent residence at the address of a social welfare institution or other accommodation provider.

The homeless person and the accommodation providers may initiate an administrative dispute against the decision determining permanent residence referred to in paragraph 1 of this Article.

A homeless person who does not use the services of the institutions referred to in paragraph 1 of this Article shall notify the competent authority of his or her contact address, which may be at a natural or legal person's place subject to their consent.

Article 7

Military personnel living in barracks or other military facilities, persons living in special purpose facilities of the ministry responsible for interior affairs, homes for the elderly and disabled, pupils' and students' dormitories, and persons placed in jails, prisons, juvenile prisons and other correctional institutions, homes for victims of family violence and shelters for victims of human trafficking, shall be required to register their temporary residence, and may also register their permanent residence, at the address of the institutions in which they live, in accordance with the rules on the internal order of these institutions.

Article 8

A person registering or deregistering his or her permanent residence and temporary residence or reporting his or her temporary stay outside the Republic of Croatia shall provide information to the competent authority on the prescribed form.

The minister responsible for interior affairs shall issue an ordinance laying down the contents of the forms to be used for registering and deregistering permanent residence, registering temporary residence and reporting a temporary stay outside the Republic of Croatia, and the contents of a written statement referred to in Article 10, paragraph 1 of this Act.

The competent authority shall make the forms referred to in paragraph 1 of this Article available to persons who use them in exercising their rights and meeting their obligations.

Article 9

When registering and deregistering his or her permanent residence and temporary residence, a person shall provide the following information on the form referred to in Article 8 of this Act:

- personal identification number and/or unique citizen number;
- first name and family name;
- maiden name;
- names of parents;
- date and place of birth and, for those born outside the Republic of Croatia, country of birth;
- citizenship, if in addition to Croatian citizenship the person holds the citizenship of another country;
- ethnic affiliation, if the person wants to declare his or her ethnic affiliation;
- occupation, educational qualification;
- place and address from which the person is coming and, for the person coming from outside the Republic of Croatia, the country from which he or she is coming;
- place and address to which he or she is registering;
- number of the members of the household at whose address the person is registering, and the size and number of the apartment at which he or she is registering and the floor on which it is located;
- name, or company name and head office address, of the landlord, and the personal identification number and/or unique identification number of the landlord;
- date of registration or deregistration;
- signature of the person submitting the registration or deregistration form.

A person deregistering his or her permanent residence because of emigrating from the Republic of Croatia or a person reporting absence from his or her permanent residence because of a temporary stay outside the Republic of Croatia shall, in addition to the information specified in paragraph 1, subparagraphs 1, 2, 3, 4, 5, 6, 7, 8, 13 and 14 of this Article, provide the following information:

- permanent residence place and address that he or she is deregistering because of emigrating from the Republic of Croatia, and the country and place into which he or she is immigrating;

– permanent residence place and address that he or she is leaving, and the country and place outside the Republic of Croatia where he or she is going on a temporary stay, the duration of the stay there and the reason for leaving.

When registering a contact address, a homeless person shall, in addition to the information provided for in subparagraphs 1, 2, 3, 4, 5, 6, 7, 8, 13 and 14 of paragraph 1 of this Article, provide to the competent authority contact address details and the name of the natural person, or the name and head office address of the legal person, whose address he or she is registering as the contact address, as well as the consent statement of these persons.

When making registration and deregistration as provided for in paragraphs 1, 2 and 3 of this Article, the person must provide accurate and true information.

Article 10

When registering his or her permanent and temporary residence the person shall provide a written statement confirming that he or she has moved to the place and address of permanent or temporary residence.

The statement referred to in paragraph 1 of this Article shall be provided on the form referred to in Article 8, paragraph 1 of this Act.

A person registering his or her permanent or temporary residence at the address of a landlord shall also provide a certified statement by the landlord giving consent to such registration, and the landlord may give such consent directly to the competent authority recording the registration.

A person letting a dwelling to another person for occupancy for a period longer than three months shall, within 15 days of the letting date, submit information about the person to whom the dwelling was let for occupancy and about the place and address at which the dwelling is located, and the competent authority shall record this information in the database of permanent and temporary residence information.

If there are doubts about the veracity of the statement referred to in paragraph 1 of this Article, the competent authority has the power to make an on-site check at the address concerned to verify the veracity of the statement before recording the registration.

The competent authority shall not record the permanent or temporary residence registration if an on-site check reveals that the statement given is not true or if registration concerns a non-existent address.

In the cases referred to in paragraph 6 of this Article, the competent authority shall inform the person concerned, by sending him or her a written notice to the address provided in accordance with Article 9, paragraph 1, subparagraph 9 of this Act, that his or her permanent or temporary residence registration is not recorded in the database of permanent and temporary residence information.

The person may object to the actions of the competent authority referred to in paragraph 6 of this Article by lodging an objection with the head of the police administration that has jurisdiction according to the place where the person intendeds to register his or her permanent

or temporary residence. The head of the police administration shall decide on the objection by issuing a decision.

The decision of the head of the police administration referred to in paragraph 8 of this Article may not be appealed, but an administrative dispute may be initiated.

Article 11

Legal persons, craftsmen and natural persons providing accommodation services shall report to the competent authority the temporary residence of the persons to whom they provide accommodation services for longer than three months.

III DETERMINATION OF ACTUAL PERMANENT RESIDENCE AND DEREGISTRATION FROM THE DATABASE OF PERMANENT AND TEMPORARY RESIDENCE INFORMATION

Article 12

The police administration in whose area a person has his or her registered permanent residence shall, *ex officio*, issue a decision on the deregistration of this person's permanent residence if an on-site check reveals that the person does not actually live at the registered address or if it is informed thereof by a public authority or other legal and natural persons.

If, whilst carrying out procedures falling within its competence, a public authority becomes aware that a person does not live at the address of his or her registered permanent residence, it shall inform the competent police administration thereof.

Before issuing a decision on the deregistration of a person's permanent residence, the competent police administration shall establish facts and circumstances from which it may be concluded without any doubt whether the person lives at the address of his or her registered permanent residence.

The competent police administration shall also act in accordance with the provisions of this Article when it establishes that a person has emigrated from the territory of the Republic of Croatia without having deregistered his or her permanent residence with the competent authority or through the competent diplomatic mission – consular office of the Republic of Croatia abroad.

By way of derogation from paragraph 1 of this Article, the competent police administration shall not issue a decision on the deregistration of permanent residence in respect of persons who registered their permanent residence in accordance with the regulations that were in force prior to the entry into force of this Act, if these persons:

– have left their permanent residence to temporarily stay outside the Republic of Croatia and have informed the competent authority thereof in accordance with the provisions of Article 3, paragraphs 5 and 6 of this Act and have submitted the relevant documents on the reasons for the temporary stay abroad;

– are covered by a reconstruction programme or a housing programme, but their property has not yet been reconstructed or returned or they have not been otherwise provided with housing in the Republic of Croatia.

The decision referred to in paragraphs 1 and 4 of this Article may not be appealed, but an administrative dispute may be initiated.

Article 13

If, whilst carrying out the procedure referred to in Article 12 of this Act, the competent police administration finds that a person actually resides in the area of jurisdiction of another competent authority, it shall inform that authority thereof without delay.

The competent authority in whose area the person actually resides shall warn that person of the obligation to register his or her permanent residence and of the legal consequences of not fulfilling this obligation.

IV DATABASE OF PERMANENT AND TEMPORARY RESIDENCE INFORMATION AND USE OF THIS INFORMATION

Article 14

The database of permanent and temporary residence information shall be maintained by the ministry responsible for interior affairs.

The database of permanent and temporary residence information shall contain information about:

- persons who have their registered permanent residence in the territory of the Republic of Croatia;
- persons who have registered their temporary residence in the in the territory of the Republic of Croatia;
- persons who have deregistered their permanent residence because they have permanently moved out of the Republic of Croatia;
- persons who have notified the competent authority of their temporary stay outside the Republic of Croatia exceeding one year;
- all permanent and temporary residence registrations recorded;
- determined permanent residence and contact addresses of homeless persons;
- persons whose permanent residence has been deregistered *ex officio*;
- notifications received from persons who have let a dwelling to another person for occupancy for a period longer than three months;

– addresses to which service shall be made in court proceedings and which have been reported to the competent authority in accordance with the provisions of the legislation governing civil proceedings.

The database referred to in paragraph 1 of this Article shall be maintained in the central information system of the ministry responsible for internal affairs, and information concerning addresses must be harmonised with regulations governing the maintenance of the register of territorial units.

The minister responsible for internal affairs shall issue an ordinance laying down the manner of keeping the database of permanent and temporary residence information.

The ministry responsible for internal affairs shall, electronically and without delay, submit to the competent authority maintaining the registry of voters information about any changes in the database concerning permanent residence of persons who have reached 18 years of age, in accordance with the provisions of the law governing the maintenance of the registry of voters.

Article 15

Personal data contained in the database of permanent and temporary residence information shall be processed and transferred to recipients under the conditions provided for in the law governing the protection of personal data.

The ministry responsible for internal affairs shall, at the request of state authorities and legal persons and citizens that have a legitimate interest in it, provide information contained in the database of permanent and temporary residence information.

The ministry responsible for internal affairs shall refuse to provide information contained in the database of permanent and temporary residence information if a person requesting such information fails to prove the existence of a legitimate interest or if there are reasonable grounds to suspect data information from the database will be misused.

V PENAL PROVISIONS

Article 16

A natural person shall be guilty of a misdemeanour and shall be fined a sum between HRK 500.00 and 5 000.00 if he or she:

1. within the prescribed time, fails to register his or her permanent or temporary residence, or fails to deregister his or her permanent residence when moving out of the Republic of Croatia, or fails to renew his or her temporary residence registration (Article 3, paragraphs 1 and 3, and Article 4, paragraphs 1 and 3);
2. is leaving his or her permanent residence for a period longer than one year in order to temporarily stay outside the Republic of Croatia and fails to notify the competent authority in whose area his or her registered permanent residence is located, either directly or through the competent diplomatic mission – consular office of the Republic of Croatia abroad, or fails to notify the competent authority of his or her return to the Republic of Croatia (Article 3, paragraphs 5, 6 and 7);

3. fails to provide accurate and true information when making registration and deregistration of his or her permanent and temporary residence (Article 9, paragraph 4);

4. when registering his or her permanent and temporary residence, provides a false statement that he or she has moved to the place and address of permanent or temporary residence (Article 10, paragraph 1);

5. is letting a dwelling to another person for occupancy for a period longer than three months and fails to submit to the competent authority, within 15 days of the letting date, information about the person to whom the dwelling was let for occupancy and about the place and address at which the dwelling is located (Article 10, paragraph 4).

Article 17

A legal person, craftsman or natural person providing accommodation services shall be guilty of a misdemeanour and shall be fined a sum between HRK 5 000.00 and 15 000.00 for failing to report to the competent authority the temporary residence of the persons to whom they provide accommodation services for longer than three months (Article 11).

The responsible person of the legal person shall be fined from HRK 1 000.00 to HRK 5 000.00 for committing the misdemeanour referred to in paragraph 1 of this Article.

VI TRANSITIONAL AND FINAL PROVISIONS

Article 18

Persons who registered their permanent residence before the entry into force of this Act shall not be required to re-register their permanent residence in accordance with the provisions of this Act provided they are still living in the place and at the address of the registered permanent residence.

By way of derogation from paragraph 1 of this Article, persons whose identity card has expired for more than 15 days on the day of entry into force of this Act or who have never obtained an identity card, and persons who have their registered permanent residence at an address that is not registered in the register of territorial units, must re-register their permanent residence with the competent authority within one year from the day of entry into force of this Act.

For persons referred to in paragraph 2 of this Article who fail to re-register their permanent residence within one year from the day of entry into force of this Act, permanent residence shall be deregistered from the database of permanent and temporary residence information.

Persons who, on the day of entry into force of this Act, have been outside the Republic of Croatia for longer than one year within the meaning of the provision of Article 3, paragraph 5 of this Act, shall within one year from the day of entry into force of this Act notify thereof the competent authority in whose area their registered permanent residence is located, either directly or through the competent diplomatic mission – consular office of the Republic of Croatia abroad, submitting the relevant documents on the reasons for staying outside the Republic of Croatia.

Persons who are covered by a reconstruction programme or a housing programme and are outside the Republic of Croatia, but their property has not yet been reconstructed or returned or they have not been otherwise provided with housing in the Republic of Croatia, shall within one year from the day of entry into force of this Act notify thereof the competent authority in whose area their registered permanent residence is located, either directly or through the competent diplomatic mission – consular office of the Republic of Croatia abroad.

The procedures for the deregistration or permanent residence shall be initiated *ex officio* in accordance with the provisions of Article 12, paragraphs 1 and 4 of this Act in respect of persons referred to in paragraphs 4 and 5 of this Article who fail to notify the competent authority within one year from the entry into force of this Act.

Article 19

The minister responsible for interior affairs shall issue the regulations referred to in Article 8, paragraph 2 and Article 14, paragraph 4 of this Act within 60 days from the day of entry into force of this Act.

The Ordinance on the forms to be used for, and records of, registration of permanent and temporary residence of citizens (Official Gazette 54/91, 67/96, 149/02, 155/08 and 26/09) shall remain in force until the entry into force of the regulations referred to in paragraph 1 of this Article.

Article 20

Proceedings initiated prior to the entry into force of this Act shall be completed in accordance with the provisions of the Act on Permanent and Temporary Residence of Citizens (Official Gazette 53/91, 26/93, 29/94 and 11/00).

Article 21

On the day on entry into force of this Act, the Act on Permanent and Temporary Residence of Citizens (Official Gazette 53/91 and 11/00) shall cease to have effect.

Article 22

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette.

Class: 220-03/12-01/01

Zagreb, 14 December 2012

THE CROATIAN PARLIAMENT

President of the Croatian
Parliament

Josip Leko, m. p.