

Zagreb, 16 March 2016

## **Report on Systemic Human Rights Violations by the Croatian Authorities in the Closed Parts of the Winter Reception and Transit Centre in Slavonski Brod**

*„This is a prison. They are treating us like criminals. We do everything under police escort.“*

[A refugee from Iraq speaking about Sector 3 in Slavonski Brod, 08/03/2016]

*„If you want to help us, come to the camp!“*

[Appeal of the refugees from Sector 3 in Slavonski Brod, 08/03/2016]

The subject of this report is the systemic forcible detention of people in the closed parts of the Winter Reception and Transit Centre in Slavonski Brod. These individuals were either separated off during the registration procedure in Slavonski Brod and banned from continuing their journey, or they were pushed back to Croatia after having been separated off in camps and border crossings in Austria and Slovenia and prohibited from re-entering these countries. Forcible detention in the Winter Reception and Transit Centre began in late November 2015 and continued over the following months, becoming a regular practice affecting growing numbers of people. By the end of January 2016, there were around 20 to 60 forcibly detained people in Slavonski Brod every day and in February and March 2016 this number reached several hundred people a day. The total number of people who were forcibly detained in the closed parts of the camp in Slavonski Brod is not publicly available. However, a reconstruction based on the data provided in the daily reports of the Welcome Initiative and published in the Are You Syrious? Daily News Digest suggests that during the past four months, under the powers of the Croatian Ministry of the Interior, at least 600 people of different nationalities and ages were imprisoned there (some in *de facto* detention, some kept there as a result of being prohibited from leaving the camp under Article 112, paragraph 7 of the Croatian Aliens Act).

Since independent observers, media, and most volunteers were denied access to the sectors of the Winter Reception and Transit Centre in Slavonski Brod where people were forcibly detained, this report is based primarily on observations and interviews conducted by independent activists from Zagreb and volunteers of civil society organisations in Slavonski Brod. In particular, it is based on the testimonies of individuals whom we met during February and March 2016 at the main train station in Zagreb and who were previously detained in the Winter Reception and Transit Centre in Slavonski Brod, as well as the testimonies of detainees in the Winter Reception and Transit Centre in Slavonski Brod with whom we established contact through social media and mobile communications. Their testimonies were supported by the testimony of a volunteer in Dobova camp in Slovenia, which we consider relevant for purposes of comparison, but also because it points to the discriminatory decisions and actions that are, through the system of pushbacks throughout the Balkan corridor, directly connected to the subject of this report.

In its methodology and conclusions, this report supplements the previous reports of Moving Europe (published on February 2, 18 and 26, 2016) on the application of illegal measures and breaches of the 1951 UN Refugee Convention, as well as many other international legal commitments to which the countries along the Balkan corridor are signatories. The testimonies presented in these reports show how political agreements concerning the closing of borders, affected the individual lives of people in search of international protection. They also reveal the arbitrariness, bias and illegitimacy of the decisions and practices implemented by the governments of Austria, Slovenia and Croatia. Among those decisions and practices, we especially wish to draw attention to the so-called profiling and forcible detention. Profiling, which ultimately led to the maintaining of the so-called caps and which was implemented with the help of unauthorized and unprofessional individuals (i.e. interpreters) by the Austrian, Slovenian and Croatian police, resulted in large-scale forcible detention.

## **THE FORCIBLE DETENTION OF PEOPLE IN THE WINTER RECEPTION AND TRANSIT CENTRE IN SLAVONSKI BROD**

Over the past few months, people of all age groups and of different nationalities and countries of origin have been kept under strict police supervision in various parts of

the Winter Reception and Transit Centre in Slavonski Brod. These people have been deprived of their rights, forcibly detained, kept in complete uncertainty and systemically intimidated. In addition to individuals of both genders, the detainees included entire families, children (including a six-month-old baby), unaccompanied minors, disabled people, people in poor health and members of other vulnerable groups. They were detained in the closed parts of the Slavonski Brod camp, which is entirely under the control of the Croatian Ministry of the Interior, for different periods, some for as long as several weeks, in containers and communal tents, sometimes with no access to basic sanitary facilities and without adequate, systematic and continuous legal, medical or psychological support. Access to first aid and medical care was until recently provided only on request, which is far from adequate for persons in a state of severe psychological and physical exhaustion, who find themselves isolated and in a situation of total uncertainty in a foreign country. No adequate professional psychological support was provided in spite of the fact that many of these people have suffered war trauma and undergone other traumatic experiences. When NGOs inquired about the possibility of gaining access to the people, in February 2016 they were told their volunteers would be arrested if they tried to enter the parts of the camp where the people were being held.

In the Slavonski Brod Winter Reception and Transit Camp people were held in *de facto* detention, and as of 9<sup>th</sup> of March 2016 they were detained on the basis of an obligation not to leave the camp pursuant to Article 112 paragraph 7 of the Croatian Aliens Act. In view of the fact that the return decision ordering the person to leave the European Economic Area, establishing the said obligation, also asserted that the alien is accommodated in the Winter Reception and Transit Camp raises doubts to the legality of the decision; The people were prohibited from leaving a place which they were in any case unable to leave. We also wish to point out that, by mere logic, an order to leave the country is issued to persons who are free to move, so the question of achieving the purpose of such order arises (*voluntary* departure under threat of deportation). In addition to this, there are questions to justifiability, proportionality, as well as the legal basis for the restriction of movement.

In addition to being detained in the Slavonski Brod Winter Reception and Transit Camp, the people held there were under strict police supervision inside the camp.

They could move outside the sector in which they were being held only in exceptional cases, and then only under police escort. According to their testimonies, during the nighttime the police would enter the containers where people were sleeping so they could count them, thereby denying them a chance to get dressed and protect their privacy.

Furthermore, as we learned from telephone conversations with them, the people in the closed parts of the Slavonski Brod Winter Reception and Transit Camp were not given any information about the reasons for their pushback and forcible detention, their current status or the fate in store for them, nor were the legal issues specific to their individual case explained to them. We note that only employees of the Croatian Ministry of the Interior and some employees of the Croatian Red Cross have unlimited access to the closed parts of the Winter Reception and Transit Camp. As of 2<sup>nd</sup> of March 2016 access has also been granted to several UNICEF employees. Their work is carried out under strict conditions imposed by the Croatian Ministry of the Interior. Their activities with children are strictly defined and carried out twice a day, but it is expressly prohibited for the UNICEF staff to communicate with adults. As far as we know, on 8<sup>th</sup> of March 2016 UNHCR was granted intermittent access to the closed sectors in order for its personnel to inform people about the possibilities of seeking asylum in the Republic of Croatia. However, the extent to which effective access to information has been provided is questionable. We learned from a person who was in the closed sector at the time that he/she received information from the UNHCR only after explicitly making a request. . This information was then provided in the form of a leaflet which contained only the most basic general information on the process of seeking international protection. Sufficiently relevant and adequate information in this respect would have to include detailed legal information on integration rights and possibilities and the likelihood of being granted international protection based on an assessment of each individual case. Information on the practical and expected consequences of abstaining from seeking international protection in Croatia is also of the uttermost importance to people in this situation. Lastly, it is worth mentioning that an individualized, personal approach to each person seeking international protection, and especially to each person deprived of their liberty, should be considered a positive obligation of the state under Article 6 of

the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The people in the closed parts of the Winter Reception and Transit Centre have also been denied systematic access to legal aid in the sense where they had neither been informed about the availability and access to such, nor granted consultation time, in spite of presence of legal aid organizations in the camp. A consultation with a lawyer offering legal aid inside the camp was provided only exceptionally, after the lawyer insisted on being granted access to a person who had asked for advice by telephone, and the meeting was held outside the closed part of the camp. Again, the question arises as to whether there was effective access to legal aid, as it was available only at the express request of the lawyer who had been given power of attorney, and only to those sufficiently well informed to successfully contact the legal aid providers. This also raises the question of the treatment of the most vulnerable people there. There are also a number of specific situations requiring legal expertise which the organizations with access to the closed sectors of this camp may not have been able to detect, such as bilateral visa requests for entry to other countries for family reunification without seeking protection in Croatia or an examination of the conditions for a so-called Dublin transfer in special cases.

## **DISCRIMINATORY PRACTICES AND COERCION**

The people who were or still are detained in the Slavonski Brod camp had been travelling along the corridor of the so-called Balkan route which was until recently organised, managed and controlled by states along the route. Due to one-sided and/or coordinated political decisions aimed at the “management“ of border closures and implemented through profiling and push-backs, i.e., practices of separating off and sending back, people were illegalized and criminalized overnight.

People were profiled and pushed back on the basis of an informal decision implemented as of 18<sup>th</sup> of November 2015. From that day on, only refugees coming from Syria, Iraq and Afghanistan could pass along the Balkan route. People of these nationalities also had to, upon entering Slovenia, declare that they intent to go to

Austria or Germany if they were to be allowed access to Slovenian territory. By using the method of asking captious questions and, in the case of some countries outsourcing the decision on access to territories to interpreters. i. e. relying on the interpreter's linguistic and cultural assessments, authorities along the Balkan corridor profiled, pushed back, and/or forcibly detained people who are seeking international protection. Formalized "rules" of the Balkan corridor and later also additional conditions, and finally on the completely arbitrary decisions of police officers and interpreters were introduced and undertaken in order to limit access of those people to the territory of the country in issue. In this way people who would one day legally enter the countries along the Balkan corridor within the system set up by the authorities of these countries were stopped the next day, their journey interrupted, and they suddenly became illegal and subject to prosecution and detention.

From the testimonies we collected it is evident that they were stopped for reasons such as the following:

- physical appearance (skin, hair and eye colour)
- their country, region or town of origin
- their transit country and their length of stay there
- their final destination, i.e. the country in which they wished to seek asylum
- the individual and collective reasons for which they had to leave their country of origin
- their language, dialect or accent
- insinuations about (not) belonging to a particular political option in their country of origin
- stating that in addition to fleeing war they intended to find a job or get an education in the country in which they wished to seek asylum
- stating that they had a family member in a European country
- regardless of whether or not they had the required identification documents, without taking into account the fact that for some of them in the course of their journey their documents were confiscated or destroyed and that many people had no possibility of obtaining these documents in their country of origin

The testimonies also show the following:

- in many cases transit documents were either not issued or were confiscated by the police
- many people were forced to sign an official document entitled “Decision on the Obligation to Leave the European Economic Area within a Certain Period” without knowing what exactly they were signing and without the possibility of consulting a translator and/or lawyer
- many found themselves in a situation in which they had to request asylum in a country about which they had no information and in which they were stuck, although they had believed, with good reason, that the corridor was still open
- due to the factual and legal obstacles placed in their way, many families were separated or could not be reunited in spite of international law.

## TESTIMONIES

1) Testimony of A., a 44-year-old from Syria:

This testimony was recorded in Zagreb on 24<sup>th</sup> of February 2016 between 8 and 10 pm:

*I was stopped in Dobova (Slovenia), although I was travelling with my Syrian passport. The Egyptian interpreter pulled me out of the line. He asked me when I had left Syria. I answered, “Six months ago”. “Where have you been since then?” he asked me. I said I had been in Turkey. Then he said, “Then go back to Turkey, it’s safe there.” You know, I lost a son in the war. He was killed in Syria. (A. starts crying.) I was detained in Dobova for a day and then sent back to Slavonski Brod (Croatia). I was detained there for seven days. There were only police around, we had no contact with other people. The police officers went with us even when we went to shave. I decided to seek asylum in Croatia so as to be able to leave the Slavonski Brod camp. The police told me they would put me in prison if I withdrew my asylum request. Then they took me to the reception centre in Kutina with a group of other people from the camp: women, children and men.*

II) Testimony of N., a 33-year-old from Syria

This testimony, like the previous one, was recorded on the same occasion in Zagreb on 24<sup>th</sup> of February between 8 and 10 pm:

*They stopped me in Dobova (Slovenia) although I had a Syrian passport. The same Egyptian interpreter (N. is referring to the interpreter from the testimony of A.) pulled me out of the line. When I was searched they stripped me naked and I was interrogated for 6 hours. The interpreter told me I had to go back to Turkey. I was arrested in Dobova and then sent back to Slavonski Brod (Croatia). Like A., I spent several days in detention there. I decided to seek asylum in Croatia so as to be able to leave the Slavonski Brod reception centre. The police told me I would be put in prison if I withdrew my asylum request. Then they took me to the reception centre in Kutina together with A. and other people from the camp.*

III) Testimony of E., a 22-year-old from Syria

This testimony was recorded in Zagreb on 25<sup>th</sup> of February 2016 between 4 and 5 pm;

*I left Turkey sixteen days ago. I left Syria in order to join my husband in Germany, but I was stopped in Slovenia. Although I have Syrian documents, the interpreter in Dobova (Slovenia) accused me of not being Syrian. He also wanted to know why I was going to Germany, in addition to fleeing the war. I told him that my husband had a residence permit there. Then he divided us into two groups: one continued on their journey, the other was sent back to Slavonski Brod (Croatia). I was in the second group. We arrived in the camp on 17<sup>th</sup> of February. I was held there for seven days. Then my husband arrived from Germany. They asked me if I wanted to seek asylum in Croatia and I said no. On 24<sup>th</sup> of February they gave me a paper to sign. I wasn't sure what exactly I was signing. My husband and I thought it was a document which would help me travel to Germany. That morning we tried to cross the border with this document, but we were denied entry. (The police in Slavonski Brod made E. sign a document in which they gave her 30 days to leave the European Economic Area. The reason given in the document is that she was not fleeing from a country affected by war.)*

IV) Testimony of M., a 20-year-old from Afghanistan

This testimony was recorded in Zagreb on 29<sup>th</sup> of February 2016 between 8 and 9 pm;

*On 24<sup>th</sup> of January 2016, I ended up in Ježevo (Detention centre for foreigners, Ježevo in Croatia). I was imprisoned there for a month and four days. I was often starving because the food that was being offered was not always halal. In Slavonski Brod (Croatia), an interpreter accused me of being Pakistani. He insisted on that idea, although he spoke Farsi and not Pashto. During my time in Ježevo, my ID arrived from Afghanistan by DHL. However, it didn't make any difference - today I received a document stating that I have to leave the European Economic Area within 30 days.*

V) Testimony of M., a Croatian volunteer in the Dobova refugee camp

This testimony was recorded in Zagreb on 15<sup>th</sup> of March 2016;

*During the last few weeks in the Dobova (Slovenia) refugee camp, where refugees were being transported by train from Slavonski Brod (Croatia), on several occasions I witnessed several dozen people being taken out of the group and put into a special, separate part of one of the tents. They were left there, without any explanation or legal advice, to wait for their deportation back to Croatia. The practice of deporting people, which had already existed for months, was being used more and more in those last few weeks. It was apparent that the people who were denied further travel towards Austria and Germany were chosen randomly. On 24<sup>th</sup> of February 2016 UNHCR interpreters, who had been there for months, were excluded from all the procedures prior to registration (stay in tent number one in which people were divided by the countries they came from, which also affected the order of registration, talking with refugees, even assisting the police with the checking of documents.) After that time, only interpreters who were directly answerable to the Slovenian police were included in the process of registration. I used to help the disabled and mothers with small children in the parts of the tent where the registration (fingerprinting, taking photos and issuing documents) was taking place. Now, I was no longer allowed to*

*enter those areas. (Even in a situation where I was helping a mother with a 10-month-old baby, I was allowed to hold the baby only in the part of the tent where the mother's belongings were searched, but not in the part where registration was taking place.) I have witnessed several occasions where males, mothers with small children or even families were denied further travel and deported to Croatia even though they had valid documents. Registration sometimes lasted up to six hours, during which time the refugees could not receive food. During the first few hours, the number of people who were separated off was small, however, over the last hour, the number would double. It was hard not to believe that it was just to "meet the quota" In spite of all our entreaties, volunteers and interpreters who could explain what was going on were not allowed to approach the group that had been separated off. Most often, these people would realize they had been pushed back only when they saw people from the next tent entering the bus that would take them further on their journey.*

*During my last visit to Dobova at the end of February, the area where the pushed-back refugees were being held was guarded by three police officers. Inside there were 31 refugees. The police orders were that no one except the police could approach the entrance to the tent or the people inside. Without a doubt I can say that some of those people are still in the same situation in Slavonski Brod where they were taken with no explanation, without the possibility of seeking asylum at the appropriate time or getting legal advice.*

## **CONCLUSION**

During last several months hundreds of refugees had been forcibly detained in the Winter Reception and Transit Camp in Slavonski Brod in Croatia from where some of them were deported to Serbia. On the 9<sup>th</sup> of March 2016 after the official closing of the Balkan Route, the 315 remaining detainees in the camp were issued with a document stating that they had to leave the European Economic Area within 30 days, as well that they were prohibited from leaving the camp during that time. Thereby the forcible detention and isolation of people in Slavonski Brod, which had been going on for four months, was cloaked in a semblance of legality, and the status of these people was formally criminalized.

In view of all this, as well as the fact that the fate of these people is unknown, both to them and to the general public, we consider them to be captives. Asking for asylum is imposed on them as the only way of escaping a repressive and dehumanizing environment.

Although the authorities keep reminding us that this is just a clog in the system of corridors stretching from Greece to Germany and that decisions are made far from the place where people are imprisoned, we wish to point out that the political and legal supra-system which has been set up to decide on the fate of individuals does not justify the human rights violations or breaches of Croatian and international law perpetrated by the Croatian authorities. We demand that all those responsible for such actions be identified and held accountable and that the volunteers who have been working with refugees for more than six months, as well as organizations able to provide legal aid and monitor the situation, be immediately given access to the closed parts of the camp.

In view of all this we demand that the people now imprisoned in the Slavonski Brod Winter Reception and Transit Centre be immediately given freedom of movement and that they be provided with accommodation, either in facilities which are already available, for instance in the Porin centre for asylum seekers in Zagreb, or in new open centres which should be established, where they can receive constant and adequate support and where the conditions can be created for them to make informed decisions about their future.

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Are You Serious and the Welcome Initiative



REPUBLIKA HRVATSKA  
MINISTARSTVO UNUTARNJIH POSLOVA  
POLICIJSKA UPRAVA BRODSKO-POSAVSKA  
POSTAJA GRANIČNE POLICIJE SLAVONSKI BROD

Broj/Numero: [REDACTED]  
Slavonski Brod, 24. 02. 2016.

Ministarstvo unutarnjih poslova Republike Hrvatske, Policijska uprava Brodsko-posavska, Postaja granične policije Slavonski Brod, rješavajući u postupku pokrenutom po službenoj dužnosti u predmetu napuštanja Europskog gospodarskog prostora stranca [REDACTED] državljanina Sirija, temeljem članka 113. stavka 1. Zakona o strancima (Narodne novine, broj: 130/11 i 74/13), donosi:

### RJEŠENJE

1. [REDACTED], rođen [REDACTED] 1993. godine u mjestu [REDACTED] općina Idlip, s prebivalištem u mjestu [REDACTED] Sirija, državljanka Sirije, posjeduje osobnu iskaznicu Sirije broj [REDACTED] izdana [REDACTED] godine dužna je napustiti Europski gospodarski prostor u roku od **30 (trideset)** dana računajući od dana dostave ovoga rješenja.
2. Stranac iz točke 1. Izreke ovog rješenja dužan je prilikom napuštanja Europskog gospodarskog prostora ovo rješenje predati policijskom službeniku na graničnom prijelazu.
3. Ako ne izvrši ovo rješenje stranca će se prisilno udaljiti.

### OBRAZLOŽENJE

Člankom 112. stavkom 1. Zakona o strancima propisano je da će se strancu koji nezakonito boravi i strancu kojem odlukom državnog tijela prestaje zakoniti boravak rješenjem odrediti napuštanje Europskog gospodarskog prostora.

Člankom 112. stavkom 3. Zakona o strancima propisano je da će se rješenjem iz stavka 1. ovoga članka odredit rok u kojem je stranac dužan napustiti Europski gospodarski pojas, te prisilno udaljenje ako stranac ne napusti Europski gospodarski prostor.

Člankom 112. stavkom 4. Zakona o strancima propisano je da će se prilikom određivanja roka za povratak Republike Hrvatske, osim okolnosti iz članka 100. ovoga Zakona, uzeti u obzir i osobne okolnosti, te vrijeme u kojem to stranac može učiniti, koje ne može biti duže od 90 dana.

Člankom 112. stavkom 5. Zakona o strancima propisano je da rok za povratak strancu koji nezakonito boravi i strancu na kratkotrajnom boravku osim u slučaju iz stavka 2. toč. 3. ovog članka ne može biti kraći od 7 dana niti duži od 30 dana.

Člankom 112. stavkom 9. Zakona o strancima propisano je da se stranac kojemu je izdano rješenje iz stavka 1. ovoga članka dužan prilikom napuštanja Europskog gospodarskog prostora prijaviti policijskom službeniku na graničnom prijelazu.

Člankom 114. stavkom 1. Zakona o strancima propisano je da se rješenje o povratku koje se izdaje uz rješenje o protjerivanju stranca ili uz odluku Ministarstva, policijske uprave, odnosno policijske postaje kojom strancu prestaje zakoniti boravak smatra sastavnim dijelom rješenja o protjerivanju, odnosno odluke kojom strancu prestaje zakoniti boravak. Rješenje o povratku može se pobijati samo u pravnom lijeku protiv rješenja o protjerivanju ili odluke Ministarstva, policijske uprave odnosno policijske postaje.

Dana 17. 02. 2016 godine u 05,40 sati vlakom koji prometuje na relaciji Šid – Slavonski Brod, a koji prevozi izbjeglice, u Zimski prihvatno tranzitni centar Slavonski Brod pristupila je državljanka Sirije [REDACTED], a koji ne dolazi iz zemalja koje su ugrožene ratnim zbivanjima.

S obzirom na navedeno, temeljem članka 113. stavka 1. Zakona o strancima u svezi s člankom 42. stavkom 1. Zakona o općem upravnom postupku (Narodne novine, broj: 47/09), riješeno je kao u izreci ovoga rješenja.

#### UPUTA O PRAVNOM LIJEKU:

Protiv ovoga rješenja nije dopuštena žalba, ali se može pokrenuti upravni spor. Upravni spor se pokreće tužbom Upravnom sudu u roku od 30 dana od dana dostave ovoga rješenja. Tužba se predaje Upravnom sudu neposredno u pisanom obliku, usmeno na zapisnik ili se šalje poštom, odnosno dostavlja elektronički. Tužba nema odgodni učinak.

po. NAČELNIK -a

DOSTAVITI:



REPUBLIKA HRVATSKA  
MINISTARSTVO UNUTARNJIH POSLOVA  
POLICIJSKA UPRAVA BRODSKO-POSAVSKA  
POSTAJA GRANIČNE POLICIJE SLAVONSKI BROD

Broj: [REDACTED]  
Slavonski Brod, 09. ožujak 2016. godine

Ministarstvo unutarnjih poslova Republike Hrvatske, Postaja granične policije Slavonski Brod, rješavajući u postupku pokrenutom po službenoi dužnosti u predmetu napuštanja Europskog gospodarskog prostora, [REDACTED], **državljan/ke Iraka**, temeljem članka 113. stavka 1. Zakona o strancima (Narodne novine, broj: 130/11 i 74/2013), donosi:

#### RJEŠENJE

1. [REDACTED], rođena [REDACTED] godine, drž. Iraka, bez isprave o identitetu, dužna je napustiti Europski gospodarski prostor u roku od 30 dana, računajući od dana dostave ovog rješenja.
2. Stranac iz točke 1. izreke ovoga rješenja dužan je prilikom napuštanja Republike Hrvatske ovo rješenje predati policijskom službeniku na graničnom prijelazu.
3. Strancu iz točke 1. izreke zbog razloga iz čl. 112. st. 7. Zakona o strancima, određuje obaveza zabrana napuštanja Zimskog prihvatno-tranzitnog centra Republike Hrvatske u Slavonskom Brodu, u kojem je smješten do napuštanja Republike Hrvatske.
4. Ako ne izvrši ovo rješenje stranac će se prisilno udaljiti.

#### OBRAZLOŽENJE

U provedenom postupku je utvrđeno da je navedeni stranac registriran u ZTPC Slavonski Brod, te organizirano sa ostalim migrantima upućen u R Sloveniju. Po ulasku u R. Sloveniju od strane policije R. Slovenije ista je vraćena u Hrvatsku sukladno čl. 5 (a) Zakonika o schengenskim granicama.

Stranac nema odobrenje boravka, niti potrebite dokumente za prelazak granice.

Člankom 101. stavkom 1. Zakona o strancima propisano je da stranac nezakonito boravi ako nije na kratkotrajnom boravku, nema valjano odobrenje za privremeni ili stalni boravak, niti mu je odobren azil, supsidijarna ili privremena zaštita odnosno nije tražitelj azila.

Člankom 112. stavkom 1. Zakona o strancima propisano je da će se strancu koji nezakonito boravi rješenjem o povratku odrediti napuštanje Europskog gospodarskog prostora.

Člankom 112. stavkom 3. Zakona o strancima propisano je da će se rješenjem o povratku odrediti rok za povratak u kojem je stranac dužan napustiti Europski gospodarski prostor, te prisilno udaljenje ako stranac ne napusti Europski gospodarski prostor.

Člankom 112. stavkom 5. Zakona o strancima propisano je da rok za povratak strancu koji nezakonito boravi ne može biti kraći od 7 dana niti duži od 30 dana.

Člankom 112. stavkom 8. Zakona o strancima propisano je da je stranac dužan napustiti Europski gospodarski prostor u roku koji mu je određen rješenjem o povratku.

Člankom 112. stavkom 9. Zakona o strancima propisano je da se stranac kojemu je izdano rješenje o povratku dužan prilikom napuštanja Republike Hrvatske prijaviti policijskom službeniku na graničnom prijelazu.

Člankom 112. stavkom 7. Zakona o strancima propisano je da se rješenjem o povratku strancu može odrediti zabrana napuštanja određene adrese smještaja, ako nema financijskih sredstava ili dokumente koji su mu potrebni za ulazak u drugu državu, a okolnosti ukazuju da ih neće pribaviti.

Slijedom navedenog, valjalo je temeljem članka 113. stavka 1. Zakona o strancima u svezi s člankom 42. stavka 1. Zakona o općem upravnom postupku (Narodne novine, broj: 47/09), riješiti kao u izreci ovoga rješenja.

#### **UPUTA O PRAVNOM LIJEKU:**

Protiv ovoga rješenja nije dopuštena žalba, ali se može pokrenuti upravni spor. Upravni spor se pokreće tužbom Upravnom sudu u Zagrebu u roku od 30 dana od dana dostave ovoga rješenja. Tužba se predaje Upravnom sudu neposredno u pisanom obliku, usmeno na zapisnik ili se šalje poštom, odnosno dostavlja elektronički. Tužba nema odgodni učinak.

NAČELNIK

#### **DOSTAVITI:**

1. \_\_\_\_\_, preuzela dana 09.3.2016. godine \_\_\_\_\_
2. Pismohrana,

Mjesto za izlazni štambilj: \_\_\_\_\_