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Croatia's Vulnerability to the Instrumentalization of Migration

Summary

Today's events on the global political scene indicate new security threats in the form of hybrid warfare. Some features of this warfare can already be observed in the European Union, and Croatia, as a member, could become a target. Given the long-standing migratory pressure, it is particularly important to assess Croatia's vulnerability to the instrumentalisation of migration as a type of hybrid warfare.

To determine Croatia's vulnerability to this threat, this research is based on three hypotheses that encompass the scope, content, dynamics, and direction of migrant movements, as well as an analysis of the weaknesses in the international protection system that affect the permeability of the state border and enable their movement.

The paper concludes that illegal migrants transit through the Republic of Croatia without stopping, abusing the system of international protection. However, even when they enter Croatia, they do not remain there, so they cannot pose a hybrid threat to the country.

Keywords: *migrants, the instrumentalisation of migration, asylum seekers, international law, reception centre, secondary movement.*

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1. INTRODUCTION

Migration movements towards the EU have intensified in the last ten years. Along with this migration pressure, there have been cases of states using migrants to achieve political goals. For example, in 2021, by November, 30,000 migrants tried to enter Poland from Belarus.¹ The Belarusian authorities openly instrumentalised these migrants in response to EU sanctions.²

Croatia, located on one of the most frequent migrant routes, is also at risk of becoming a victim of the instrumentalisation of migration. This concept consists of several components. There must be a third country that actively encourages illegal migration to or from its territory, leading to the external borders of the Union. Such measures indicate the intention of a third country to destabilise the Union or a member state. Its actions could threaten basic state functions, including territorial integrity, the preservation of public order, or national security.³

The instrumentalisation of migration is most often directed towards powerful, liberal, democratic states, which usually yield to such pressure.⁴ The growth of humanitarian norms and the rise of non-governmental organisations after the Second World War have encouraged weak actors to use coercion against liberal democracies.⁵ In the rhetoric of international relations, human rights now occupy a prominent place, and most governments, signatories to international agreements, cannot easily ignore them.⁶

Legal obligations to protect human rights and uphold pluralistic politics provide the weaker side with substantial negotiating leverage, exploiting what liberal countries consider their virtues. This dynamic can weaken a state's ability to control its borders.⁷ For instance, a country may be unable to prevent someone from entering if that person declares his intention to apply for international protection. This issue is also reflected in the secondary movement of asylum seekers, who may move on to other countries, as the detention of asylum seekers is generally forbidden.

The secondary movement of migrants includes refugees and asylum seekers who have left the country where they sought protection or temporary shelter for various reasons and moved to another country.⁸

¹ Human Rights Watch, (2021). *Die Here or Go to Poland, Belarus' and Poland's Shared Responsibility for Border Abuses*, <https://www.hrw.org/report/2021/11/24/die-here-or-go-poland/belarus-and-polands-shared-responsibility-border-abuses>, accessed 02. October 2024.

² Mitchell, K. (2022). *Migration-Based Hybrid Warfare on Europe's Externalized Borders: Case Studies on Morocco and Belarus in 2021*. Connecticut, Yale University.

³ Proposal for Regulation of the European Parliament and of the Council addressing situations of instrumentalisation in the field of migration and asylum COM/2021/890 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2021%3A890%3AFIN>, accessed 02. October 2024.

⁴ Greenhill, K. M. (2010). *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy*. Ithaca and London: Cornell University Press.

⁵ Keck, M. E., Sikkink, K. (1998). *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, N.Y.: Cornell University Press.

⁶ Henkin, L. (1979). *How Nations Behave*. New York: Council on Foreign Relations.

⁷ Freeman, G. P. ed., Mirlovic, N. ed. (2016). *Handbook on Migration and Social Policy*. Cheltenham and Northampton: Edward Elgar Publishing.

⁸ UNHCR Executive Committee (ExCom): Conclusion No 58 (1989), <https://www.unhcr.org/publications/problem-refugees-and-asylum-seekers-who-move-irregular-manner-country-which-they-had>, accessed 13. April 2024.

This movement is associated with differences among member states regarding access to asylum procedures, obtaining protection and residence legalisation, reception conditions, guaranteed rights, and opportunities for social and economic integration. Historical and colonial ties between the country of origin and the destination country and familiarity with the host country's language should also be considered. A crucial factor is the existence of social networks or support from compatriots who arrived earlier and have partially or fully integrated, thereby assisting newcomers upon arrival.

Ultimately, asylum seekers are often perceived as economic migrants attracted by the free labour market, economic opportunities, and better living conditions. Mostly, unemployment, poverty, and demographic growth are reasons they leave their countries.⁹

Unlike Poland, Croatia has no neighbouring country that could use migrants as political pressure against Croatia or the European Union. Therefore, the goal of this paper is not to determine whether Croatia is a victim of the instrumentalisation of migration but to explore whether conditions exist for it to become one. Accordingly, this research aims to determine the scope, content, dynamics, and direction of the movement of asylum seekers into and, secondary, out of the Republic of Croatia. The purpose of the study is to investigate whether legal provisions relating to asylum seekers can be misused in Croatia by instrumentalising migration for hybrid warfare.

In this study, we will explore three hypotheses:

1. Illegal migrants pass through the Republic of Croatia without stopping, abusing the international protection system.
2. They are predominantly adult, single males.¹⁰
3. They primarily leave Croatia to seek asylum again in Western European countries

2. RESEARCH METHODOLOGY

The study is based on the analysis of legal sources that regulate asylum, data collected by the Sector for Foreigners and International Protection, Directorate for Immigration, Citizenship, and Administrative Affairs of the Ministry of the Interior of the Republic of Croatia, and data from the annual EU-LISA report for Eurodac¹¹.

The first hypothesis is tested by analysing the international and national regulations governing asylum and data on asylum seekers. This data includes the number of asylum seekers and the percentage who appeared in the reception center. Additionally, the duration of their stay in the reception center, the number of those who applied for international protection, and how many received it will be analysed. This analysis will provide an overview of the basis on which these individuals entered Croatia, how many entered, how long they stayed, and how many eventually received international protection.

The second hypothesis will be tested by analysing data on the demographic of individuals who intend to apply for international protection.

⁹ Schuster, L. (2004). *The Use and Abuse of Political Asylum in Britain and Germany*. United Kingdom: Taylor & Francis.

¹⁰ Adult, single males present a higher risk in cases of instrumentalization of migrations.

¹¹ EU Lisa - Eurodac Annual Reports (2013 – 2022), <https://www.eulisa.europa.eu/our-publications/reports>, accessed 10. April

The third hypothesis will be tested by examining the secondary movement of migrants using Eurodac data.

Data from the Sector for Foreigners and International Protection were analysed over ten years from 2014 to 2023. However, EU-LISA data were unavailable for 2023 at the time of writing, so the analysis covers 2013 to 2022. The section that conducts a comparative analysis of data from the Sector for Foreigners and International Protection and EU-LISA data uses the same ten-year period from 2013 to 2022.

The data from the Sector for Foreigners and International Protection include the number of individuals who have expressed the intention to apply for international protection, the percentage ratio between males and females, the percentage of individuals aged 13 and under, those aged 14 to 17, and adults. It also includes the percentage of individuals who did not show up at the asylum seekers' center, the median number of days spent there, the rate of individuals who applied for international protection, and the percentage of those whose applications were approved.

Numerical values were used to present the scope of the issue, percentage values to show the relationship between analysed variables, and median values in one case to avoid skewing the typical value with extreme outliers. In some instances, percentage values can exceed 100%, which may occur due to pending cases from the previous year that are still valid in the current year.

The relationship between the number of adults and the number of men was calculated using the Chi-square (X^2) test. The percentage of single men was calculated by subtracting the number of males and females aged 17 and under, yielding the number of adult males and adult females. Then, the number of adult females was subtracted from the number of adult males to exclude families.¹² The final figure represents the number of single adult men.

EU-LISA data are used to analyse the number of individuals intending to apply for international protection in several EU Member States. This data is obtained from the Eurodac database, the European fingerprint database for asylum seekers. The Dublin Regulation, which establishes criteria and mechanisms for determining the member state responsible for examining applications for international protection,¹³ is based on this database. Eurodac enables fingerprint comparison and assists in determining which country is responsible for an asylum seeker.

This database contains three categories of individuals: asylum seekers (Category 1), individuals who have crossed the state border illegally (Category 2), and individuals found to be residing illegally (Category 3). Data within Category 1 are compared, and data from Category 1 are compared with data from Categories 2 and 3. Comparing data within Category 1 reveals how many asylum seekers have expressed a secondary intention to seek international protection after being registered. Comparing data from Category 2 with Category 1 shows how many migrants were also registered as asylum seekers after being registered for illegal border crossing. Comparing data from Category 3 with Category 1 indicates individuals who, after expressing their intention in one member state, moved to another without expressing an intention for international protection but residing there illegally.

¹² There is a possibility of a minor deviation because not all women arrived accompanied by their husbands.

¹³ DR, Article 1

When comparisons are made within the same country (i.e., the same individual expressing an intention multiple times in the same member state), these are referred to as „local hits“. When comparisons are made with another member state, they are called „foreign hits.“ Local hits typically occur after someone has sought international protection; if their application is denied or their case is halted, they file a new application to remain in the member state longer.

Since local hits do not indicate secondary mobility of immigrants within the EU, they will not be examined in this paper. Only foreign hits will be analysed, which refer to individuals who, after expressing their intention in one member state, have again expressed an intention for international protection in another member state.

Comparing data from Categories 1 and 2 revealed an insignificant number of individuals (19) from Category 1 who illegally crossed the border into another member state before expressing their intentions; this data was not examined.

In the context of asylum shopping, Category 3 is not particularly relevant, as migrants in this category do not utilise the benefits of legal residence in another EU member state. Additionally, entering individuals into Category 3 is not mandatory¹⁴, making this data incomplete.

Data from the Eurodac database was used selectively to analyse indications for further immigration of foreigners from Croatia rather than immigration to Croatia. For this reason, data for Cyprus, Greece, Bulgaria, and Romania were not analysed, as these countries were on the migration route before Croatia. After collecting the data, a descriptive statistical analysis was performed to explain the results.

3. RESULTS AND DISCUSSION

First, we need to define the rights migrants have when they decide to leave their country. International regulations define some of them, while national law governs others.

International regulations primarily establish everyone's right to leave their country. The Universal Declaration of Human Rights¹⁵ and the International Covenant on Civil and Political Rights¹⁶ guarantee this right. The Geneva Convention on Refugees ensures that no one will be punished for illegal entry or stay¹⁷, nor returned to a territory where they would fear for their life or freedom upon arrival in another country or at their destination. These individuals also have the right to freedom of movement¹⁸ and rights to food and housing.¹⁹ Non-refoulement is a core principle of international refugee and human rights law prohibiting states from returning individuals to a country where their life or freedom would be threatened due to race, religion, nationality, membership in a particular social group, or political opinion.²⁰

¹⁴ ER, Article 17(1)

¹⁵ UDHR, Article 13(2)

¹⁶ ICCPR, Article 12(2)

¹⁷ CRSR, Article 31(1)

¹⁸ CRSR, Article 31(2)

¹⁹ UDHR, Article 25

²⁰ CRSR, Article 33

The European Convention on Human Rights, in Protocol 4, prohibits collective expulsions²¹. „Expulsion“ refers to the forcible removal of a foreign national from a state's territory, irrespective of the duration and validity of their visit, the location of their detention, or their conduct or status. An expulsion is considered „collective“ if there is no objective, fair assessment of each member of the group's unique situation. The European Social Charter protects foreign workers and their families from deportation²².

The EU Charter of Fundamental Rights defines everyone's right to asylum²³. Collective expulsions, removal, deportation, or extradition to countries where there is a serious risk of the death penalty, torture, or other inhuman or degrading treatment or punishment are prohibited²⁴. Additionally, the Treaty on the Functioning of the European Union guarantees the right to asylum and non-refoulement, the establishment of an EU temporary protection system in the event of a massive influx of migrants, and cooperation with third parties to better manage migration flows²⁵.

In implementing these conventions, the role of the UN High Commissioner for Refugees (UNHCR) and the European Court of Human Rights (ECtHR) is essential. The ECtHR has repeatedly highlighted irregularities in states' actions concerning refugees, and its strong reputation is likely to influence their future actions in the context of refugee law.²⁶

Asylum movements in the EU will continue due to increasing political instability in the southern and eastern neighbouring areas of the EU and the world. Therefore, a more efficient and binding common EU response based on solidarity and human rights is needed to address these challenges.²⁷ On 10 April 2024, the European Parliament voted in favour of new migration rules, followed by their formal adoption by the Council of the EU on 14 May 2024. This allowed the EU to tackle complex issues with determination and ingenuity. They have termed it the Pact on Migration and Asylum. It amends previous reform proposals considering migration and offers a comprehensive approach to strengthening and integrating key EU policies on migration, asylum, border management, and integration. The Pact is based on fast and efficient procedures, an effective system of solidarity and responsibility, and embedding migration in international partnerships.²⁸

However, the solutions provided in the aforementioned Pact, which focus on a combination of legal harmonisation, economic and technical support to national governments, and top-down enforcement of solidarity, have proven fragile and may easily be disrupted by future crises.²⁹

²¹ ECHR, Protocol 4, Article 4

²² ESC, Article 19(8)

²³ EUCFR, Article 10

²⁴ EUCFR, Article 19

²⁵ TFEU, Article 78

²⁶ Damjanović, I. & Tomičević, L. (2004). Pravni položaj izbjeglica. *Pravnik*, 38 (79), 55-84

²⁷ Semsit, S. (2020). Another Crisis Area in the European Union: EU Asylum Policy. In: Yazgan, H. and Semsit, S. (editors). *Revisiting European Security: Challenges and Regions in Transition*. Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 4-22.

²⁸ European Commission (2024). Explanatory memo on the Pact on Migration and Asylum. Brussels, https://ec.europa.eu/commission/presscorner/detail/en/qanda_24_1865, accessed on 5.8.2024.

²⁹ Caponio, T., Ponzo, I. (2022). *Coping with Migrants and Refugees: Multilevel Governance Across the EU*. UK: Routledge.

As a member of the Schengen area, Croatia controls its borders following the Schengen Borders Code, which outlines the responsibility of member states to prevent unauthorised border crossings, combat cross-border crime, and take action against individuals who have crossed the border illegally.³⁰ However, it also stipulates that the country may refrain from returning applicants for international protection to the third country they are entering if they accept their application for examination by the competent authorities.³¹

In Croatia, the Law on International and Temporary Protection governs the process for acquiring international protection. The procedure begins with the expression of an intention to seek international protection, typically received by the police at the border crossing or within the territory. They are obliged to register the applicant within three days.³² As part of the registration process, fingerprints from all individuals aged 14 or older are entered into the Eurodac database³³. After registration, individuals who have expressed their intention should arrive at an asylum reception centre within 24 hours. The police organise transportation for vulnerable groups.

Once registered at the reception centre, they have 15 days to apply for formal international protection³⁴. The decision must be issued within a maximum of six months. However, this may be extended in exceptional cases, provided that the total duration of the proceedings does not exceed 21 months³⁵. The procedure for obtaining international protection cannot typically be expedited based on the concept of safe countries of origin³⁶ or safe third countries³⁷. A country deemed safe in general may not be safe for a particular individual, so any procedure concerning a foreigner must be individualised. During the process, the applicant enjoys freedom of movement within the Republic of Croatia, which can only be restricted in exceptional circumstances³⁸.

The previous text illustrates **how** it is possible to legalise the movement of illegal migrants, while the upcoming text will explore **the scope, content, dynamics, and direction** of the asylum issue in Croatia.

In the analysed period (2014-2023), 93,758 foreign nationals declared their intention to seek international protection in Croatia. Until two years ago, the number of such individuals remained steady;

³⁰ SBC, Article 13 (1)

³¹ SBC, Article 4

³² AITP, Article 33(10)

³³ ER, Article 9(1)

³⁴ AITP, Article 34(2)

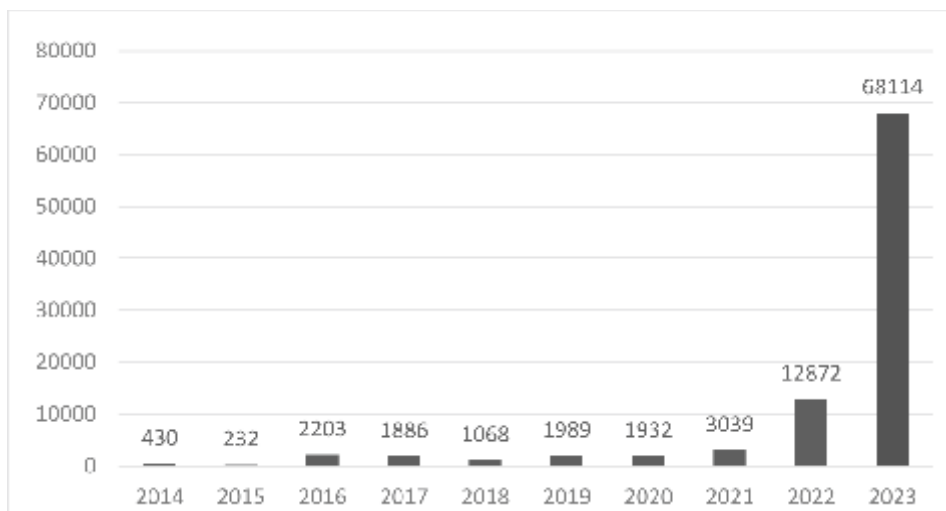
³⁵ AITP, Article 40

³⁶ A safe country of origin is one for which, based on its legal status, the application of laws within a democratic system, and general political circumstances, it can be proven that there is generally no persecution, torture, or inhuman or degrading treatment or punishment, nor is there a risk of widespread violence in situations of international or internal armed conflict. (Article 36. of the Asylum Procedures Directive, 2013 OJL 180/61)

³⁷ A third country is considered safe if: life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; there is no risk of serious harm or injury; the principle of non-refoulement in accordance with the Geneva Convention is respected; the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; it is possible to apply for refugee status and, if it is determined that the person is a refugee, to obtain protection in accordance with the Geneva Convention. (Article 38. of the Asylum Procedures Directive, 2013 OJL 180/61)

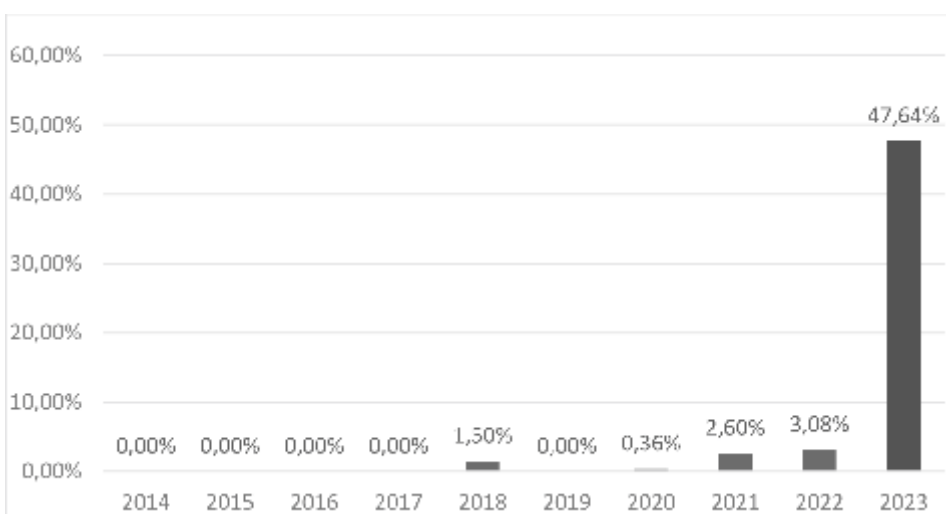
³⁸ AITP, Article 54

however, in 2022, it surpassed 10,000, and in 2023, it increased to nearly 70,000 expressed intentions (see Graph 1).



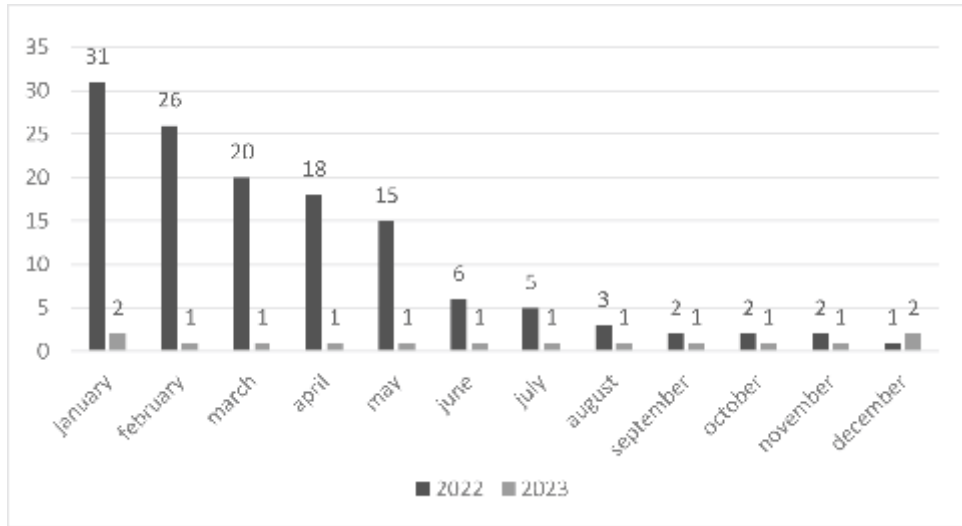
Graph 1: Expressed intentions to seek international protection

As migrants are free to move onward after expressing their intention, their decision to appear at the asylum reception centre is at their discretion. Until 2020, most individuals generally went to reception centres; however, in 2021, the number of those choosing not to do so began to rise. By 2023, this number escalated, with almost half of the asylum seekers not appearing at the reception center (see Graph 2). Attendance at the reception centre is a prerequisite for applying for asylum, which means that those who did not show up misled police by falsely stating their intention to seek asylum in Croatia solely to gain entry.



Graph 2: Percentage of people who did not show up at the reception center

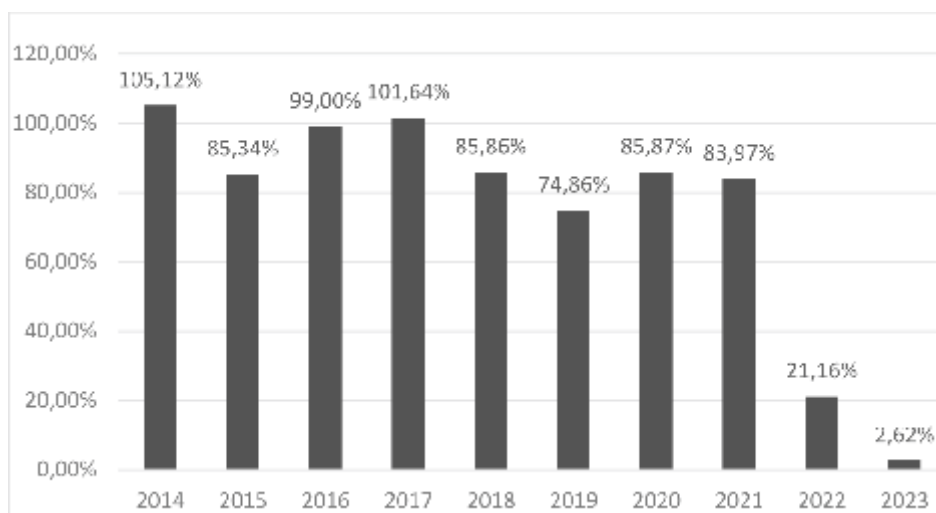
An analysis of the last two years of the reporting period shows a clear trend toward a decrease in the number of asylum seekers who stayed longer after arriving at the reception center. Specifically, in 2022, the average length of stay dropped from 31 to just 1 day, and this trend continued throughout 2023 (see Graph 3). Given that the time frame for submitting an asylum application is 15 days and that migrants during the last year and a half of the analysed period stayed on average of only 1 to 2 days in the reception centre, often too short a time to implement the procedure, it is evident that they did not fulfil their intention to apply, similar to those who did not show up at the centre at all.³⁹



Graph 3: The duration of stay (in days) of applicants for international protection in reception centres

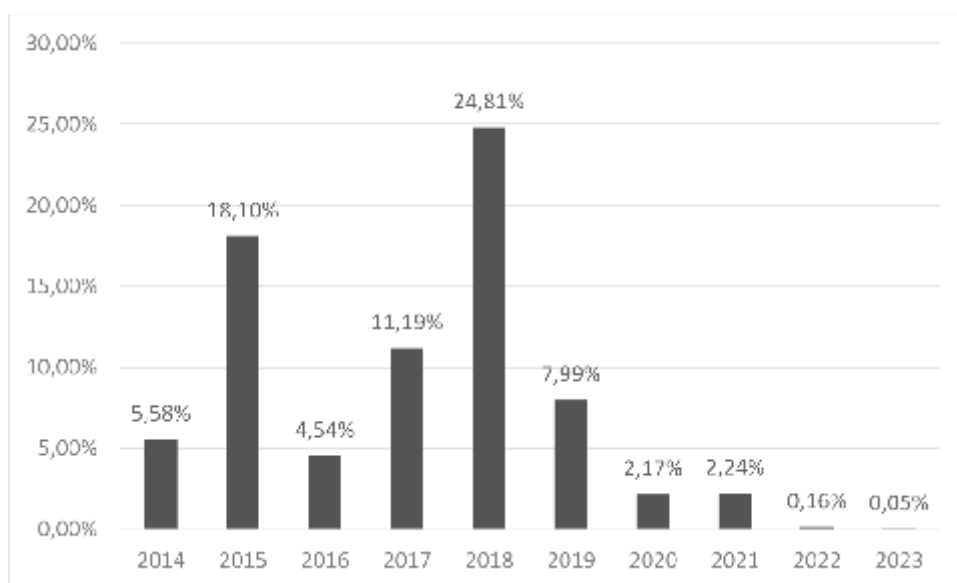
Those who have declared their intention can seek international protection once they reach the reception center. Nearly all individuals applied for protection at the beginning of the analysed period. Their percentage was around 80% in 2021, 20% in 2022, and just 2.62% in 2023 (see Graph 4). These data indicate that in the final year studied, when most migrants arrived, only a small percentage stayed longer in the reception center and applied for international protection.

³⁹ The assumption is that they appear briefly at the reception center only to make contact with the smuggler who will transport them to their intended destination.



Graph 4: Percentage of persons who have applied for international protection

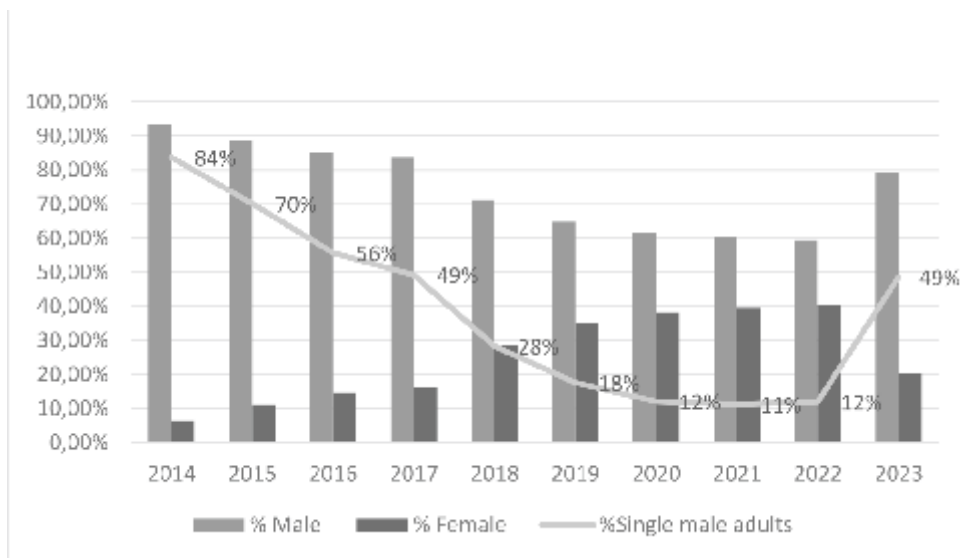
When examining the data on individuals whose proceedings ended positively, it is clear that this figure has fallen to 2% since 2020. In the last two years of the period under review, it dropped to a fraction. Even considering that the decision must be made within six months at the latest, meaning that not all cases from last year were closed during the analysed period, the number of people granted asylum status was significantly lower than those who expressed an intention to apply for asylum.



Graph 5: Percentage of persons granted international protection

Upon examination of the previously analysed data, it is evident that migrants who arrive at the Croatian border and seek asylum generally do not wait for their request to be granted. Most leave the country within just a few days. They have undoubtedly (ab)used their right to seek asylum to circumvent border procedures, which aligns with the first hypothesis that illegal migrants move through the Republic of Croatia without stopping, taking advantage of the international protection system.

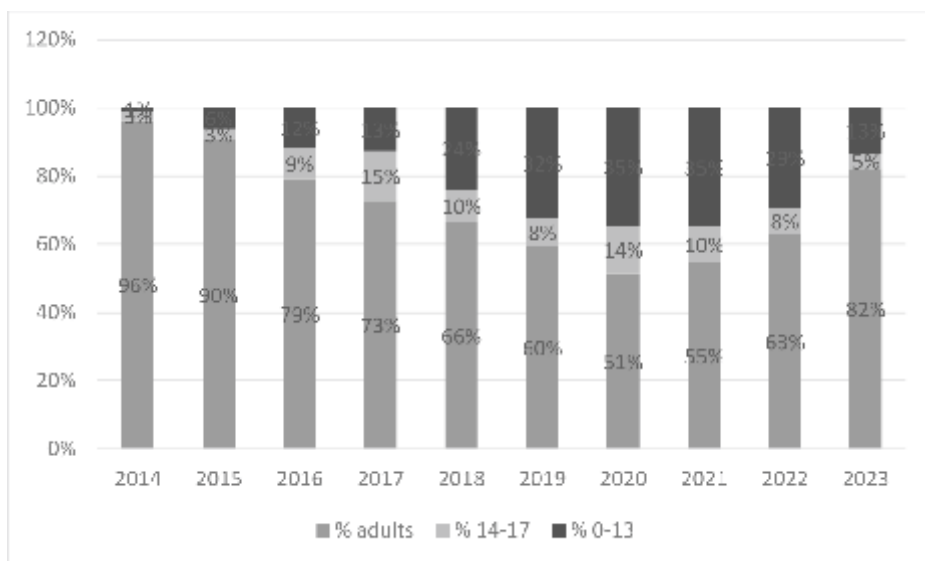
When discussing the data regarding gender and age (second hypothesis), we can observe that the ratio of male to female individuals is not constant. Initially, mostly men arrived (see Graph 6). This trend changed in the middle of the studied period when the proportion of men dropped to 60%. However, in the last year analysed, when most migrants expressed their intention to seek asylum, the number of men increased significantly again, accounting for 80% of the total.



Graph 6: Percentage of males vs females with the indicator of single male adults

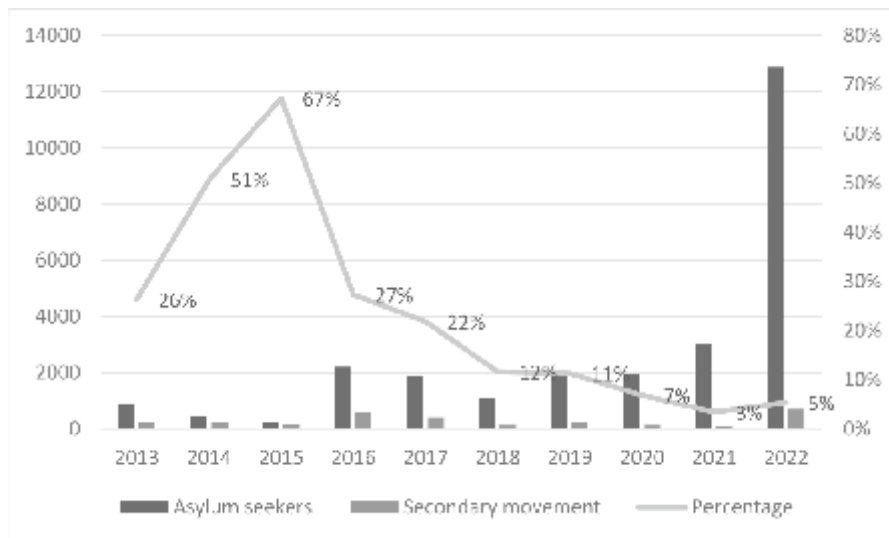
Examining the structure of asylum seekers by age, the number of minor migrants increased until 2020, reaching almost 50%. However, the trend reversed by 2023, and the number of minors dropped below 20% (see Graph 7). Since the number of adults (see Graph 7) aligns with the number of men from Graph 6⁴⁰, we can conclude that the men who arrived were predominantly adults. However, not all of them were single men. At the beginning of the analysed period, single men comprised the majority of asylum seekers. By the last analysed year, they accounted for almost half of all asylum seekers, reflecting a rising trend, as illustrated in Graph 6. It is important to note that most asylum seekers entered Croatia in the final analysed year.

⁴⁰ $\chi^2(9, N=20) = 0,989964719, p < .01$



Graph 7: Percentage of adults vs. minors

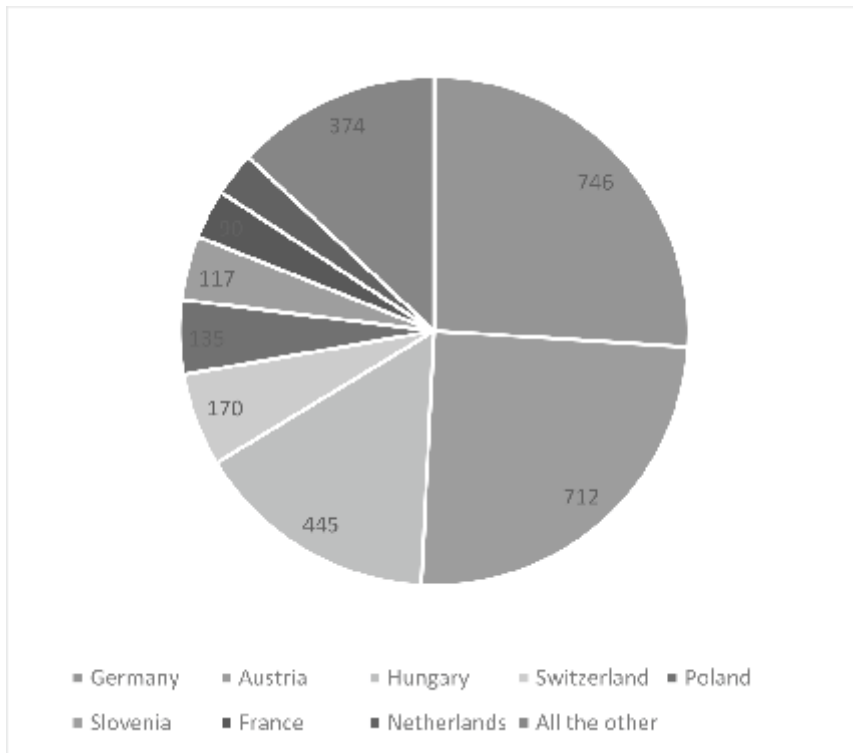
Considering the third hypothesis that asylum seekers predominantly leave Croatia to seek asylum again in Western European countries, it was found that the percentage of individuals seeking international protection after having done so in Croatia has significantly decreased (see Graph 8). The highest number was in 2015, when 67% of 232 asylum seekers, 156 individuals, sought asylum again in another member state. In the last three years, despite an increase in the overall number of people seeking asylum, this percentage fell below 10%. Overall, during the analysed period, 26,525 individuals expressed an intention to seek asylum in the Republic of Croatia, and only 2,894, or 11%, were registered again in other countries after leaving Croatia.



Graph 8: Number of asylum seekers vs. number of persons who applied for asylum again in another MS

The most common destinations for those who left the Republic of Croatia after requesting asylum were Germany, Austria, Hungary, Switzerland, Poland, Slovenia, France, and the Netherlands (see Graph 9).

It is important to note that individuals under the age of 14 are not recorded in the Eurodac database. Therefore, when interpreting the data from Graph 8, it should be considered that the number of individuals involved in the secondary movement is likely higher (see Graph 7 for the percentage of minors aged 13 and below).



Graph 9: MS of a new application for asylum

Asylum seekers who have re-expressed their intention in other countries are very few. The number would not be significantly more significant even if the minors were included. In light of this, it can be concluded that while some asylum seekers from Croatia ultimately seek asylum in other countries, predominantly within Western Europe, most fail to register.

4. CONCLUSION

Many international treaties regulate the obligation of states to implement asylum procedures for individuals seeking international protection. Utilising this right, 93,758 migrants entered the Republic of Croatia over the past decade, with the highest number arriving in the last two years.

Migrants who arrive at the Croatian border and seek asylum generally do not wait for their requests to be granted; most leave the country within just a few days. They have undoubtedly (ab)used their right to seek asylum to circumvent border procedures. The first hypothesis, which posits that illegal migrants move through the Republic of Croatia without stopping and abuse the international protection system, is confirmed.

When considering the type of threat posed by potential migrants instrumentalised in achieving political goals, we recognise both direct and indirect threats. The direct one comes from the migrants themselves, while the indirect threat arises from citizens' perceptions of the migrant situation. In both cases, the structure of the migrant population is important. People tend to perceive the risk more seriously in the case of an adult single man. However, except for specific years in Croatia, we cannot confirm the second hypothesis that single adult men dominate the migrant population.

As a rule, migrants who come to Croatia do not stay. However, this research found that only a small number of them were registered in Eurodac in other EU countries (which does not mean they did not arrive there, but only that they did not seek asylum). Given this finding, we cannot confirm the third hypothesis that asylum seekers leave Croatia to seek asylum again in other EU countries.

We can conclude that Croatia, as a liberal democracy, adheres to international norms that regulate asylum issues (otherwise, it would not have received so many asylum applications in the last ten years). As such, its border is vulnerable to potential hybrid attacks in the form of the instrumentalisation of migration; however, Croatia itself is not threatened, as these migrants do not remain long on its territory, nor are they all perceived as a threat due to their demographic structure.

LIST OF ABBREVIATIONS

AITP – Act on International and Temporary Protection
CRSR – Convention Relating to the Status of Refugees
DR – Dublin Regulation
ECHR – European Convention on Human Rights
ECtHR – European Court of Human Rights
ER – Eurodac Regulation
ESC – European Social Charter
EU – European Union
EUCFR – EU Charter of Fundamental Rights
ICCPR – International Covenant on Civil and Political Rights
MS – Member states
RH – Republic of Croatia (Republika Hrvatska)
SBC – Schengen Borders Code
TFEU – Treaty on the Functioning of the EU
UDHR – Universal Declaration of Human Rights

LITERATURE

1. *Act on International and Temporary Protection*, Official Gazette, No. 70/15, 127/17, 33/23
2. Caponio, T. ed., Ponzio, I. ed. (2022). *Coping with Migrants and Refugees: Multilevel Governance Across the EU*. UK: Routledge.
3. *Convention and Protocol Relating to the Status of Refugees* (1951/1967), United Nations, Treaty Series, vol. 189 (1954), No. 2545, and General Assembly Resolution 2198 (XXI), Official Gazette – International Agreements, No 12/1993.
4. Damjanović, I. & Tomičević, L. (2004). *Pravni položaj izbjeglica*. *Pravnik*, 38 (79), 55-84.
5. *Dublin Regulation - Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)* (2013) OJ L 180/31
6. *EU Charter of Fundamental Rights* (2016), OJ C 202/2
7. EU Lisa - *Eurodac Annual Reports* (2013 – 2022), <https://www.eulisa.europa.eu/our-publications/reports>, accessed on 14. March 2024.
8. *Eurodac Regulation - Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice* (2013) OJ L 180
9. European Commission (2024). *Explanatory memo on the Pact on Migration and Asylum*. Brussels, https://ec.europa.eu/commission/presscorner/detail/en/qanda_24_1865, accessed on 5. August 2024.

10. *European Convention on Human Rights* (1950), Official Gazette – International Agreements, No. 6/1999.
11. *European Convention on Human Rights*, Case N. D. and N. T. v. Spain (Grand Chamber), No. 8675/15 and 8697/15, 13. February 2020., d. 185
12. *European Social Charter – Revised* (1996), Official Gazette – International Agreements, No. 15/2002.
13. Freeman, G. P. ed., Mirlovic, N. ed. (2016). *Handbook on Migration and Social Policy*. Cheltenham and Northampton: Edward Elgar Publishing.
14. Greenhill, K. M. (2010). *Weapons of Mass Migration: Forced Displacement, Coercion, and Foreign Policy*. Ithaca and London: Cornell University Press.
15. Henkin, L. (1979). *How Nations Behave*. New York: Council on Foreign Relations.
16. Human Rights Watch, (2021). *Die Here or Go to Poland, Belarus' and Poland's Shared Responsibility for Border Abuses*, <https://www.hrw.org/report/2021/11/24/die-here-or-go-poland/belarus-and-polands-shared-responsibility-border-abuses>, accessed 02. October 2024.
17. *International Covenant on Civil and Political Rights* (1966), General Assembly Resolution 2200A (XXI), Official Gazette – International Agreements, No 12/1993.
18. Keck, M. E., Sikkink, K. (1998). *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, N.Y.: Cornell University Press.
19. Mitchell, K. (2022). *Migration-Based Hybrid Warfare on Europe's Externalized Borders: Case Studies on Morocco and Belarus in 2021*. Connecticut, Yale University.
20. *Proposal for Regulation of the European Parliament and of the Council addressing situations of instrumentalisation in the field of migration and asylum* COM/2021/890 final
21. *Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147 Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union* (2016) OJ C 202/1
22. *Schengen Borders Code - Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders* (2016) OJ L 77/1
23. Schuster, L. (2004). *The Use and Abuse of Political Asylum in Britain and Germany*. United Kingdom: Taylor & Francis.
24. Semsit, S. (2020). *Another Crisis Area in the European Union: EU Asylum Policy*. In: Yazgan, H. and Semsit, S. (editors). *Revisiting European Security: Challenges and Regions in Transition*. Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 4-22.
25. UNHCR *Executive Committee* (ExCom): Conclusion No 58/XL (1989)
26. *Universal Declaration of Human Rights* (1948), Official Gazette – International Agreements, No. 12/2009.

Sažetak _____

Alenko Vrđuka*

Ranjivost Hrvatske na instrumentalizaciju migracija

Današnja zbivanja na svjetskoj političkoj sceni upućuju na nove sigurnosne prijetnje u vidu hibridnog ratovanja. Neka obilježja takvog ratovanja već se mogu vidjeti u Europskoj uniji, a Hrvatska kao članica može postati metom. S obzirom na višegodišnju izloženost migracijskom pritisku, posebno je važno utvrditi ranjivost Hrvatske na instrumentalizaciju migracija kao vrstu hibridnog ratovanja.

Da bi se utvrdila ranjivost Hrvatske na takvu prijetnju, u istraživanju se postavljaju tri hipoteze koje obuhvaćaju: opseg, sadržaj te dinamiku i smjer kretanja migranata, ali obuhvaćaju se i slabosti sustava međunarodne zaštite koje utječu na propusnost državne granice te omogućavaju kretanje migranata.

Zaključak je da se ilegalni migranti kreću Republikom Hrvatskom bez stajanja, zloupotrebljavajući sustav međunarodne zaštite. Međutim, iako ulaze u Hrvatsku, ne zadržavaju se tu pa ne mogu ni predstavljati hibridnu prijetnju za državu.

Ključne riječi: migranti, instrumentalizacija migracija, tražitelji azila, međunarodno pravo, prihvatni centar, sekundarno kretanje.

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