

FOREIGNERS LAW

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I GENERAL PROVISIONS

Subject of the Law

Article 1

This Law shall regulate the conditions of entry into, movement and stay of foreign citizens in Montenegro.

Scope of the Law

Article 2

This Law shall not apply to foreign citizens who enjoy privileges and immunities according to international law, unless otherwise stipulated by this Law;

For persons without citizenship, the provisions of confirmed and published international treaties and generally accepted rules of international law shall be applied, when this is more favorable for them.

The Restriction or Prohibition of Movement

Article 3

Foreign persons shall be subject to a restriction or prohibition of movement in a particular area in Montenegro if so required for the reasons of national security and public order.

Obeying the Law

Article 4

During his/her movement and stay in Montenegro, a foreign person shall be obliged to observe the applicable regulations and decisions of the competent state bodies.

Application of Regulations Governing General Administrative Procedure

Article 5

The regulations governing general administrative procedure shall apply in the process of making a decision on the rights and obligations of foreign persons, unless otherwise provided by this Law.

Definition of Terms

Article 6

The terms used in this Law shall have the following meanings:

- 1) **Foreign citizen** means any citizen of another state or a stateless person;
- 2) **Entry into Montenegro** means crossing of the State border, meaning a border crossing point where border control is performed. Stopping of foreign persons at an airport or port transit area shall not be considered as an entry into Montenegro in the sense of this Law;
- 3) **Transit** means passing through the territory of Montenegro;
- 4) **Foreign travel document** means a valid personal, family or group passport, diplomatic passport, service passport, seaman's booklet, shipping book or other travel document recognized by international treaties pursuant to which the identity of its holder can be established, which has not expired and which has been issued according to the regulations on issuing travel documents of a foreign state;
- 5) **Valid travel document** means a document issued by the competent authority, clearly confirming the term of validity of the document and the identity of its holder.
- 6) **Carrier** is a company or entrepreneur who is registered to conduct business of passenger transportation on land, sea, lakes, rivers and air;
- 7) **ID card for foreigners** is the identity document that may be issued to a permanently residing foreigner or a foreigner on a temporary stay, without a valid travel document.

II ENTRY AND EXIT OF FOREIGNERS

Control at Border Crossing Point

Article 7

Foreign persons shall submit themselves to border control when entering or leaving Montenegro.

Border control of foreign persons shall be carried out according to the law governing the surveillance of the state border and including verification of the conditions laid down in Articles 8, 9 and 10 of this Law.

Denial of Entry

Article 8

A foreign person shall not be permitted to enter Montenegro, if :

- 1) He/she fails to satisfy the requirements from Article 10 of this Law;
- 2) He/she has insufficient financial resources to support himself or herself during his/her stay in Montenegro and to return to his/her country of origin or to travel to a third country;

- 3) He/she is in transit and fails to satisfy the requirements for entry into a third country;
- 4) A pronounced protective measure of expulsion or deportation is in force;
- 5) This is required by reasons of national security and public order;
- 6) He/she is on the corresponding records as an international offender;

The prohibition of entry shall be entered into the valid travel document of a foreigner.

Denial of Exit

Article 9

A foreigner shall not be allowed out of Montenegro, if:

- 1) he/she uses another person's, i.e. invalid, false passport or other document,
- 2) there is reasonable suspicion that he/she intends to avoid criminal or misdemeanor prosecution, prison sentence, the execution of court orders, or deprivation of liberty;
- 3) this is required by reasons of national security and public order.

Upon termination of the reasons referred to in paragraph 1 of this Article the foreigner is allowed to exit from Montenegro.

Entry, Movement and Stay

Article 10

A foreigner may enter, move to and reside in the territory of Montenegro with a valid travel document into which a visa or residence permit is entered, unless otherwise provided under this Law or an international treaty.

A foreigner whom Montenegro is obliged to accept on the basis of international treaties, for humanitarian reasons, reasons of public order or public health, shall be granted an entry without a valid travel document.

Nationals of certain countries may also enter Montenegro with a valid identity card or other document under which their identity and nationality can be determined, in accordance with international agreements or regulations on visa regime under Article 14(2) of this Law.

The Entry of Foreigners with Multiple Citizenships

Article 11

A foreigner who has multiple citizenships is considered to be the citizen of the State which issued the passport with which he/she entered Montenegro.

The foreigner referred to in paragraph 1 of this Article shall be obliged to use the passport with which he/she entered Montenegro during his/her stay in Montenegro.

Entry and Exit Based on a Joint Passport

Article 12

A foreign person whose name is entered into the travel document of another person shall enter or exit Montenegro only accompanied by the person into whose travel document his/her name is entered.

Foreign persons who have a joint travel document shall enter or exit Montenegro only together.

A person entered into a joint travel document shall have an individual document containing a photograph on the basis of which his/her identity may be established.

The group leader shall have a personal passport.

Movement of Foreign Persons in Uniform

Article 13

A foreign person may move about in a foreign military, police or customs official uniform under the conditions set forth by this Law.

III VISAS

Visas and Visa Regime

Article 14

A visa is a permission enabling foreign citizens to enter, stay in and transit through the territory of Montenegro.

Visa regime shall be regulated by the Government of Montenegro (hereinafter referred to as "The Government"), following the proposal of the authority of public administration in charge of foreign affairs.

Entry with no Visa

Article 15

Nationals of certain countries may enter Montenegro without a visa, in accordance with international agreements or according to the Government's regulation under Article 14(2) of this Law.

Visa Types

Article 16

Visas, in the sense of this Law, shall include: airport transit visa (A Visa), transit visa (B Visa), visa for short-term stay (C Visa) and visa for long-term stay (D Visa).

Airport Transit Visa (A Visa)

Article 17

An airport transit visa (A Visa) may be issued to a foreign person for one

or more crossings through an international transit space of an airport, during the interruption of a travel or transfer between two flight legs of an international flight, without actual entering into the territory of Montenegro.

A foreign person who does not leave an airplane or international transit space of an airport during a stopover shall not require a visa.

In the case referred to in paragraph 2 of this Article, the Government may order that the nationals of certain countries require airport transit visas, if required by reason of national security and public order.

Airport transit visa is issued with a validity period of up to three months.

Transit Visa (B Visa)

Article 18

A transit visa (B Visa) shall be issued to a foreign person for one, two or more travels through the territory of Montenegro.

The visa referred to in paragraph 1 of this Article shall be issued with a term of validity of up to six months.

Pursuant to a transit visa (B Visa) a foreign person may stay in Montenegro for not longer than five days.

A transit visa (B Visa) may be issued to a foreign person who has an entrance visa of the state that he/she travels to or through whose territory he/she continues his/her travel, unless otherwise determined by an international treaty.

A transit visa (B Visa) may be issued and entered into a group passport of a group of travelers that had was formed before making a decision about the travel, and who pass through the territory of Montenegro together.

The visa referred to in paragraph 5 of this Article can be issued to a group of at least five and a maximum of 50 persons, where the person who leads the group shall own a personal passport and, when necessary, a visa.

Visa for Short-Term Stay (C Visa)

Article 19

A visa for a short stay (C Visa) shall be issued for tourist, business, personal and other travel, for a single or multiple entries into the territory of Montenegro, and for an uninterrupted stay or the total length of successive stays of foreign persons with a visa for short-term stay in Montenegro that shall not exceed 90 days within a period of six months, counting from the day of the first entry.

A multiple-entry visa for a short stay (C Visa) shall be valid for not longer than one year.

Notwithstanding paragraph 2 of this Article, a short-stay visa (C Visa) for multiple entries can be issued with a longer validity period, but no longer than five years, as decided by the government authority responsible for foreign affairs.

A visa for a short-term stay (C Visa) may be issued to a group of

travelers which was formed before making a decision about the travel, where the members of that group enter the territory of Montenegro together, stay there and leave as a group. This visa shall not be valid for longer than 30 days.

The visa from paragraph 4 of this Article shall be entered into a group passport and may be issued to a group of not less than 5 and not more than 50 persons, whereas the person who leads the group shall have a personal passport and, when necessary, the visa.

Detailed conditions for issuing visas referred to in paragraphs 2 and 3 of this Article shall be provided by the state authority responsible for foreign affairs.

Visa for Long-Term Stay (D Visa)

Article 20

The visa for a long-term stay (D Visa) shall be issued to a foreign person intending to stay continuously in the territory of Montenegro for a period longer than 90 days, whereas not longer than one year, counting from the day of first entry.

Visas for longer stays (D visas) shall be issued for one or more entries into Montenegro.

More detailed requirements for a visa under paragraphs 1 and 2 of this Article shall be prescribed by the authority of state administration in charge of foreign affairs.

Limitations on the Validity

Article 21

When issuing a visa, the validity period of the travel document into which a visa is entered shall be at least three months longer than the period of validity of the visa.

Exceptionally, if so required for humanitarian reasons, national interests or international obligations of Montenegro, a visa entered into a travel document may be valid until the expiry of validity of the travel document, when the return of the foreigner into his/her country of residence or a third country is ensured.

Authority for Visa Issuing

Article 22

A foreigner shall be required to obtain a visa prior to entry into Montenegro.

Visa shall be issued by a diplomatic or consular mission of Montenegro unless otherwise stipulated under this Law.

A visa application shall be submitted by a foreigner in person, on a special form.

Prior to issuing visas, diplomatic or consular mission of Montenegro shall be obliged in certain cases to obtain a prior consent of the authorities responsible for police matters (hereinafter referred to as the Police).

Notwithstanding paragraph 2 of this Article, if so required due to humanitarian, personal or professional reasons, the following may be issued at the border crossing point by the Police:

- 1) A short-stay visa (C visa) for a single entry and stay of up to 15 days,
- 2) A transit visa (B Visa), for a single transit of up to five days, and
- 3) A transit visa (B Visa), for a seaman, or a group of sailors.

Visas shall be issued by entering a visa form into a valid foreigner's passport.

When so required due to humanitarian reasons, national interests or international obligations of Montenegro, visas may be entered on the form for entering the visa if the passport contains no place for visa entering or if the passport is not valid for crossing the state border.

A more detailed procedure for issuing visas, the application form for a visa, cases in which it is necessary to obtain prior approval of the Police, the visa form, procedure for visa entry into the passport and visa entry form shall be prescribed by the state authority responsible for foreign affairs.

Representation

Article 23

In the countries where Montenegro has no diplomatic or consular mission, a foreign diplomatic mission which will represent Montenegro in the process of issuing visas may be determined by a bilateral treaty.

Extension of Validity for Short-Term Visa (C visa)

Article 24

No visa for a short-term stay (C Visa) shall be extended.

Exceptionally, the validity of a visa for short-term stay (C Visa) may be extended for humanitarian, professional, personal reasons or due to force majeure.

An application for the extension of a visa from paragraph 2 of this Article shall be submitted to the Police, at the foreigner's place of residence, before the expiry of the visa, on a special form.

A foreigner may stay in Montenegro until a decision following the application referred to in paragraph 3 of this Article is made.

Detailed conditions for an extension of visa validity and application form for an extension of validity of the visa from paragraphs 2 and 3 of this Article shall be prescribed by the authority of state administration in charge of foreign affairs.

Reasons for the Rejection of Visa Application

Article 25

No visa shall be issued to a foreign person if:

- 1) An obstacle from Article 8 of this Law exists;
- 2) He/she fails to appear in person following the request of a diplomatic or consular

mission of Montenegro abroad;

3) After the request of a diplomatic or consular mission, he/she fails to submit the required documents proving the purpose and conditions of his/her stay in Montenegro;

4) After the request of a diplomatic or consular mission of Montenegro, he/she fails to submit proof of health and travel insurance;

5) he/she stayed in Montenegro for 90 days, and it was not six months from the date of first entry.

The foreigner shall be verbally advised about the reasons why his/her visa was not issued.

Exceptionally, in the cases from paragraph 1 of this Article, a foreigner may be issued a visa for humanitarian reasons, if this is in the interests of Montenegro or if so required due to internationally valid obligations.

In this case, a foreigner may be allowed to enter the country solely through a specified border crossing point.

Shortening the Period of Visa Validity

Article 26

When exercising the control of entry into Montenegro, the term of visa validity may be shortened by the Police at the border crossing point, if:

1) it is determined that the foreigner does not have sufficient means of subsistence,

2) the period of visa validity is longer than the period of validity of the travel document;

3) the foreigner would exceed the limit of 90 days of stay during the period of six months from the date of first entry.

Entering Corrections to the Visa

Article 27

The Police may, in the exercise of border control, correct the data mistakenly entered into the visa issued by a diplomatic or consular mission of Montenegro.

Cancellation of Visas

Article 28

A visa shall be cancelled by a diplomatic or consular mission of Montenegro or the Police if the existence of any of the reasons referred to in Article 8 of this Law is subsequently determined.

The manner of cancellation of the visas issued shall be regulated by the authority of state administration responsible for foreign affairs.

Obligations of Carriers

Article 29

A carrier may bring a foreign person to a border crossing point only if the requirements from Article 10 of this Law are satisfied.

The carrier that brought a foreign person in contravention of paragraph 1 of this Article shall without any delay and at its own expense take him/her away from the border crossing point or Montenegro and cover the costs of the foreigner's stay and return.

The provision of paragraph 2 of this Article shall also apply to carriers that brought the foreigner in transit through the territory of Montenegro which refused to transport the foreigner to the country of destination or if the foreigner is barred from entering the country of destination.

The organizer or a tourist or business travel shall cover the costs of a forced stay and removal from Montenegro for the foreign beneficiaries of their respective services who are expelled for the reasons referred to in Article 10 of this Law, and where they are not able to cover their own expenses.

A natural or legal person on whose invitation a visa has been issued to a foreign person to enter Montenegro shall have the obligation under paragraph 4 of this Article, where such costs cannot be covered by the organizer of the tourist or business travel, i.e. a foreigner.

IV RESIDENCE OF FOREIGN CITIZENS

Types of Residence

Article 30

The residence of a foreign citizen in Montenegro in the sense of this Law shall include a:

- 1) Sojourn of up to 90 days;
- 2) Temporary residence;
- 3) Permanent residence.

1) Stay of up to 90 Days

The Right to a Stay of up to 90 Days

Article 31

A foreigner shall be entitled to a stay of up to 90 days on the basis of short-stay visa (C Visa), in accordance with Article 19 of this Law, or without a visa on the basis of regulations under Article 14 paragraph 2 of this Law.

In the case referred to in paragraph 1 above, a foreigner may stay in Montenegro for 90 days in a period of six months from the date of first entry, unless otherwise provided by this Law or an international treaty.

A foreigner who has resided in Montenegro for 90 days, in accordance with paragraphs 1 and 2 of this Article, may re-enter and reside in Montenegro after a period of six months from the date of first entry.

Cancellation of Stay of up to 90 Days

Article 32

A stay of up to 90 days may be canceled for a foreigner if:

- 1) he/she has no valid passport or other document used for crossing the state border,
- 2) he/she does not meet the conditions for entry and residence laid down in this Law, 3) he/she has no funds for support during his/her stay in Montenegro and to return to the country of origin or to travel to a third country,
- 4) he/she fails to pay the fine imposed in Montenegro,
- 5) there is reasonable suspicion that a stay will not be used for the reported purpose.

The cancellation of residence referred to in paragraph 1 of this Article shall be decided by the Police. The decision includes the period within which a foreigner must leave the territory of Montenegro and the imposition of a ban on the entry into Montenegro for a certain period time (hereinafter referred to as “the ban”).

The period of ban referred to in paragraph 2 of this Article shall be counted from the day of departure from Montenegro.

An appeal against the decision referred to in paragraph 2 of this Article may be filed to the authority of state administration in charge of interior (hereinafter referred to as “the Ministry”), within eight days from the date of receipt of the decision.

The enforcement shall not be postponed by an appeal.

The cancellation of a stay of up to 90 days and the ban are registered in the foreigner's passport.

A detailed procedure for the registration of a cancellation of stay of up to 90 days and the prohibition of entry into the foreigner's passport shall be prescribed by the Ministry.

Termination of Stay of up to 90 Days

Article 33

A foreigner's stay of up to 90 days shall cease due to:

- 1) cancellation of the residence,
- 2) the expiration of the term for which his/her visa was issued, and
- 3) the expiration of the period referred to in Article 31 paragraph 2 of this Law,
- 4) if he/she was returned to Montenegro on the basis of an international treaty (readmission) because of an illegal stay.

The Cancellation and Termination of Residence on the Basis of D Visa

Article 34

The provisions of Articles 32 and 33 of this Law shall apply to the cancellation and termination of stay of foreigners on the basis of residence visa issued for a longer stay (D Visa).

2) Temporary Residence

Entitlement to Temporary Residence

Article 35

Temporary residence may be granted to a foreign person intending to stay in Montenegro for a period longer than 90 days for the purpose of:

- 1) employment and work, performance of economic or entrepreneurial activity;
- 2) seasonal work;
- 3) secondary education or study;
- 4) participation in programs of international student exchanges or other youth programs,
- 5) specialization, vocational training and practical training;
- 6) scientific research work;
- 7) medical treatment;
- 8) family reunification;
- 9) humanitarian reasons;
- 10) other justifiable reasons prescribed by law or international treaty.

A foreigner who is granted a temporary stay for the reasons set forth in paragraph 1 of this Article may stay in Montenegro in accordance with the purposes for which his/her temporary stay was granted.

The Conditions for the Issuance of Approval

Article 36

A foreigner may be granted a temporary stay if:

- 1) he/she has means of subsistence;
- 2) he/she has provided accommodation;
- 3) he/she has health insurance;
- 4) there are no grounds under Article 8 of this Law;
- 5) he/she has submitted evidence justifying of the application for a temporary stay.

Application for and Deciding on Temporary Residence

Article 37

An approval for temporary residence in Montenegro shall be issued by the Ministry, subject to prior approval by the Police.

An application for authorization of a temporary stay shall be submitted by a foreigner to a diplomatic or consular mission of Montenegro.

A foreign person requiring no visa for entering Montenegro may submit an application for the first temporary stay to the Ministry, at his/her place of residence.

With the application from paragraph 2 and 3 of this Article, a foreigner shall enclose a valid travel document, in addition to any other evidence justifying the reasons for applying for a temporary residence permit.

The foreigner who applied for temporary residence shall not change the reason of stay in the course of the application procedure.

A foreigner who applies for temporary residence before the expiry of 90 days of stay may remain in Montenegro until the final decision.

Refusal of Application

Article 38

The refusal of application for the issuance of temporary residence shall be made by a decision.

An appeal against the decision referred to in paragraph 1 of this Article may be lodged to the Ministry, within eight days from the date of receipt of the decision.

Validity Period

Article 39

Temporary residence shall be granted for a period of not longer than one year, unless otherwise provided by this Law.

Temporary residence permit shall be entered into the foreign person's valid travel document whose period of validity shall exceed the period covered by the permit by at least three months.

If the application is filed in a foreign country, the first temporary residence permit shall be entered into the foreigner's passport by the diplomatic or consular mission of Montenegro.

Temporary stay for a foreigner who has no valid travel document shall be granted by a decision, until the travel document is issued.

More detailed procedure for issuing permits for temporary residence, as well as the form of approval and the application form referred to in Article 37 paragraph 2 of this Law shall be regulated by the Ministry.

Extension of Temporary Residence

Article 40

Temporary residence may be extended for a period not longer than two years, unless otherwise provided under this Law.

An application for the extension of temporary stay of foreigners shall be submitted to the Ministry, at the place of residence, not later than 30 days before the expiration of a temporary residence.

The provisions of Article 37 paragraphs 1, 4, 5 and 6 and Article 39 paragraphs 2 and 4 of this Law shall apply to the extension of temporary residence.

The application form for an extension of temporary stay shall be

prescribed by the Ministry.

Temporary Residence for Employment

Article 41

Temporary residence for employment and work, and the performance of a business or entrepreneurship activity, may be granted to a foreign citizen who was previously issued a work permit, in accordance with the law governing the employment of foreigners.

Temporary residence of a foreigner under paragraph 1 of this Article shall be issued for a period specified in the work permit, or the period referred to in Article 39 paragraph 1 of this Law.

Temporary Residence for Seasonal Employment

Article 42

Temporary residence for seasonal employment may be granted to a foreigner who meets the requirements of Article 36 of this Law, and a work permit may be enclosed as a proof of legitimacy of the application for temporary residence.

The temporary residence under paragraph 1 of this Article may be granted for a period of up to eight months in a calendar year.

A temporary residence permit referred to in paragraph 1 of this Article shall be issued within seven days from the date of application.

Temporary Residence for High School or Higher Education

Article 43

Temporary residence may be granted to a foreigner for the purpose of high school or higher education provided that the requirements from Article 36 of this Law are met, with a certificate of training or studying enclosed as a proof of legitimacy of the application for temporary residence.

The temporary residence permit from paragraph 1 of this Article may be extended for a period not longer than two years following the expiration of the actual period of education, i.e. university attendance.

For the granting of temporary residence to a minor foreigner, for the purpose of secondary education, an approval of his/her legal representative shall be required.

Temporary Residence for Participation in International Exchange Programs

Article 44

A foreigner who comes to Montenegro to participate in programs of international exchange of students or other youth programs may be granted temporary residence if the requirements of Article 36 of this Law are met, and if the following is enclosed as a proof of legitimacy of the application for temporary residence:

- 1) confirmation of the state body i.e. institution responsible for the

implementation of ratified international treaties on the exchange of high school or university students, confirming the participation of foreigners in international exchange programs,

2) confirmation of the competent authorities or institutions on financing the cost of education or study, support, accommodation, health insurance and the costs of repatriation of a foreigner back to the country of his/her nationality.

Temporary Residence for Training, Professional Training or Practical Training

Article 45

The temporary residence for the purpose of specialization, professional training or practical training may be granted to a foreigner who meets the requirements of Article 36 of this Law, and who files a certificate issued by a legal person or competent authorities in Montenegro approving the specialization, training or practical training, as well as a program establishing the duration of his/her stay, as a proof of legitimacy of the application for temporary residence.

Temporary Residence for Scientific Research

Article 46

Temporary residence for scientific research may be granted to a foreigner who meets the requirements of Article 36 of this Law, and who submits a contract concluded with a scientific institution in Montenegro proving the legitimacy of the application for temporary residence.

Temporary Residence for Medical Treatment

Article 47

Temporary residence for medical treatment in Montenegro can be granted to a foreigner who meets the requirements of Article 36 of this Law, and who submits a certificate issued by the health institution where he/she will be treated, including the time required for treatment, proving the legitimacy of the application for temporary residence.

The temporary residence under paragraph 1 of this Article may be extended for the time required for the treatment of foreigner.

Temporary Residence for Family Reunification

Article 48

An application for temporary residence for family reunification shall be submitted by a foreign person who is an immediate family member of a Montenegrin national or a foreign person who was granted the status of a temporary resident in Montenegro

An immediate family in the sense of paragraph 1 of this Law shall include: a spouse, children born in or out of wedlock, step children and adopted children.

Notwithstanding paragraph 2 of this Article, another relative may also be considered as a family member if there are special personal or humanitarian reasons for family reunification in Montenegro.

Temporary residence for family reunification shall be granted for a term not exceeding one year or until the expiry of the temporary residence permit of the foreigner with whom the reunification was requested.

Temporary residence referred to in paragraph 4 of this Article may be extended when a Montenegrin citizen referred to in paragraph 1 of this Article died, as well as in the case of termination of marriage which lasted in Montenegro for at least three years.

A foreigner, an immediate family member of the Montenegrin citizen or a foreigner who is granted permanent residence in Montenegro, temporary residence may be extended until the conditions for eligibility for permanent residence under Article 54 paragraph 1 of this Law are satisfied.

Marriage of Convenience

Article 49

Temporary residence for family reunification shall not be granted to a foreigner if it is determined that the marriage is concluded to gain benefits.

Marriage of convenience, in terms of paragraph 1 of this Article, is considered to be the marriage that was entered into with the intention to achieve the entry or residence of foreigner in Montenegro, contrary to the conditions stipulated by this Law.

Circumstances that may indicate that the marriage was concluded to gain benefits are:

- 1) the spouses do not hold marriage;
- 2) the spouses fail to fulfill obligations arising from marriage;
- 3) the spouses did not get to know each other before the conclusion of marriage;
- 4) the spouses did not provide accurate personal data;
- 5) the spouses do not speak the language they both understand; and
- 6) tangible assets were given to conclude the marriage, and not as a custom of giving dowry, when the spouses come from the countries where there is a custom of giving dowry;
- 7) there is evidence that a marriage of convenience was previously concluded by the spouses, either in Montenegro or in a foreign country.

Temporary Residence of a Child Born in the Territory of Montenegro

Article 50

Temporary residence shall be granted and extended to a minor born in the territory of Montenegro who is not a citizen of Montenegro for the duration of temporary residence of one of his/her parents or guardians.

Temporary Residence for Humanitarian Reasons

Article 51

Temporary residence permit for humanitarian reasons may be granted to an alien who is assumed to be a victim of the criminal act of human trafficking, as well as a minor foreigner who is abandoned or the victim of organized crime, even if the requirements of Article 36 of this Law are not met.

The temporary residence on humanitarian grounds shall not be granted to a foreigner if it is required by reasons of national security and public order.

The temporary stay on humanitarian grounds is granted for a period of three months to one year and may be extended for as long as there are grounds referred to in paragraph 1 of this Article.

A foreigner referred to in paragraph 1 of this Article shall not be forcibly removed because of illegal entry or residence in Montenegro.

A foreigner referred to in paragraph 1 of this Article, for whom there is reasonable fear that by giving a statement he/she could be exposed to danger to life, health, physical integrity or liberty, shall be provided with physical protection and rights under the provisions of the law governing the protection of witnesses.

Cancellation of Temporary Residence

Article 52

Temporary residence of a foreign person be cancelled if the following is subsequently established:

- 1) Existence of causes from Article 8 of this Law;
- 2) Employment and work without a valid work permit, that is contrary to the law governing the employment and work of foreigners;
- 3) Residence for other purposes, contrary to those for which his or her residence permit was issued;

When considering the cancellation of a foreign person's residence, the following shall be particularly taken into account:

- 1) Duration of residence;
- 2) Personal, family, economic and other circumstances;
- 3) Period of time within which the foreign person shall have to leave Montenegro, provided that such a period may not be longer than 30 days;
- 4) Period of prohibition of entry into Montenegro.

The cancellation of temporary residence under paragraph 1 of this Article shall be made by the Police. The decision shall determine the period within which a foreigner must leave the territory of Montenegro and the imposition of ban on entry into Montenegro.

The ban of entry referred to in paragraph 3 of this Article shall be counted from the day of departure from Montenegro.

An appeal against the decision referred to in paragraph 3 of this Article may be lodged to the Ministry, within eight days from the date of receipt of the decision.

Cancellation of temporary residence and the prohibition of entry shall be entered in the foreigner's passport.

A detailed procedure for the registration of cancellation of temporary residence and the prohibition of entry into the foreigner's passport shall be regulated by the Ministry.

Termination of a Temporary Residence

Article 53

Temporary residence of a foreign person in Montenegro shall be concluded if:

- 1) His/her temporary residence was cancelled;
- 2) A protective measure of expulsion or security measure of deportation was pronounced;
- 3) The period of temporary residence expired.
- 4) The grounds for which the temporary residence was granted ceased to exist;
- 5) The duration of temporary residence outside Montenegro is longer than 90 days.

The decision on termination of temporary residence on the grounds referred to in paragraph 1 items 4 and 5 of this Article shall be issued by the Ministry.

An appeal may be filed against the decision referred to in paragraph 2 of this Article within eight days from the date of receipt of the decision.

The appeal referred to in paragraph 3 of this Article shall be decided by the Ministry.

3. Permanent Residence The Right to Permanent Residence

Article 54

Citizens of the countries established in the territory of former Yugoslavia who had registered permanent residence in Montenegro before 3 June 2006 shall be eligible for permanent residence without application and without special approval, subject to the obligation of filing for registration.

Permanent residence may be granted to a foreigner who stayed in Montenegro for five consecutive years on the basis of a temporary residence permit before the date of application.

Exceptionally, permanent residence may be granted to an a foreigner who was granted temporary residence in Montenegro for less than five years continuously before the application, if so required by reasons of humanity, or would be of interest for Montenegro.

Continuous residence within the meaning of paragraphs 1 and 2 of this Article shall mean a temporary residence during which a foreigner was absent from Montenegro several times for a total period of 10 months or six months continuously.

For a foreigner who is granted temporary residence in Montenegro in accordance with Article 43 of this Law, the time required for approval of permanent residence shall include half of the time spent in Montenegro.

The time required for approval of permanent residence shall not include the time during which a foreigner was in Montenegro:

- 1) on temporary residence approved for seasonal work,
- 2) serving a prison sentence.

The Rights and Responsibilities of a Foreigner with Permanent Residence

Article 55

A foreigner who is granted permanent residence in Montenegro has the right to:

- 1) labor and employment;
- 2) education and training;
- 3) recognition of diplomas and certificates;
- 4) social welfare, health and pension insurance;
- 5) tax benefits; and
- 6) access to the market for goods and services;
- 7) freedom of association, connecting and membership of organizations representing the interests of workers or employers.

A foreigner shall be entitled to the rights referred to in paragraph 1 of this Article in accordance with the laws regulating the manner of exercising these rights.

Application and Approval

Article 56

Permanent residence permit shall be issued by the Ministry.

A foreigner shall submit an application for permanent residence to the Ministry, at his/her place of residence.

Permanent residence permit shall be entered in the foreigner's passport.

A more detailed procedure for the issuing of permits for permanent residence, and the form of approval and the application form referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Rejection of Application

Article 57

No permanent residence shall be granted to a foreign person who:

- 1) Has no valid travel document;
- 2) was convicted in Montenegro of a criminal act for which he or she is being prosecuted ex officio or where the criminal charges were brought against that person for having committed such a criminal act;
- 3) Has no financial resources for personal maintenance;
- 4) Is not covered by health insurance;
- 5) Has no accommodation;
- 6) If so required for the reasons of security and public order.

Administrative proceedings may be instituted against the decision of the

Ministry rejecting an application for permanent residence.

Cancellation of Permanent Residence

Article 58

The permanent residence status of a foreign person may be cancelled if:

- 1) He or she has been unconditionally sentenced to a prison term of more than six months for a criminal act for which he or she is being prosecuted ex officio;
- 2) So required for the reasons of national security, public order or the protection of public health;
- 3) The existence of reasons for the cancellation of permanent residence is established;
- 4) He or she provided false information on personal identity or concealed any circumstances of relevance for the issuing of a permit.

The provisions of Article 52 paragraphs 2 of this Law shall apply accordingly to deciding on the cancellation of permanent residence.

The decision on cancellation of permanent residence shall be issued by the Ministry. The decision establishes the period within which a foreigner shall leave the territory of Montenegro and the imposition of a ban on entry into Montenegro.

The period of ban on entry referred to in paragraph 3 of this Article shall be counted from the day of departure from Montenegro.

Administrative proceedings may be instituted against the decision referred to in paragraph 3 of this Article.

Cancellation of permanent residence and the prohibition of entry shall be entered in the foreigner's passport.

A detailed procedure for the cancellation of registration of permanent residence and the prohibition of entry into the foreigner's passport shall be prescribed by the Ministry.

Termination of the Right to Permanent Residence

Article 59

The right of a foreign person to permanent residence shall be terminated if:

- 1) A security measure of deportation or protective measure of expulsion was pronounced against this person;
- 2) It is established that a foreign person moved out of Montenegro or continuously stayed abroad for a period longer than one year without having informed the Ministry accordingly;
- 3) His or her permanent residence was cancelled;
- 4) He or she renounced his or her right to permanent residence by making a declaration;

5) He or she was granted Montenegrin citizenship.

The decision on termination of permanent residence from item 2 paragraph 1 of this Article shall be issued by the Ministry.

Administrative proceedings may be instituted against the decision from paragraph 2 of this Article.

Application of the Special Law

Article 60

The law governing the domicile and residence of Montenegrin citizens and foreigners shall apply to the registration or deregistration of place of residence or change of home address.

V. ILLEGAL RESIDENCE

Obligation of Foreign Citizen to Leave Montenegro

Article 61

Any stay in Montenegro with no visa or residence permit shall be regarded as illegal residence.

A foreign person illegally residing in Montenegro shall leave its territory immediately or within a specified deadline.

It shall be deemed that a foreign person left Montenegro when he or she enters another country into which he or she is allowed to enter.

A foreign person shall be obliged to prove that his/her stay in Montenegro is legal.

Deadline for Departure from Montenegro

Article 62

The Police shall issue a decision specifying the deadline within which a foreign person whose residence is illegal must leave the territory of Montenegro, and also, if so required the point of crossing of the state border and an obligation to report to the competent border police official.

An appeal against the decision referred to in paragraph 1 of this Article may be lodged to the Ministry within three days following that of its delivery.

The Ministry shall issue a decision on the appeal from paragraph 2 of this Article, not later than within eight days following that of its submission.

The execution of the decision shall not be deferred by the appeal.

When setting the time limit from paragraph 1 of this Article, an objective time limit within which the foreign person in question will be able to leave the territory on Montenegro shall be taken into consideration, whereas such deadline may not be longer than 30 days after the issuing of a decision.

Following the request of a foreign person or ex officio, another time limit may be set for a foreign person who failed to leave the territory of Montenegro for justified reasons within the time limit from paragraph 5 of this Article.

A foreign person who was pronounced a protective measure of expulsion

or security measure of deportation or who has to be deported according to international treaty shall be given a time limit to leave the country only if such an action is justified by legitimate reasons.

The Protective Measure of Deportation

Article 63

In misdemeanor cases specified by this Law, the protective measure of deportation may be imposed on a foreigner.

The provisions of Article 52 paragraph 2 shall apply accordingly to the consideration of a decision to proclaim the protective measure of deportation.

VI. COMPULSIVE DEPORTATION

Execution of Compulsive Deportation

Article 64

A foreign person who resides in Montenegro illegally or fails to leave Montenegro within the specified deadline shall be compulsively deported by the Police.

Prohibition of Compulsive Deportation

Article 65

No foreign person shall be compulsively deported to a country where his or her life or freedom may be threatened because of racial, religious or ethnic belonging, membership in a particular social group or for having a different political conviction or where he or she might be exposed to torture, inhuman or degrading treatment and punishment.

Detention of Foreigners

Article 66

When so required for the reasons of ensuring a compulsory deportation, a foreign person may be detained at the premises of the Police, but not for a period longer than 12 hours.

The provisions of the law regulating police affairs shall accordingly apply to the detention of foreign persons.

Accommodation Facilities for Foreigners

Article 67

The freedom of movement of a foreign person who could not be compulsively deported at once or whose identity was not established shall be

limited by placing this person into a Shelter for foreign persons (hereinafter referred to as "The Shelter").

Exceptionally, another appropriate lodging shall be found for a foreign person in need of medical care or having other special needs.

A foreigner who has a provided accommodation and means of subsistence and cannot be forcibly removed may be required to have to stay in a particular place.

Deciding on the Stay at the Shelter

Article 68

The Police shall issue a decision on accommodation at the Shelter.

An appeal against the decision referred to in paragraph 1 of this Article may be lodged to the Ministry, within eight days from the date of receipt of the decision.

The appeal referred to in paragraph 2 of this Article shall be decided by the Ministry, within eight days from receipt of the appeal.

Duration of Stay at the Shelter

Article 69

The stay at the Shelter shall not be longer than 90 days.

Following the expiration of the time limit from paragraph 1 of this Article, foreign person may be placed at the Shelter for 90 days more if:

- 1) The procedure for the establishing of identity or data collection is in progress;
- 2) So required for security reasons;
- 3) intentionally interfering with forced removal.

The time spent by a foreigner outside the Shelter, serving a sentence of imprisonment or detention, shall not be included in the duration of his/her stay at the Shelter.

A foreigner whose identity was established can be granted to leave the Shelter, if not forcibly removed for the reasons mentioned in Article 65 of this Law.

Observing of the Rules of Conduct at the Shelter

Article 70

A foreign person shall observe the rules of conduct at the Shelter and shall not leave the Shelter without permission.

A foreign person who may be reasonably suspected of behaving in the future in a manner contrary to paragraph 1 of this Article shall be subject to an enhanced supervision.

The rules of conduct at the Shelter shall be prescribed by the Ministry.

Termination of Stay at the Shelter

Article 71

The stay of a foreigner's at the Shelter shall be terminated:

- 1) Following the departure from Montenegro;
- 2) when he/she applied for the grant of asylum;
- 3) following the expiration of the determined period of stay;
- 4) after determining the identity, if that was the reason for staying at a shelter.

Placement of Underage Person in the Shelter

Article 72

An underage person shall be placed in the Shelter together with his or her parents, that is another legal representative, unless assessed that another type of accommodation is more favorable for him or her.

The measure of enhanced supervision at the Shelter may be ordered for an underage foreign person who has not turned 16 years of age yet, only if such a person is accompanied by his or her parents or another legal representative.

An underage person shall not be returned to the country of origin or a third country that is ready to accept such a person if this is contrary to Articles 3, 5 and 8 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment including Protocol No 2 amending the Convention, and Articles 9 and 37 of the Convention on the Rights of the Child.

Determination of Compulsory Place of Residence

Article 73

The compulsory residence from paragraph 3 of Article 67 shall be established by the Police ex officio.

The compulsory residence from paragraph 1 of this Article shall not be longer than six months.

Determination of the mandatory stay under paragraph 1 of this Article shall not relieve the foreigner of having to leave Montenegro.

A foreigner for whose compulsory stay in a certain place is established shall be issued a special identification document which the foreigner is obliged to return before leaving Montenegro.

The appearance and content of the special identification document of a foreigner who is required to stay under paragraph 4 of this Article shall be prescribed by the Ministry.

Restriction of Movement to a Particular Place of Residence

Article 74

In the case from Article 73 of this Law, a foreigner shall remain at a

defined address and regularly report to the Police at his/her place of compulsory residence.

Termination of Compulsory Residence

Article 75

The compulsory residence of a foreigner shall be terminated:

- 1) Following his/her departure from Montenegro;
- 2) Following the expiration of established time limit;
- 3) if he/she fails to report regularly to the Police in accordance with Article 74 of this Law;
- 4) if he/she is granted refugee status, subsidiary or temporary protection, temporary residence or permanent residence,
- 5) if it is determined that he/she has no accommodation or means of subsistence provided.

A foreigner alien whose mandatory stay at a certain place stopped, and who failed to leave Montenegro shall be forcibly removed or placed at the Shelter.

Foreigners with Special Needs

Article 76

During the process of forced removal, special needs of foreigners shall be taken into account such as: minors, persons totally or partially incapacitated, children separated from parents or guardians, persons with disabilities, elderly persons, pregnant women, single parents with dependent children, as well as persons who have been exposed to torture, rape or other serious forms of psychological, physical or sexual violence.

In the conduct of official actions affecting the foreigners referred to in paragraph 1 of this Article, the Police shall act in compliance with international treaties and the regulations governing placement of persons with special needs.

Removal of Documents and Objects

Article 77

For the purpose of ensuring the execution of a protected measure of deportation, travel and other documents, travel tickets and funds may be temporarily taken away from a foreign person.

Seized funds are used for covering the costs of forced removal of foreigners. A receipt on the seizure of travel and other documents, travel tickets, objects and funds shall be issued on a form prescribed by the Ministry.

Costs of Forced Removal

Article 78

The costs of placement at the Shelter or due to a forced removal shall be borne by the foreign person.

If the foreigner does not have the funds to reimburse the costs referred to

in paragraph 1 of this Article, the cost shall be compensated by:

- 1) a natural or legal person who has committed to bear the costs of stay of the foreigner;
- 2) the carrier that failed to transport the foreigner in accordance with Article 29 paragraph 2 of this Law;
- 3) the employer who employed the foreigner contrary to the law governing the work and employment of foreigners.

The amount of costs referred to in paragraph 2 of Article shall be established by the Police.

The Costs that cannot be charged as set forth in paragraphs 1 and 2 of this Article shall be settled from the budget of Montenegro.

The form of payment of accommodation costs at the Shelter and forced expulsion and the form of a certificate on the recovery of costs shall be prescribed by the Ministry.

VII TRAVEL DOCUMENTS OF FOREIGN PERSONS

Types of Travel Documents

Article 79

Travel documents for foreigners shall include a travel document for stateless persons and travel papers for foreigners, issued in accordance with this Law.

The forms of travel documents referred to in paragraph 1 of this Article shall be prescribed and prepared by the Ministry.

Responsibility for Issuing Travel Documents for Stateless Persons

Article 80

The travel document for a stateless person shall be issued by the Ministry.

The travel document referred to in paragraph 1 of this Article shall be issued with a validity period of one year.

An application for the issuing of travel document for a stateless person shall be submitted on a separate form.

A detailed procedure for the issuance and application form for issuing travel documents referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

Travel Papers for Foreigners

Article 81

Travel papers for foreigners shall be issued to a foreigner without a valid travel document, if:

- 1) his/her Montenegrin citizenship ceased to exist, for moving abroad,
- 2) his/her foreign travel document was lost or he/she was otherwise left without it, while his country of origin has neither any diplomatic or consular mission in

Montenegro nor its interests are represented by another state, for moving abroad;

3) he/she lost a travel document for foreigners issued by the diplomatic or consular mission of Montenegro or the Ministry, to return to Montenegro;

4) he/she is forced to leave, to move abroad.

Travel document for foreigners may be issued to foreigners in some other case, if there are reasonable grounds for that.

The Authority Competent to Issue a Travel Document

Article 82

Travel document for a foreign person shall be issued by

- 1) The Ministry, in the cases referred to in Article 81(1) points 1,2 and 4 of this Law;
- 2) a diplomatic or consular mission of Montenegro, subject to the Ministry's approval, in the cases referred to in Article 81(1) point 3 and paragraph 2 of this Article.

The travel document from paragraph 1 of this Article shall be valid for a period not longer than 30 days.

Rejection of Application

Article 83

No travel document shall be issued to a foreign person:

- 1) who cannot prove that he/she has or can obtain a valid travel document of the country of his/her nationality;
- 2) who is engaged in criminal or administrative proceedings, unless previously approved by the authority that is conducting the proceedings;
- 3) who was sentenced to a prison sentence or fine, until such sentence is served or fine settled;
- 4) who failed to satisfy his or her real property or civil obligation following a valid decision issued by the competent court;
- 5) If so required for the reasons of national security and the public order.
- 6) If so required by international commitments of Montenegro.

In the case referred to in paragraph 1 item 4 of this Article, a decision rejecting the application for a travel document for foreigners shall be made at the request of the competent court.

Against the decision rejecting the application for a travel document for foreigners, in the cases referred to in paragraph 1 of this Article, the foreigner may lodge an appeal to the Ministry, within eight days from the date of receipt of the decision.

Take Away of Travel Document

Article 84

The Ministry shall temporarily take the travel document of a foreign person if any of the reasons from Article 83(1) of this Law exists.

A receipt proving that the travel document from paragraph 1 was taken away shall be issued to the foreigner.

VIII DOCUMENTS OF IDENTITY

Purpose of Documents and Ban on Allowing Disposal by Other Persons

Article 85

Personal identity of a foreign person shall be proven by his or her travel document, foreign personal identity card, special personal identity card or any other public document containing a photograph.

Foreign person shall keep his or her personal identity document and present it at the request of the competent official.

Foreign person shall not allow his or her personal identity document to be used by another person or use an invalid or another person's document as own document.

Foreign person shall use the name entered into his or her travel document or another document of personal identity.

Identity Card for Foreign Person

Article 86

A personal identity card may be issued to a foreign person who is the holder of a permanent residence permit or temporary residence permit, and who has no other valid travel document.

A foreign person who is a member of a diplomatic or consular mission of a foreign state or another mission having diplomatic status shall be issued a special personal identity card.

Jurisdiction

Article 87

Identification cards for foreigners referred to in Article 86 paragraph 1 of this Law shall be issued by the Ministry.

Special identity cards for foreigners from Article 86 paragraph 2 of this Law shall be issued by the state administration body responsible for foreign affairs.

Identity card referred to in paragraph 1 of this Article and special identity card referred to in paragraph 2 of this Article shall be issued on a form prepared by the Ministry.

The form of ID card referred to in paragraph 1 of this Article shall be prescribed by the Ministry, and a form of special identity cards referred to in

paragraph 2 of this Article shall be prescribed by the state administration body in charge of foreign affairs.

Application Procedure

Article 88

A foreign person who has turned 16 years of age may apply to be issued a personal identification card for foreigners.

The application referred to in paragraph 1 of this Article shall be submitted to the Ministry, at the place of the foreigner's permanent residence, i.e. temporary residence.

A foreigner having the status of a permanent resident and a foreigner having the status of a temporary resident with no valid travel document shall apply to be issued a personal identity card for foreigners within 30 days following that of approval of his or her permanent, i.e. temporary residence.

An application for the issuance of a special identification card shall be submitted to the state administration body responsible for foreign affairs.

An application form for the issuance of identification cards for foreigners shall be determined by the Ministry, and the application form for issuance of special identification cards shall be prescribed by the state administration body responsible for foreign affairs.

Term of Validity

Article 89

Foreign citizen who has the status of a permanent resident shall be issued a personal identity card valid for a period of five years.

Juvenile foreigner who is granted permanent residence shall be issued an identity card for foreigners with a validity period of two years.

Foreign citizen who has the status of a temporary resident shall be issued a personal identity card valid for the specified duration of temporary residence.

Substitution of Identity Card

Article 90

Personal identity card of a foreign person may be substituted:

- 1) in case of change of the foreigner's personal information;
- 2) in case of damage or bad state of conservation, so that it can no longer serve its purpose;
- 3) if the photograph no longer reflects the appearance of the foreign person;
- 4) upon the expiration of its term of validity.

The foreign person shall apply for the substitution of his or her personal identity card within eight days following that of the occurrence of reasons from paragraph 1 of this Article.

Obligation to Return Personal Identity Card

Article 91

Foreign person shall return his or her personal identity card to the Ministry when:

- 1) He or she is granted Montenegrin citizenship;
- 2) Moving out of Montenegro;
- 3) His/her residence is cancelled according to Article 52(1) item 3 of this Law.
- 4) His/her permanent residence is cancelled according to Article 58(1) of this Law.

Disappearance or Loss of Documents for Foreigners

Article 92

In case of a loss or disappearance of the document proving his or her personal identity referred to in Article 86 of this Law, a foreign person shall without any delay notify the Police or the nearest diplomatic or consular mission of Montenegro.

The authorities from paragraph 1 of this Article shall issue the foreign person a receipt confirming the loss or disappearance of his or her identity document.

The loss or disappearance of documents for proving identity shall be announced in the "Official Gazette of Montenegro", at the foreign person's expense.

Temporary Withholding of Documents for Personal Identification

Article 93

A document proving the identity of a foreign person shall be temporarily withheld by the Police if:

- 1) A foreign person is reasonably suspected of having committed a criminal offense for which he or she is prosecuted ex officio or of having violated the law;
- 2) So required for the reasons of national security, public order or protection of public health.

The Police shall temporarily take away the document proving the identity of a foreign person who has not met his/her real estate - legal obligation due, at the request of the competent court.

The documents from paragraph 1 of this Article shall be withheld for as long as the causes of such an action cease to exist.

A document confirming the temporary withholding of documents from paragraph 1 of this Article shall be issued by the Police.

IX MOVEMENT OF FOREIGN PERSONS IN UNIFORM

The Conditions for Wearing Foreign Military Uniform

Article 94

During his or her stay in Montenegro, a foreign person may wear a foreign military uniform if he or she:

- 1) Is a member of a diplomatic mission, that is a diplomatic or consular representation office of a foreign state or another foreign mission having a diplomatic status in Montenegro, and also has the status of a military representative, for as long as his mission should last;
- 2) Is a member of a foreign military mission of foreign military delegation, during such official visit to Montenegro;
- 3) Is attending a military school;
- 4) Is a member of a foreign military mission or foreign military delegation, having a diplomatic or service passport and traveling through the territory of Montenegro;
- 5) Is participating in a military exercise or training.

The Conditions for Wearing Foreign Police Uniform or Uniform of Customs Officers

Article 95

During his or her stay in Montenegro, a foreign person may wear a foreign police uniform or a uniform of customs officers if he or she:

- 1) Is a member of a delegation of foreign police or customs authorities during an official visit to Montenegro;
- 2) Performs the activities of a joint state border crossing control at the end of the border crossing point that belongs to Montenegro;
- 3) Is attending a training course at the Police Academy;
- 4) Is a holder of a diplomatic or service passport and a member of a foreign delegation of the police or customs officers traveling through the territory of Montenegro;

X COLLECTING PERSONAL DATA ABOUT THE FOREIGNER

Article 96

The Police may collect personal information about a foreigner from the bodies of state administration, business organizations, entrepreneurs and the foreigner if this is:

- 1) in the interest of a foreigner, who not object it,
- 2) necessary to verify the information on a foreigner.

The authorities referred to in paragraph 1 of this Article shall, at the request of the Police, provide the requested information.

Collecting and processing of personal data about a foreigner shall be in accordance with the law governing the protection of personal data.

XI. RECORDS

Types and Jurisdiction for Keeping

Article 97

The Ministry shall keep records of: issued travel documents for foreigners, the replaced and issued ID cards for foreigners, issued travel papers for foreigners in Montenegro and foreigners whose permanent residence was canceled.

The state administration body responsible for foreign affairs shall keep records of: issued visas, rejected visa applications and canceled visas, issued special identity cards for foreigners and issued travel papers for foreigners in another country.

The Police shall keep the records on: foreigners whose residence was canceled, foreigners who were refused entry into/exit from Montenegro, visas issued at the border crossing, rejected visa applications, and annulled and shortened visas, reported missing identification documents for foreigners and temporary seizure of travel documents.

The content and manner of keeping the records referred to in paragraphs 1 and 3 of this Article shall be prescribed by the Ministry and the content and manner of keeping the records referred to in paragraph 2 of this Article shall be stipulated by the state administration body responsible for foreign affairs.

XII SUPERVISION

Article 98

The implementation of this Law and the related secondary legislation shall be supervised by the Ministry, except insofar as it relates to the issuance of visas, the granting of the first temporary residence in another state and issuing special identification cards for foreigners, which shall be done by the state administration body responsible for foreign affairs.

XIII PENAL PROVISIONS

Article 99

A foreign person shall be fined in the amount of not more than five to twenty minimum wages in Montenegro per instance for the following violations of the law:

- 1) Failure to leave Montenegro within a specified period of time (Article 61(2) and Article 62(1));
- 2) Unauthorized departure from the Shelter or failure to observe the applicable rules of behavior at the Shelter (Article 74); and
- 3) Departure from the place of residence as specified by the Police or failure to report to the competent authority regularly (Article 74).

A protective measure of removal from the territory of Montenegro for up to one year, independently or with a fine, may be imposed on a foreigner under paragraph 1 of this Article

Article 100

A foreign person shall be fined in the amount of not more than three to fifteen minimum wages in Montenegro per instance in case of:

- 1) Movement or stay in a particular area where her or his movement or stay is restricted or prohibited (Article 3);
- 2) Entering Montenegro and staying in its territory without a valid travel document containing a visa or a residence permit (Article 10(1));
- 3) Not using the travel document that was used to cross the state border (Article 11(2));
- 4) Staying in Montenegro contrary to the purpose stated in his or her visa application (Article 19(1));
- 5) Staying in Montenegro contrary to the purpose stated in his or her temporary residence permit (Article 35);
- 6) Illegal stay in Montenegro (Article 61(1));
- 7) Refusal to present his or her identity document to an authorized official (Article 85 (2));
- 8) Allowing a third person to dispose of his or her identity document or using an invalid or another person's identity document as his or her own (Article 85(3) of this Law);
- 9) Using his or her personal name contrary to Article 85(4) of this Law.

For a violation from paragraph 1 of this, a foreign person may be subject to the protective measure of expulsion from Montenegro, alone or in addition to a fine.

Article 101

A foreign person shall be fined in the amount of not more than one to ten minimum wages in Montenegro per instance in case of:

- 1) A failure to submit an application to be issued a personal identity card for foreigners within 30 days following that of his or her arrival to the current place of residence (Article 88 paragraph 2);
- 2) A failure to submit an application for the substitution of his or her identity card for foreigners within the anticipated time limit (Article 90 paragraph 2);
- 3) A failure to return his or her identity card as specified under Article 91 of this Law;
- 4) A failure to report a disappearance or loss of documents (Article 92); and
- 5) He or she wears a foreign military police or customs officers' uniform during his or her stay in Montenegro contrary to Articles 94 and 95 of this Law.

Article 102

A carrier shall be fined in the amount of not more than fifty to two hundred minimum wages in Montenegro per instance in case of bringing a foreign person who fails to satisfy the requirements from Article 10 of this Law (Article 29) to the border crossing point or in case of failing to take such a person away without any delay and at its own cost.

The responsible person of the corporate entity (carrier) shall be fined in

the amount of not more than one half to twenty minimal wages in Montenegro for the violation from paragraph 1 of this Article.

A decision on the protective measure banning the performance of business activity for a period not longer than one year may be issued in the case of violation from paragraph 1 of this Article.

XVI TRANSITIONAL AND FINAL PROVISIONS

Time Limit for Adoption of Secondary Legislation

Article 103

Regulations for implementation of this Law shall be passed within six months from the date of enactment of this Law.

Until the regulations referred to in paragraph 1 of this Article are adopted, by-laws enacted under the Law on Movement and Stay of Foreigners ("Official Gazette of SFRY" 56/80, 53/85, 30/89, 26/90, 53/91; "Official Gazette of FRY" 24/94 and 28/96) shall be applicable, if they are not in conflict with this Law.

Issuing of Decisions on Previously Initiated Proceedings

Article 104

The proceedings that were initiated before the entrance into effect of this Law shall be completed according to the law which was in force before this Law came into effect, if this is more favorable for a foreigner.

Validity of Documents Issued under Previous Regulations

Article 105

Travel and other documents issued before this Law enters into effect shall be valid for the following year after this Law enters into effect.

A permanent resident permit issued before this Law enters into effect shall be valid until the expiration of the period for which it was issued.

Article 105a

Displaced persons from the former Yugoslav republics who temporarily maintained the status of displaced persons in accordance with the Decision on the temporary retention of the status and rights of displaced and internally displaced persons in the Republic of Montenegro ("Official Gazette of the Republic of Montenegro" 46/06), may be granted permanent settlement if on the date of entry into force of this law they are registered in the records of displaced persons, as evidenced by a certificate of the Office for Asylum.

Permanent residence can be approved for internally displaced persons from Kosovo, who temporarily retained their status of internally displaced persons on the basis of the Decision referred to in paragraph 1 of this Article, if they contact for the purpose of being registered, until 14 November 2009, the state administration body responsible for the management of refugees, as evidenced by a certificate of that authority.

An internally displaced person who, due to health reasons, as evidenced by medical documentation of a public health institution, did not report for the

registration can do so within three months from the expiry of the period prescribed in paragraph 2 of this Article.

In deciding on the approval of permanent residence to persons referred to in paragraphs 1, 2 and 3 of this Article the provisions of Article 57, paragraph 1, items. 3, 4 and 5 of this Law shall not apply.

Persons referred to in paragraphs 1 and 2 of this Article who have no valid travel document required for exercising the right of permanent residence, and with no interference referred to in Article 57(1) items 2 and 6 of this Law, shall be granted temporary residence until a valid passport is obtained, and for a maximum of three years from the date of approval of temporary residence.

Persons referred to in paragraph 5 of this Article shall have the rights and obligations of foreign permanent residents in accordance with this Law.

See Article 1 of the Law 72/2009-12

Article 105b

Persons referred to in Article 105a paragraph 1 and 2 of this Law may apply for approval of permanent residence within two years from the date of enactment of this Law.

See Article 1 of the Law 72/2009-12

Article 105c

The status of displaced and internally displaced persons shall be terminated for the persons who are granted permanent residence in accordance with Article 105a of this Law.

Persons who do not realize their right to permanent residence in accordance with Article 105a of this Law shall be regarded as persons who are illegally residing in Montenegro.

See Article 1 of the Law 72/2009-12

Termination of Application of the Current Law

Article 106

On the day of entry into force of this Law, the Law on Movement and Stay of Foreigners ("Official Gazette of SFRY", 56/80, 53/85, 30/89, 26/90, 53/91; " Official Gazette of FRY" 24/94, 28/96) shall come out of force.

Entrance into Force

Article 107

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

MAIN TEXT

Pursuant to Article 95 point 3 of the Constitution of Montenegro I hereby enact the

Decree on Promulgation of the Law on Foreigners,

I hereby enact the Law on Foreigners which was adopted by the 23rd Parliament of Montenegro at the seventh meeting of its second regular session in 2008, on 15 December 2008.

Number: 01-2080/2

Podgorica, 17 December 2008.

The President of Montenegro, Filip Vujanovic, in person

FOREIGNERS LAW

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I GENERAL PROVISIONS

Subject of the Law

Article 1

This Law shall regulate the conditions of entry into, movement and stay of foreign citizens in Montenegro.

Scope of the Law

Article 2

This Law shall not apply to foreign citizens who enjoy privileges and immunities according to international law, unless otherwise stipulated by this Law;

For persons without citizenship, the provisions of confirmed and published international treaties and generally accepted rules of international law shall be applied, when this is more favorable for them.

The Restriction or Prohibition of Movement

Article 3

Foreign persons shall be subject to a restriction or prohibition of movement in a particular area in Montenegro if so required for the reasons of national security and public order.

Obeying the Law

Article 4

During his/her movement and stay in Montenegro, a foreign person shall be obliged to observe the applicable regulations and decisions of the competent state bodies.

Application of Regulations Governing General Administrative Procedure

Article 5

The regulations governing general administrative procedure shall apply in the process of making a decision on the rights and obligations of foreign persons, unless otherwise provided by this Law.

Definition of Terms

Article 6

The terms used in this Law shall have the following meanings:

- 8) **Foreign citizen** means any citizen of another state or a stateless person;
- 9) **Entry into Montenegro** means crossing of the State border, meaning a border crossing point where border control is performed. Stopping of foreign persons at an airport or port transit area shall not be considered as an entry into Montenegro in the sense of this Law;
- 10) **Transit** means passing through the territory of Montenegro;
- 11) **Foreign travel document** means a valid personal, family or group passport, diplomatic passport, service passport, seaman's booklet, shipping book or other travel document recognized by international treaties pursuant to which the identity of its holder can be established, which has not expired and which has been issued according to the regulations on issuing travel documents of a foreign state;
- 12) **Valid travel document** means a document issued by the competent authority, clearly confirming the term of validity of the document and the identity of its holder.
- 13) **Carrier** is a company or entrepreneur who is registered to conduct business of passenger transportation on land, sea, lakes, rivers and air;
- 14) **ID card for foreigners** is the identity document that may be issued to a permanently residing foreigner or a foreigner on a temporary stay, without a valid travel document.

II ENTRY AND EXIT OF FOREIGNERS

Control at Border Crossing Point

Article 7

Foreign persons shall submit themselves to border control when entering or leaving Montenegro.

Border control of foreign persons shall be carried out according to the law governing the surveillance of the state border and including verification of the conditions laid down in Articles 8, 9 and 10 of this Law.

Denial of Entry

Article 8

A foreign person shall not be permitted to enter Montenegro, if :

- 1) He/she fails to satisfy the requirements from Article 10 of this Law;
- 2) He/she has insufficient financial resources to support himself or herself during his/her stay in Montenegro and to return to his/her country of origin or to travel to a third country;
- 3) He/she is in transit and fails to satisfy the requirements for entry into a third country;
- 4) A pronounced protective measure of expulsion or deportation is in force;
- 5) This is required by reasons of national security and public order;
- 6) He/she is on the corresponding records as an international offender;

The prohibition of entry shall be entered into the valid travel document of a foreigner.

Denial of Exit

Article 9

A foreigner shall not be allowed out of Montenegro, if:

- 1) he/she uses another person's, i.e. invalid, false passport or other document,
- 2) there is reasonable suspicion that he/she intends to avoid criminal or misdemeanor prosecution, prison sentence, the execution of court orders, or deprivation of liberty;
- 3) this is required by reasons of national security and public order.

Upon termination of the reasons referred to in paragraph 1 of this Article the foreigner is allowed to exit from Montenegro.

Entry, Movement and Stay

Article 10

A foreigner may enter, move to and reside in the territory of Montenegro with a valid travel document into which a visa or residence permit is entered, unless otherwise provided under this Law or an international treaty.

A foreigner whom Montenegro is obliged to accept on the basis of international treaties, for humanitarian reasons, reasons of public order or public health, shall be granted an entry without a valid travel document.

Nationals of certain countries may also enter Montenegro with a valid identity card or other document under which their identity and nationality can be determined, in accordance with international agreements or regulations on visa regime under Article 14(2) of this Law.

The Entry of Foreigners with Multiple Citizenships

Article 11

A foreigner who has multiple citizenships is considered to be the citizen

of the State which issued the passport with which he/she entered Montenegro.

The foreigner referred to in paragraph 1 of this Article shall be obliged to use the passport with which he/she entered Montenegro during his/her stay in Montenegro.

Entry and Exit Based on a Joint Passport

Article 12

A foreign person whose name is entered into the travel document of another person shall enter or exit Montenegro only accompanied by the person into whose travel document his/her name is entered.

Foreign persons who have a joint travel document shall enter or exit Montenegro only together.

A person entered into a joint travel document shall have an individual document containing a photograph on the basis of which his/her identity may be established.

The group leader shall have a personal passport.

Movement of Foreign Persons in Uniform

Article 13

A foreign person may move about in a foreign military, police or customs official uniform under the conditions set forth by this Law.

III VISAS

Visas and Visa Regime

Article 14

A visa is a permission enabling foreign citizens to enter, stay in and transit through the territory of Montenegro.

Visa regime shall be regulated by the Government of Montenegro (hereinafter referred to as "The Government"), following the proposal of the authority of public administration in charge of foreign affairs.

Entry with no Visa

Article 15

Nationals of certain countries may enter Montenegro without a visa, in accordance with international agreements or according to the Government's regulation under Article 14(2) of this Law.

Visa Types

Article 16

Visas, in the sense of this Law, shall include: airport transit visa (A Visa), transit visa (B Visa), visa for short-term stay (C Visa) and visa for long-term stay (D Visa).

Airport Transit Visa (A Visa)

Article 17

An airport transit visa (A Visa) may be issued to a foreign person for one or more crossings through an international transit space of an airport, during the interruption of a travel or transfer between two flight legs of an international flight, without actual entering into the territory of Montenegro.

A foreign person who does not leave an airplane or international transit space of an airport during a stopover shall not require a visa.

In the case referred to in paragraph 2 of this Article, the Government may order that the nationals of certain countries require airport transit visas, if required by reason of national security and public order.

Airport transit visa is issued with a validity period of up to three months.

Transit Visa (B Visa)

Article 18

A transit visa (B Visa) shall be issued to a foreign person for one, two or more travels through the territory of Montenegro.

The visa referred to in paragraph 1 of this Article shall be issued with a term of validity of up to six months.

Pursuant to a transit visa (B Visa) a foreign person may stay in Montenegro for not longer than five days.

A transit visa (B Visa) may be issued to a foreign person who has an entrance visa of the state that he/she travels to or through whose territory he/she continues his/her travel, unless otherwise determined by an international treaty.

A transit visa (B Visa) may be issued and entered into a group passport of a group of travelers that had been formed before making a decision about the travel, and who pass through the territory of Montenegro together.

The visa referred to in paragraph 5 of this Article can be issued to a group of at least five and a maximum of 50 persons, where the person who leads the group shall own a personal passport and, when necessary, a visa.

Visa for Short-Term Stay (C Visa)

Article 19

A visa for a short stay (C Visa) shall be issued for tourist, business, personal and other travel, for a single or multiple entries into the territory of Montenegro, and for an uninterrupted stay or the total length of successive stays of foreign persons with a visa for short-term stay in Montenegro that shall not exceed 90 days within a period of six months, counting from the day of the first entry.

A multiple-entry visa for a short stay (C Visa) shall be valid for not longer than one year.

Notwithstanding paragraph 2 of this Article, a short-stay visa (C Visa) for multiple entries can be issued with a longer validity period, but no longer than five years, as decided by the government authority responsible for foreign affairs.

A visa for a short-term stay (C Visa) may be issued to a group of travelers which was formed before making a decision about the travel, where the members of that group enter the territory of Montenegro together, stay there and leave as a group. This visa shall not be valid for longer than 30 days.

The visa from paragraph 4 of this Article shall be entered into a group passport and may be issued to a group of not less than 5 and not more than 50 persons, whereas the person who leads the group shall have a personal passport and, when necessary, the visa.

Detailed conditions for issuing visas referred to in paragraphs 2 and 3 of this Article shall be provided by the state authority responsible for foreign affairs.

Visa for Long-Term Stay (D Visa)

Article 20

The visa for a long-term stay (D Visa) shall be issued to a foreign person intending to stay continuously in the territory of Montenegro for a period longer than 90 days, whereas not longer than one year, counting from the day of first entry.

Visas for longer stays (D visas) shall be issued for one or more entries into Montenegro.

More detailed requirements for a visa under paragraphs 1 and 2 of this Article shall be prescribed by the authority of state administration in charge of foreign affairs.

Limitations on the Validity

Article 21

When issuing a visa, the validity period of the travel document into which a visa is entered shall be at least three months longer than the period of validity of the visa.

Exceptionally, if so required for humanitarian reasons, national interests or international obligations of Montenegro, a visa entered into a travel document may be valid until the expiry of validity of the travel document, when the return of the foreigner into his/her country of residence or a third country is ensured.

Authority for Visa Issuing

Article 22

A foreigner shall be required to obtain a visa prior to entry into Montenegro.

Visa shall be issued by a diplomatic or consular mission of Montenegro unless otherwise stipulated under this Law.

A visa application shall be submitted by a foreigner in person, on a special form.

Prior to issuing visas, diplomatic or consular mission of Montenegro shall be obliged in certain cases to obtain a prior consent of the authorities responsible for police matters (hereinafter referred to as the Police).

Notwithstanding paragraph 2 of this Article, if so required due to humanitarian, personal or professional reasons, the following may be issued at the border crossing point by the Police:

- 4) A short-stay visa (C visa) for a single entry and stay of up to 15 days,
- 5) A transit visa (B Visa), for a single transit of up to five days, and
- 6) A transit visa (B Visa), for a seaman, or a group of sailors.

Visas shall be issued by entering a visa form into a valid foreigner's passport.

When so required due to humanitarian reasons, national interests or international obligations of Montenegro, visas may be entered on the form for entering the visa if the passport contains no place for visa entering or if the passport is not valid for crossing the state border.

A more detailed procedure for issuing visas, the application form for a visa, cases in which it is necessary to obtain prior approval of the Police, the visa form, procedure for visa entry into the passport and visa entry form shall be prescribed by the state authority responsible for foreign affairs.

Representation

Article 23

In the countries where Montenegro has no diplomatic or consular mission, a foreign diplomatic mission which will represent Montenegro in the process of issuing visas may be determined by a bilateral treaty.

Extension of Validity for Short-Term Visa (C visa)

Article 24

No visa for a short-term stay (C Visa) shall be extended.

Exceptionally, the validity of a visa for short-term stay (C Visa) may be extended for humanitarian, professional, personal reasons or due to force majeure.

An application for the extension of a visa from paragraph 2 of this Article shall be submitted to the Police, at the foreigner's place of residence, before the expiry of the visa, on a special form.

A foreigner may stay in Montenegro until a decision following the application referred to in paragraph 3 of this Article is made.

Detailed conditions for an extension of visa validity and application form for an extension of validity of the visa from paragraphs 2 and 3 of this Article shall

be prescribed by the authority of state administration in charge of foreign affairs.

Reasons for the Rejection of Visa Application

Article 25

No visa shall be issued to a foreign person if:

- 1) An obstacle from Article 8 of this Law exists;
- 2) He/she fails to appear in person following the request of a diplomatic or consular mission of Montenegro abroad;
- 3) After the request of a diplomatic or consular mission, he/she fails to submit the required documents proving the purpose and conditions of his/her stay in Montenegro;
- 4) After the request of a diplomatic or consular mission of Montenegro, he/she fails to submit proof of health and travel insurance;
- 5) he/she stayed in Montenegro for 90 days, and it was not six months from the date of first entry.

The foreigner shall be verbally advised about the reasons why his/her visa was not issued.

Exceptionally, in the cases from paragraph 1 of this Article, a foreigner may be issued a visa for humanitarian reasons, if this is in the interests of Montenegro or if so required due to internationally valid obligations.

In this case, a foreigner may be allowed to enter the country solely through a specified border crossing point.

Shortening the Period of Visa Validity

Article 26

When exercising the control of entry into Montenegro, the term of visa validity may be shortened by the Police at the border crossing point, if:

- 1) it is determined that the foreigner does not have sufficient means of subsistence,
- 2) the period of visa validity is longer than the period of validity of the travel document;
- 3) the foreigner would exceed the limit of 90 days of stay during the period of six months from the date of first entry.

Entering Corrections to the Visa

Article 27

The Police may, in the exercise of border control, correct the data mistakenly entered into the visa issued by a diplomatic or consular mission of Montenegro.

Cancellation of Visas

Article 28

A visa shall be cancelled by a diplomatic or consular mission of Montenegro or the Police if the existence of any of the reasons referred to in Article 8 of this Law is subsequently determined.

The manner of cancellation of the visas issued shall be regulated by the authority of state administration responsible for foreign affairs.

Obligations of Carriers

Article 29

A carrier may bring a foreign person to a border crossing point only if the requirements from Article 10 of this Law are satisfied.

The carrier that brought a foreign person in contravention of paragraph 1 of this Article shall without any delay and at its own expense take him/her away from the border crossing point or Montenegro and cover the costs of the foreigner's stay and return.

The provision of paragraph 2 of this Article shall also apply to carriers that brought the foreigner in transit through the territory of Montenegro which refused to transport the foreigner to the country of destination or if the foreigner is barred from entering the country of destination.

The organizer or a tourist or business travel shall cover the costs of a forced stay and removal from Montenegro for the foreign beneficiaries of their respective services who are expelled for the reasons referred to in Article 10 of this Law, and where they are not able to cover their own expenses.

A natural or legal person on whose invitation a visa has been issued to a foreign person to enter Montenegro shall have the obligation under paragraph 4 of this Article, where such costs cannot be covered by the organizer of the tourist or business travel, i.e. a foreigner.

IV RESIDENCE OF FOREIGN CITIZENS

Types of Residence

Article 30

The residence of a foreign citizen in Montenegro in the sense of this Law shall include a:

- 4) Sojourn of up to 90 days;
- 5) Temporary residence;
- 6) Permanent residence.

3) Stay of up to 90 Days

The Right to a Stay of up to 90 Days

Article 31

A foreigner shall be entitled to a stay of up to 90 days on the basis of short-stay visa (C Visa), in accordance with Article 19 of this Law, or without a visa on the basis of regulations under Article 14 paragraph 2 of this Law.

In the case referred to in paragraph 1 above, a foreigner may stay in Montenegro for 90 days in a period of six months from the date of first entry, unless otherwise provided by this Law or an international treaty.

A foreigner who has resided in Montenegro for 90 days, in accordance with paragraphs 1 and 2 of this Article, may re-enter and reside in Montenegro after a period of six months from the date of first entry.

Cancellation of Stay up to 90 Days

Article 32

A stay of up to 90 days may be canceled for a foreigner if:

- 1) he/she has no valid passport or other document used for crossing the state border,
- 2) he/she does not meet the conditions for entry and residence laid down in this Law, 3) he/she has no funds for support during his/her stay in Montenegro and to return to the country of origin or to travel to a third country,
- 4) he/she fails to pay the fine imposed in Montenegro,
- 5) there is reasonable suspicion that a stay will not be used for the reported purpose.

The cancellation of residence referred to in paragraph 1 of this Article shall be decided by the Police. The decision includes the period within which a foreigner must leave the territory of Montenegro and the imposition of a ban on the entry into Montenegro for a certain period time (hereinafter referred to as “the ban”).

The period of ban referred to in paragraph 2 of this Article shall be counted from the day of departure from Montenegro.

An appeal against the decision referred to in paragraph 2 of this Article may be filed to the authority of state administration in charge of interior (hereinafter referred to as “the Ministry”), within eight days from the date of receipt of the decision.

The enforcement shall not be postponed by an appeal.

The cancellation of a stay of up to 90 days and the ban are registered in the foreigner's passport.

A detailed procedure for the registration of a cancellation of stay of up to 90 days and the prohibition of entry into the foreigner's passport shall be prescribed by the Ministry.

Termination of Stay of up to 90 Days

Article 33

A foreigner's stay of up to 90 days shall cease due to:

- 1) cancellation of the residence,
- 2) the expiration of the term for which his/her visa was issued, and
- 3) the expiration of the period referred to in Article 31 paragraph 2 of this Law,
- 4) if he/she was returned to Montenegro on the basis of an international treaty (readmission) because of an illegal stay.

The Cancellation and Termination of Residence on the Basis of D Visa

Article 34

The provisions of Articles 32 and 33 of this Law shall apply to the cancellation and termination of stay of foreigners on the basis of residence visa issued for a longer stay (D Visa).

4) Temporary Residence

Entitlement to Temporary Residence

Article 35

Temporary residence may be granted to a foreign person intending to stay in Montenegro for a period longer than 90 days for the purpose of:

- 11) employment and work, performance of economic or entrepreneurial activity;
- 12) seasonal work;
- 13) secondary education or study;
- 14) participation in programs of international student exchanges or other youth programs,
- 15) specialization, vocational training and practical training;
- 16) scientific research work;
- 17) medical treatment;
- 18) family reunification;
- 19) humanitarian reasons;
- 20) other justifiable reasons prescribed by law or international treaty.

A foreigner who is granted a temporary stay for the reasons set forth in paragraph 1 of this Article may stay in Montenegro in accordance with the purposes for which his/her temporary stay was granted.

The Conditions for the Issuance of Approval

Article 36

A foreigner may be granted a temporary stay if:

- 6) he/she has means of subsistence;
- 7) he/she has provided accommodation;
- 8) he/she has health insurance;
- 9) there are no grounds under Article 8 of this Law;
- 10) he/she has submitted evidence justifying of the application for a temporary stay.

Application for and Deciding on Temporary Residence

Article 37

An approval for temporary residence in Montenegro shall be issued by the Ministry, subject to prior approval by the Police.

An application for authorization of a temporary stay shall be submitted by a foreigner to a diplomatic or consular mission of Montenegro.

A foreign person requiring no visa for entering Montenegro may submit an application for the first temporary stay to the Ministry, at his/her place of residence.

With the application from paragraph 2 and 3 of this Article, a foreigner shall enclose a valid travel document, in addition to any other evidence justifying the reasons for applying for a temporary residence permit.

The foreigner who applied for temporary residence shall not change the reason of stay in the course of the application procedure.

A foreigner who applies for temporary residence before the expiry of 90 days of stay may remain in Montenegro until the final decision.

Refusal of Application

Article 38

The refusal of application for the issuance of temporary residence shall be made by a decision.

An appeal against the decision referred to in paragraph 1 of this Article may be lodged to the Ministry, within eight days from the date of receipt of the decision.

Validity Period

Article 39

Temporary residence shall be granted for a period of not longer than one year, unless otherwise provided by this Law.

Temporary residence permit shall be entered into the foreign person's valid travel document whose period of validity shall exceed the period covered by the permit by at least three months.

If the application is filed in a foreign country, the first temporary residence permit shall be entered into the foreigner's passport by the diplomatic or consular mission of Montenegro.

Temporary stay for a foreigner who has no valid travel document shall be granted by a decision, until the travel document is issued.

More detailed procedure for issuing permits for temporary residence, as well as the form of approval and the application form referred to in Article 37 paragraph 2 of this Law shall be regulated by the Ministry.

Extension of Temporary Residence

Article 40

Temporary residence may be extended for a period not longer than two years, unless otherwise provided under this Law.

An application for the extension of temporary stay of foreigners shall be submitted to the Ministry, at the place of residence, not later than 30 days before the expiration of a temporary residence.

The provisions of Article 37 paragraphs 1, 4, 5 and 6 and Article 39 paragraphs 2 and 4 of this Law shall apply to the extension of temporary residence.

The application form for an extension of temporary stay shall be prescribed by the Ministry.

Temporary Residence for Employment

Article 41

Temporary residence for employment and work, and the performance of a business or entrepreneurship activity, may be granted to a foreign citizen who was previously issued a work permit, in accordance with the law governing the employment of foreigners.

Temporary residence of a foreigner under paragraph 1 of this Article shall be issued for a period specified in the work permit, or the period referred to in Article 39 paragraph 1 of this Law.

Temporary Residence for Seasonal Employment

Article 42

Temporary residence for seasonal employment may be granted to a foreigner who meets the requirements of Article 36 of this Law, and a work permit may be enclosed as a proof of legitimacy of the application for temporary residence.

The temporary residence under paragraph 1 of this Article may be granted for a period of up to eight months in a calendar year.

A temporary residence permit referred to in paragraph 1 of this Article shall be issued within seven days from the date of application.

Temporary Residence for High School or Higher Education

Article 43

Temporary residence may be granted to a foreigner for the purpose of high school or higher education provided that the requirements from Article 36 of this Law are met, with a certificate of training or studying enclosed as a proof of legitimacy of the application for temporary residence.

The temporary residence permit from paragraph 1 of this Article may be extended for a period not longer than two years following the expiration of the actual period of education, i.e. university attendance.

For the granting of temporary residence to a minor foreigner, for the purpose of secondary education, an approval of his/her legal representative shall be required.

Temporary Residence for Participation in International Exchange Programs

Article 44

A foreigner who comes to Montenegro to participate in programs of international exchange of students or other youth programs may be granted temporary residence if the requirements of Article 36 of this Law are met, and if the following is enclosed as a proof of legitimacy of the application for temporary residence:

1) confirmation of the state body i.e. institution responsible for the implementation of ratified international treaties on the exchange of high school or university students, confirming the participation of foreigners in international exchange programs,

2) confirmation of the competent authorities or institutions on financing the cost of education or study, support, accommodation, health insurance and the costs of repatriation of a foreigner back to the country of his/her nationality.

Temporary Residence for Training, Professional Training or Practical Training

Article 45

The temporary residence for the purpose of specialization, professional training or practical training may be granted to a foreigner who meets the requirements of Article 36 of this Law, and who files a certificate issued by a legal person or competent authorities in Montenegro approving the specialization, training or practical training, as well as a program establishing the duration of his/her stay, as a proof of legitimacy of the application for temporary residence.

Temporary Residence for Scientific Research

Article 46

Temporary residence for scientific research may be granted to a foreigner who meets the requirements of Article 36 of this Law, and who submits a contract concluded with a scientific institution in Montenegro proving the legitimacy of the application for temporary residence.

Temporary Residence for Medical Treatment

Article 47

Temporary residence for medical treatment in Montenegro can be granted to a foreigner who meets the requirements of Article 36 of this Law, and who submits a certificate issued by the health institution where he/she will be treated, including the time required for treatment, proving the legitimacy of the application for temporary residence.

The temporary residence under paragraph 1 of this Article may be extended for the time required for the treatment of foreigner.

Temporary Residence for Family Reunification

Article 48

An application for temporary residence for family reunification shall be submitted by a foreign person who is an immediate family member of a Montenegrin national or a foreign person who was granted the status of a temporary resident in Montenegro

An immediate family in the sense of paragraph 1 of this Law shall include: a spouse, children born in or out of wedlock, step children and adopted children.

Notwithstanding paragraph 2 of this Article, another relative may also be considered as a family member if there are special personal or humanitarian reasons for family reunification in Montenegro.

Temporary residence for family reunification shall be granted for a term not exceeding one year or until the expiry of the temporary residence permit of the foreigner with whom the reunification was requested.

Temporary residence referred to in paragraph 4 of this Article may be extended when a Montenegrin citizen referred to in paragraph 1 of this Article died, as well as in the case of termination of marriage which lasted in Montenegro for at least three years.

A foreigner, an immediate family member of the Montenegrin citizen or a foreigner who is granted permanent residence in Montenegro, temporary residence may be extended until the conditions for eligibility for permanent residence under Article 54 paragraph 1 of this Law are satisfied.

Marriage of Convenience

Article 49

Temporary residence for family reunification shall not be granted to a foreigner if it is determined that the marriage is concluded to gain benefits.

Marriage of convenience, in terms of paragraph 1 of this Article, is considered to be the marriage that was entered into with the intention to achieve the entry or residence of foreigner in Montenegro, contrary to the conditions stipulated by this Law.

Circumstances that may indicate that the marriage was concluded to gain benefits are:

- 1) the spouses do not hold marriage;
- 2) the spouses fail to fulfill obligations arising from marriage;
- 3) the spouses did not get to know each other before the conclusion of marriage;
- 4) the spouses did not provide accurate personal data;
- 5) the spouses do not speak the language they both understand; and
- 6) tangible assets were given to conclude the marriage, and not as a custom of giving dowry, when the spouses come from the countries where there is a custom of giving dowry;
- 7) there is evidence that a marriage of convenience was previously concluded by the spouses, either in Montenegro or in a foreign country.

Temporary Residence of a Child Born in the Territory of Montenegro

Article 50

Temporary residence shall be granted and extended to a minor born in the territory of Montenegro who is not a citizen of Montenegro for the duration of temporary residence of one of his/her parents or guardians.

Temporary Residence for Humanitarian Reasons

Article 51

Temporary residence permit for humanitarian reasons may be granted to an alien who is assumed to be a victim of the criminal act of human trafficking, as well as a minor foreigner who is abandoned or the victim of organized crime, even if the requirements of Article 36 of this Law are not met.

The temporary residence on humanitarian grounds shall not be granted to a foreigner if it is required by reasons of national security and public order.

The temporary stay on humanitarian grounds is granted for a period of three months to one year and may be extended for as long as there are grounds referred to in paragraph 1 of this Article.

A foreigner referred to in paragraph 1 of this Article shall not be forcibly removed because of illegal entry or residence in Montenegro.

A foreigner referred to in paragraph 1 of this Article, for whom there is reasonable fear that by giving a statement he/she could be exposed to danger to life, health, physical integrity or liberty, shall be provided with physical protection and rights under the provisions of the law governing the protection of witnesses.

Cancellation of Temporary Residence

Article 52

Temporary residence of a foreign person be cancelled if the following is subsequently established:

- 4) Existence of causes from Article 8 of this Law;
- 5) Employment and work without a valid work permit, that is contrary to the law governing the employment and work of foreigners;
- 6) Residence for other purposes, contrary to those for which his or her residence permit was issued;

When considering the cancellation of a foreign person's residence, the following shall be particularly taken into account:

- 5) Duration of residence;
- 6) Personal, family, economic and other circumstances;
- 7) Period of time within which the foreign person shall have to leave Montenegro, provided that such a period may not be longer than 30 days;
- 8) Period of prohibition of entry into Montenegro.

The cancellation of temporary residence under paragraph 1 of this Article shall be made by the Police. The decision shall determine the period within which a foreigner must leave the territory of Montenegro and the imposition of ban on entry into Montenegro.

The ban of entry referred to in paragraph 3 of this Article shall be counted from the day of departure from Montenegro.

An appeal against the decision referred to in paragraph 3 of this Article may be lodged to the Ministry, within eight days from the date of receipt of the decision.

Cancellation of temporary residence and the prohibition of entry shall be entered in the foreigner's passport.

A detailed procedure for the registration of cancellation of temporary residence and the prohibition of entry into the foreigner's passport shall be regulated by the Ministry.

Termination of a Temporary Residence

Article 53

Temporary residence of a foreign person in Montenegro shall be concluded if:

- 6) His/her temporary residence was cancelled;
- 7) A protective measure of expulsion or security measure of deportation was pronounced;
- 8) The period of temporary residence expired.
- 9) The grounds for which the temporary residence was granted ceased to exist;
- 10) The duration of temporary residence outside Montenegro is longer than 90 days.

The decision on termination of temporary residence on the grounds referred to in paragraph 1 items 4 and 5 of this Article shall be issued by the Ministry.

An appeal may be filed against the decision referred to in paragraph 2 of this Article within eight days from the date of receipt of the decision.

The appeal referred to in paragraph 3 of this Article shall be decided by the Ministry.

3. Permanent Residence The Right to Permanent Residence

Article 54

Citizens of the countries established in the territory of former Yugoslavia who had registered permanent residence in Montenegro before 3 June 2006 shall be eligible for permanent residence without application and without special approval, subject to the obligation of filing for registration.

Permanent residence may be granted to a foreigner who stayed in Montenegro for five consecutive years on the basis of a temporary residence permit before the date of application.

Exceptionally, permanent residence may be granted to an a foreigner who was granted temporary residence in Montenegro for less than five years

continuously before the application, if so required by reasons of humanity, or would be of interest for Montenegro.

Continuous residence within the meaning of paragraphs 1 and 2 of this Article shall mean a temporary residence during which a foreigner was absent from Montenegro several times for a total period of 10 months or six months continuously.

For a foreigner who is granted temporary residence in Montenegro in accordance with Article 43 of this Law, the time required for approval of permanent residence shall include half of the time spent in Montenegro.

The time required for approval of permanent residence shall not include the time during which a foreigner was in Montenegro:

- 1) on temporary residence approved for seasonal work,
- 2) serving a prison sentence.

The Rights and Responsibilities of a Foreigner with Permanent Residence

Article 55

A foreigner who is granted permanent residence in Montenegro has the right to:

- 1) labor and employment;
- 2) education and training;
- 3) recognition of diplomas and certificates;
- 4) social welfare, health and pension insurance;
- 5) tax benefits; and
- 6) access to the market for goods and services;
- 7) freedom of association, connecting and membership of organizations representing the interests of workers or employers.

A foreigner shall be entitled to the rights referred to in paragraph 1 of this Article in accordance with the laws regulating the manner of exercising these rights.

Application and Approval

Article 56

Permanent residence permit shall be issued by the Ministry.

A foreigner shall submit an application for permanent residence to the Ministry, at his/her place of residence.

Permanent residence permit shall be entered in the foreigner's passport.

A more detailed procedure for the issuing of permits for permanent residence, and the form of approval and the application form referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

Rejection of Application

Article 57

No permanent residence shall be granted to a foreign person who:

- 7) Has no valid travel document;
- 8) was convicted in Montenegro of a criminal act for which he or she is being prosecuted ex officio or where the criminal charges were brought against that person for having committed such a criminal act;
- 9) Has no financial resources for personal maintenance;
- 10) Is not covered by health insurance;
- 11) Has no accommodation;
- 12) If so required for the reasons of security and public order.

Administrative proceedings may be instituted against the decision of the Ministry rejecting an application for permanent residence.

Cancellation of Permanent Residence

Article 58

The permanent residence status of a foreign person may be cancelled if:

- 5) He or she has been unconditionally sentenced to a prison term of more than six months for a criminal act for which he or she is being prosecuted ex officio;
- 6) So required for the reasons of national security, public order or the protection of public health;
- 7) The existence of reasons for the cancellation of permanent residence is established;
- 8) He or she provided false information on personal identity or concealed any circumstances of relevance for the issuing of a permit.

The provisions of Article 52 paragraphs 2 of this Law shall apply accordingly to deciding on the cancellation of permanent residence.

The decision on cancellation of permanent residence shall be issued by the Ministry. The decision establishes the period within which a foreigner shall leave the territory of Montenegro and the imposition of a ban on entry into Montenegro.

The period of ban on entry referred to in paragraph 3 of this Article shall be counted from the day of departure from Montenegro.

Administrative proceedings may be instituted against the decision referred to in paragraph 3 of this Article.

Cancellation of permanent residence and the prohibition of entry shall be entered in the foreigner's passport.

A detailed procedure for the cancellation of registration of permanent residence and the prohibition of entry into the foreigner's passport shall be prescribed by the Ministry.

Termination of the Right to Permanent Residence

Article 59

The right of a foreign person to permanent residence shall be terminated if:

- 6) A security measure of deportation or protective measure of expulsion was pronounced against this person;
- 7) It is established that a foreign person moved out of Montenegro or continuously stayed abroad for a period longer than one year without having informed the Ministry accordingly;
- 8) His or her permanent residence was cancelled;
- 9) He or she renounced his or her right to permanent residence by making a declaration;
- 10) He or she was granted Montenegrin citizenship.

The decision on termination of permanent residence from item 2 paragraph 1 of this Article shall be issued by the Ministry.

Administrative proceedings may be instituted against the decision from paragraph 2 of this Article.

Application of the Special Law

Article 60

The law governing the domicile and residence of Montenegrin citizens and foreigners shall apply to the registration or deregistration of place of residence or change of home address.

V. ILLEGAL RESIDENCE

Obligation of Foreign Citizen to Leave Montenegro

Article 61

Any stay in Montenegro with no visa or residence permit shall be regarded as illegal residence.

A foreign person illegally residing in Montenegro shall leave its territory immediately or within a specified deadline.

It shall be deemed that a foreign person left Montenegro when he or she enters another country into which he or she is allowed to enter.

A foreign person shall be obliged to prove that his/her stay in Montenegro is legal.

Deadline for Departure from Montenegro

Article 62

The Police shall issue a decision specifying the deadline within which a foreign person whose residence is illegal must leave the territory of Montenegro, and also, if so required the point of crossing of the state border and an obligation to report to the competent border police official.

An appeal against the decision referred to in paragraph 1 of this Article may be lodged to the Ministry within three days following that of its delivery.

The Ministry shall issue a decision on the appeal from paragraph 2 of this Article, not later than within eight days following that of its submission.

The execution of the decision shall not be deferred by the appeal.

When setting the time limit from paragraph 1 of this Article, an objective time limit within which the foreign person in question will be able to leave the territory of Montenegro shall be taken into consideration, whereas such deadline may not be longer than 30 days after the issuing of a decision.

Following the request of a foreign person or ex officio, another time limit may be set for a foreign person who failed to leave the territory of Montenegro for justified reasons within the time limit from paragraph 5 of this Article.

A foreign person who was pronounced a protective measure of expulsion or security measure of deportation or who has to be deported according to international treaty shall be given a time limit to leave the country only if such an action is justified by legitimate reasons.

The Protective Measure of Deportation

Article 63

In misdemeanor cases specified by this Law, the protective measure of deportation may be imposed on a foreigner.

The provisions of Article 52 paragraph 2 shall apply accordingly to the consideration of a decision to proclaim the protective measure of deportation.

VI. COMPULSIVE DEPORTATION

Execution of Compulsive Deportation

Article 64

A foreign person who resides in Montenegro illegally or fails to leave Montenegro within the specified deadline shall be compulsively deported by the Police.

Prohibition of Compulsive Deportation

Article 65

No foreign person shall be compulsively deported to a country where his or her life or freedom may be threatened because of racial, religious or ethnic belonging, membership in a particular social group or for having a different political conviction or where he or she might be exposed to torture, inhuman or degrading treatment and punishment.

Detention of Foreigners

Article 66

When so required for the reasons of ensuring a compulsory deportation,

a foreign person may be detained at the premises of the Police, but not for a period longer than 12 hours.

The provisions of the law regulating police affairs shall accordingly apply to the detention of foreign persons.

Accommodation Facilities for Foreigners

Article 67

The freedom of movement of a foreign person who could not be compulsively deported at once or whose identity was not established shall be limited by placing this person into a Shelter for foreign persons (hereinafter referred to as "The Shelter").

Exceptionally, another appropriate lodging shall be found for a foreign person in need of medical care or having other special needs.

A foreigner who has a provided accommodation and means of subsistence and cannot be forcibly removed may be required to have to stay in a particular place.

Deciding on the Stay at the Shelter

Article 68

The Police shall issue a decision on accommodation at the Shelter.

An appeal against the decision referred to in paragraph 1 of this Article may be lodged to the Ministry, within eight days from the date of receipt of the decision.

The appeal referred to in paragraph 2 of this Article shall be decided by the Ministry, within eight days from receipt of the appeal.

Duration of Stay at the Shelter

Article 69

The stay at the Shelter shall not be longer than 90 days.

Following the expiration of the time limit from paragraph 1 of this Article, foreign person may be placed at the Shelter for 90 days more if:

- 4) The procedure for the establishing of identity or data collection is in progress;
- 5) So required for security reasons;
- 6) intentionally interfering with forced removal.

The time spent by a foreigner outside the Shelter, serving a sentence of imprisonment or detention, shall not be included in the duration of his/her stay at the Shelter.

A foreigner whose identity was established can be granted to leave the Shelter, if not forcibly removed for the reasons mentioned in Article 65 of this Law.

Observing of the Rules of Conduct at the Shelter

Article 70

A foreign person shall observe the rules of conduct at the Shelter and shall not leave the Shelter without permission.

A foreign person who may be reasonably suspected of behaving in the future in a manner contrary to paragraph 1 of this Article shall be subject to an enhanced supervision.

The rules of conduct at the Shelter shall be prescribed by the Ministry.

Termination of Stay at the Shelter

Article 71

The stay of a foreigner's at the Shelter shall be terminated:

- 5) Following the departure from Montenegro;
- 6) when he/she applied for the grant of asylum;
- 7) following the expiration of the determined period of stay;
- 8) after determining the identity, if that was the reason for staying at a shelter.

Placement of Underage Person in the Shelter

Article 72

An underage person shall be placed in the Shelter together with his or her parents, that is another legal representative, unless assessed that another type of accommodation is more favorable for him or her.

The measure of enhanced supervision at the Shelter may be ordered for an underage foreign person who has not turned 16 years of age yet, only if such a person is accompanied by his or her parents or another legal representative.

An underage person shall not be returned to the country of origin or a third country that is ready to accept such a person if this is contrary to Articles 3, 5 and 8 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment including Protocol No 2 amending the Convention, and Articles 9 and 37 of the Convention on the Rights of the Child.

Determination of Compulsory Place of Residence

Article 73

The compulsory residence from paragraph 3 of Article 67 shall be established by the Police ex officio.

The compulsory residence from paragraph 1 of this Article shall not be longer than six months.

Determination of the mandatory stay under paragraph 1 of this Article shall not relieve the foreigner of having to leave Montenegro.

A foreigner for whose compulsory stay in a certain place is established

shall be issued a special identification document which the foreigner is obliged to return before leaving Montenegro.

The appearance and content of the special identification document of a foreigner who is required to stay under paragraph 4 of this Article shall be prescribed by the Ministry.

Restriction of Movement to a Particular Place of Residence

Article 74

In the case from Article 73 of this Law, a foreigner shall remain at a defined address and regularly report to the Police at his/her place of compulsory residence.

Termination of Compulsory Residence

Article 75

The compulsory residence of a foreigner shall be terminated:

- 6) Following his/her departure from Montenegro;
- 7) Following the expiration of established time limit;
- 8) if he/she fails to report regularly to the Police in accordance with Article 74 of this Law;
- 9) if he/she is granted refugee status, subsidiary or temporary protection, temporary residence or permanent residence,
- 10) if it is determined that he/she has no accommodation or means of subsistence provided.

A foreigner alien whose mandatory stay at a certain place stopped, and who failed to leave Montenegro shall be forcibly removed or placed at the Shelter.

Foreigners with Special Needs

Article 76

During the process of forced removal, special needs of foreigners shall be taken into account such as: minors, persons totally or partially incapacitated, children separated from parents or guardians, persons with disabilities, elderly persons, pregnant women, single parents with dependent children, as well as persons who have been exposed to torture, rape or other serious forms of psychological, physical or sexual violence.

In the conduct of official actions affecting the foreigners referred to in paragraph 1 of this Article, the Police shall act in compliance with international treaties and the regulations governing placement of persons with special needs.

Removal of Documents and Objects

Article 77

For the purpose of ensuring the execution of a protected measure of deportation, travel and other documents, travel tickets and funds may be temporarily taken away from a foreign person.

Seized funds are used for covering the costs of forced removal of foreigners. A receipt on the seizure of travel and other documents, travel tickets, objects and funds shall be issued on a form prescribed by the Ministry.

Costs of Forced Removal

Article 78

The costs of placement at the Shelter or due to a forced removal shall be borne by the foreign person.

If the foreigner does not have the funds to reimburse the costs referred to in paragraph 1 of this Article, the cost shall be compensated by:

- 1) a natural or legal person who has committed to bear the costs of stay of the foreigner;
- 2) the carrier that failed to transport the foreigner in accordance with Article 29 paragraph 2 of this Law;
- 3) the employer who employed the foreigner contrary to the law governing the work and employment of foreigners.

The amount of costs referred to in paragraph 2 of Article shall be established by the Police.

The Costs that cannot be charged as set forth in paragraphs 1 and 2 of this Article shall be settled from the budget of Montenegro.

The form of payment of accommodation costs at the Shelter and forced expulsion and the form of a certificate on the recovery of costs shall be prescribed by the Ministry.

VII TRAVEL DOCUMENTS OF FOREIGN PERSONS

Types of Travel Documents

Article 79

Travel documents for foreigners shall include a travel document for stateless persons and travel papers for foreigners, issued in accordance with this Law.

The forms of travel documents referred to in paragraph 1 of this Article shall be prescribed and prepared by the Ministry.

Responsibility for Issuing Travel Documents for Stateless Persons

Article 80

The travel document for a stateless person shall be issued by the Ministry.

The travel document referred to in paragraph 1 of this Article shall be issued with a validity period of one year.

An application for the issuing of travel document for a stateless person shall be submitted on a separate form.

A detailed procedure for the issuance and application form for issuing travel documents referred to in paragraph 1 of this Article shall be prescribed by

the Ministry.

Travel Papers for Foreigners

Article 81

Travel papers for foreigners shall be issued to a foreigner without a valid travel document, if:

- 1) his/her Montenegrin citizenship ceased to exist, for moving abroad,
- 2) his/her foreign travel document was lost or he/she was otherwise left without it, while his country of origin has neither any diplomatic or consular mission in Montenegro nor its interests are represented by another state, for moving abroad;
- 3) he/she lost a travel document for foreigners issued by the diplomatic or consular mission of Montenegro or the Ministry, to return to Montenegro;
- 4) he/she is forced to leave, to move abroad.

Travel document for foreigners may be issued to foreigners in some other case, if there are reasonable grounds for that.

The Authority Competent to Issue a Travel Document

Article 82

Travel document for a foreign person shall be issued by

- 3) The Ministry, in the cases referred to in Article 81(1) points 1,2 and 4 of this Law;
- 4) a diplomatic or consular mission of Montenegro, subject to the Ministry's approval, in the cases referred to in Article 81(1) point 3 and paragraph 2 of this Article.

The travel document from paragraph 1 of this Article shall be valid for a period not longer than 30 days.

Rejection of Application

Article 83

No travel document shall be issued to a foreign person:

- 7) who cannot prove that he/she has or can obtain a valid travel document of the country of his/her nationality;
- 8) who is engaged in criminal or administrative proceedings, unless previously approved by the authority that is conducting the proceedings;
- 9) who was sentenced to a prison sentence or fine, until such sentence is served or fine settled;
- 10) who failed to satisfy his or her real property or civil obligation following a valid decision issued by the competent court;
- 11) If so required for the reasons of national security and the public order.
- 12) If so required by international commitments of Montenegro.

In the case referred to in paragraph 1 item 4 of this Article, a decision rejecting the application for a travel document for foreigners shall be made at the request of the competent court.

Against the decision rejecting the application for a travel document for foreigners, in the cases referred to in paragraph 1 of this Article, the foreigner may lodge an appeal to the Ministry, within eight days from the date of receipt of the decision.

Take Away of Travel Document

Article 84

The Ministry shall temporarily take the travel document of a foreign person if any of the reasons from Article 83(1) of this Law exists.

A receipt proving that the travel document from paragraph 1 was taken away shall be issued to the foreigner.

VIII DOCUMENTS OF IDENTITY

Purpose of Documents and Ban on Allowing

Disposal by Other Persons

Article 85

Personal identity of a foreign person shall be proven by his or her travel document, foreign personal identity card, special personal identity card or any other public document containing a photograph.

Foreign person shall keep his or her personal identity document and present it at the request of the competent official.

Foreign person shall not allow his or her personal identity document to be used by another person or use an invalid or another person's document as own document.

Foreign person shall use the name entered into his or her travel document or another document of personal identity.

Identity Card for Foreign Person

Article 86

A personal identity card may be issued to a foreign person who is the holder of a permanent residence permit or temporary residence permit, and who has no other valid travel document.

A foreign person who is a member of a diplomatic or consular mission of a foreign state or another mission having diplomatic status shall be issued a special personal identity card.

Jurisdiction

Article 87

Identification cards for foreigners referred to in Article 86 paragraph 1 of

this Law shall be issued by the Ministry.

Special identity cards for foreigners from Article 86 paragraph 2 of this Law shall be issued by the state administration body responsible for foreign affairs.

Identity card referred to in paragraph 1 of this Article and special identity card referred to in paragraph 2 of this Article shall be issued on a form prepared by the Ministry.

The form of ID card referred to in paragraph 1 of this Article shall be prescribed by the Ministry, and a form of special identity cards referred to in paragraph 2 of this Article shall be prescribed by the state administration body in charge of foreign affairs.

Application Procedure

Article 88

A foreign person who has turned 16 years of age may apply to be issued a personal identification card for foreigners.

The application referred to in paragraph 1 of this Article shall be submitted to the Ministry, at the place of the foreigner's permanent residence, i.e. temporary residence.

A foreigner having the status of a permanent resident and a foreigner having the status of a temporary resident with no valid travel document shall apply to be issued a personal identity card for foreigners within 30 days following that of approval of his or her permanent, i.e. temporary residence.

An application for the issuance of a special identification card shall be submitted to the state administration body responsible for foreign affairs.

An application form for the issuance of identification cards for foreigners shall be determined by the Ministry, and the application form for issuance of special identification cards shall be prescribed by the state administration body responsible for foreign affairs.

Term of Validity

Article 89

Foreign citizen who has the status of a permanent resident shall be issued a personal identity card valid for a period of five years.

Juvenile foreigner who is granted permanent residence shall be issued an identity card for foreigners with a validity period of two years.

Foreign citizen who has the status of a temporary resident shall be issued a personal identity card valid for the specified duration of temporary residence.

Substitution of Identity Card

Article 90

Personal identity card of a foreign person may be substituted:

- 5) in case of change of the foreigner's personal information;
- 6) in case of damage or bad state of conservation, so that it can no longer serve its purpose;
- 7) if the photograph no longer reflects the appearance of the foreign person;
- 8) upon the expiration of its term of validity.

The foreign person shall apply for the substitution of his or her personal identity card within eight days following that of the occurrence of reasons from paragraph 1 of this Article.

Obligation to Return Personal Identity Card

Article 91

Foreign person shall return his or her personal identity card to the Ministry when:

- 5) He or she is granted Montenegrin citizenship;
- 6) Moving out of Montenegro;
- 7) His/her residence is cancelled according to Article 52(1) item 3 of this Law.
- 8) His/her permanent residence is cancelled according to Article 58(1) of this Law.

Disappearance or Loss of Documents for Foreigners

Article 92

In case of a loss or disappearance of the document proving his or her personal identity referred to in Article 86 of this Law, a foreign person shall without any delay notify the Police or the nearest diplomatic or consular mission of Montenegro.

The authorities from paragraph 1 of this Article shall issue the foreign person a receipt confirming the loss or disappearance of his or her identity document.

The loss or disappearance of documents for proving identity shall be announced in the "Official Gazette of Montenegro", at the foreign person's expense.

Temporary Withholding of Documents for Personal Identification

Article 93

A document proving the identity of a foreign person shall be temporarily withheld by the Police if:

- 3) A foreign person is reasonably suspected of having committed a criminal offense for which he or she is prosecuted ex officio or of having violated the law;
- 4) So required for the reasons of national security, public order or protection of public health.

The Police shall temporarily take away the document proving the identity of a foreign person who has not met his/her real estate - legal obligation due, at the request of the competent court.

The documents from paragraph 1 of this Article shall be withheld for as long as the causes of such an action cease to exist.

A document confirming the temporary withholding of documents from paragraph 1 of this Article shall be issued by the Police.

IX MOVEMENT OF FOREIGN PERSONS IN UNIFORM

The Conditions for Wearing Foreign Military Uniform

Article 94

During his or her stay in Montenegro, a foreign person may wear a foreign military uniform if he or she:

- 6) Is a member of a diplomatic mission, that is a diplomatic or consular representation office of a foreign state or another foreign mission having a diplomatic status in Montenegro, and also has the status of a military representative, for as long as his mission should last;
- 7) Is a member of a foreign military mission of foreign military delegation, during such official visit to Montenegro;
- 8) Is attending a military school;
- 9) Is a member of a foreign military mission or foreign military delegation, having a diplomatic or service passport and traveling through the territory of Montenegro;
- 10) Is participating in a military exercise or training.

The Conditions for Wearing Foreign Police Uniform or Uniform of Customs Officers

Article 95

During his or her stay in Montenegro, a foreign person may wear a foreign police uniform or a uniform of customs officers if he or she:

- 5) Is a member of a delegation of foreign police or customs authorities during an official visit to Montenegro;
- 6) Performs the activities of a joint state border crossing control at the end of the border crossing point that belongs to Montenegro;
- 7) Is attending a training course at the Police Academy;
- 8) Is a holder of a diplomatic or service passport and a member of a foreign delegation of the police or customs officers traveling through the territory of Montenegro;

X COLLECTING PERSONAL DATA ABOUT THE FOREIGNER

Article 96

The Police may collect personal information about a foreigner from the bodies of state administration, business organizations, entrepreneurs and the

foreigner if this is:

- 1) in the interest of a foreigner, who not object it,
- 2) necessary to verify the information on a foreigner.

The authorities referred to in paragraph 1 of this Article shall, at the request of the Police, provide the requested information.

Collecting and processing of personal data about a foreigner shall be in accordance with the law governing the protection of personal data.

XI. RECORDS

Types and Jurisdiction for Keeping

Article 97

The Ministry shall keep records of: issued travel documents for foreigners, the replaced and issued ID cards for foreigners, issued travel papers for foreigners in Montenegro and foreigners whose permanent residence was canceled.

The state administration body responsible for foreign affairs shall keep records of: issued visas, rejected visa applications and canceled visas, issued special identity cards for foreigners and issued travel papers for foreigners in another country.

The Police shall keep the records on: foreigners whose residence was canceled, foreigners who were refused entry into/exit from Montenegro, visas issued at the border crossing, rejected visa applications, and annulled and shortened visas, reported missing identification documents for foreigners and temporary seizure of travel documents.

The content and manner of keeping the records referred to in paragraphs 1 and 3 of this Article shall be prescribed by the Ministry and the content and manner of keeping the records referred to in paragraph 2 of this Article shall be stipulated by the state administration body responsible for foreign affairs.

XII SUPERVISION

Article 98

The implementation of this Law and the related secondary legislation shall be supervised by the Ministry, except insofar as it relates to the issuance of visas, the granting of the first temporary residence in another state and issuing special identification cards for foreigners, which shall be done by the state administration body responsible for foreign affairs.

XIII PENAL PROVISIONS

Article 99

A foreign person shall be fined in the amount of not more than five to twenty minimum wages in Montenegro per instance for the following violations of the law:

- 4) Failure to leave Montenegro within a specified period of time (Article 61(2) and Article 62(1));

- 5) Unauthorized departure from the Shelter or failure to observe the applicable rules of behavior at the Shelter (Article 74); and
- 6) Departure from the place of residence as specified by the Police or failure to report to the competent authority regularly (Article 74).

A protective measure of removal from the territory of Montenegro for up to one year, independently or with a fine, may be imposed on a foreigner under paragraph 1 of this Article

Article 100

A foreign person shall be fined in the amount of not more than three to fifteen minimum wages in Montenegro per instance in case of:

- 10) Movement or stay in a particular area where her or his movement or stay is restricted or prohibited (Article 3);
- 11) Entering Montenegro and staying in its territory without a valid travel document containing a visa or a residence permit (Article 10(1));
- 12) Not using the travel document that was used to cross the state border (Article 11(2));
- 13) Staying in Montenegro contrary to the purpose stated in his or her visa application (Article 19(1));
- 14) Staying in Montenegro contrary to the purpose stated in his or her temporary residence permit (Article 35);
- 15) Illegal stay in Montenegro (Article 61(1));
- 16) Refusal to present his or her identity document to an authorized official (Article 85 (2));
- 17) Allowing a third person to dispose of his or her identity document or using an invalid or another person's identity document as his or her own (Article 85(3) of this Law);
- 18) Using his or her personal name contrary to Article 85(4) of this Law.

For a violation from paragraph 1 of this, a foreign person may be subject to the protective measure of expulsion from Montenegro, alone or in addition to a fine.

Article 101

A foreign person shall be fined in the amount of not more than one to ten minimum wages in Montenegro per instance in case of:

- 6) A failure to submit an application to be issued a personal identity card for foreigners within 30 days following that of his or her arrival to the current place of residence (Article 88 paragraph 2);
- 7) A failure to submit an application for the substitution of his or her identity card for foreigners within the anticipated time limit (Article 90 paragraph 2);
- 8) A failure to return his or her identity card as specified under Article 91 of this Law;
- 9) A failure to report a disappearance or loss of documents (Article 92); and
- 10) He or she wears a foreign military police or customs officers' uniform during his or her stay in Montenegro contrary to Articles 94 and 95 of this Law.

Article 102

A carrier shall be fined in the amount of not more than fifty to two hundred minimum wages in Montenegro per instance in case of bringing a foreign person who fails to satisfy the requirements from Article 10 of this Law (Article 29) to the border crossing point or in case of failing to take such a person away without any delay and at its own cost.

The responsible person of the corporate entity (carrier) shall be fined in the amount of not more than one half to twenty minimal wages in Montenegro for the violation from paragraph 1 of this Article.

A decision on the protective measure banning the performance of business activity for a period not longer than one year may be issued in the case of violation from paragraph 1 of this Article.

XVI TRANSITIONAL AND FINAL PROVISIONS

Time Limit for Adoption of Secondary Legislation

Article 103

Regulations for implementation of this Law shall be passed within six months from the date of enactment of this Law.

Until the regulations referred to in paragraph 1 of this Article are adopted, by-laws enacted under the Law on Movement and Stay of Foreigners ("Official Gazette of SFRY" 56/80, 53/85, 30/89, 26/90, 53/91; "Official Gazette of FRY" 24/94 and 28/96) shall be applicable, if they are not in conflict with this Law.

Issuing of Decisions on Previously Initiated Proceedings

Article 104

The proceedings that were initiated before the entrance into effect of this Law shall be completed according to the law which was in force before this Law came into effect, if this is more favorable for a foreigner.

Validity of Documents Issued under Previous Regulations

Article 105

Travel and other documents issued before this Law enters into effect shall be valid for the following year after this Law enters into effect.

A permanent resident permit issued before this Law enters into effect shall be valid until the expiration of the period for which it was issued.

Termination of Application of the Current Law

Article 106

On the day of entry into force of this Law, the Law on Movement and Stay of Foreigners ("Official Gazette of SFRY", 56/80, 53/85, 30/89, 26/90, 53/91; " Official Gazette of FRY" 24/94, 28/96) shall come out of force.

Entrance into Force

Article 107

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

Number 01-1005/11

Podgorica, 15 December 2008

The Parliament of Montenegro

President
Ranko Krivokapic, in person

Pursuant to Article 95 point 3 of the Constitution of Montenegro I hereby enact the

Decree on Promulgation of the Law on Amendments to the Law on Foreigners,

I hereby enact the Law on Amendments to the Law on Foreigners which was adopted by the 24th Parliament of Montenegro at the second meeting of its second regular session in 2009, on 22 October 2009.

Number: 01-2737/2

Podgorica, 26 October 2009.

The President of Montenegro, Filip Vujanovic, in person

Pursuant to Article 82(1) item 2 and Article 91(1) of the Constitution of Montenegro, the 24th Parliament of Montenegro convening the second meeting of the second regular session in 2009, on 22 October 2009., adopted the

Law on Amendments to the Law on Foreigners

The Law was published in the "Official Gazette of Montenegro"

72/2009 of 30 October 2009

Article 1

In the Law on Foreigners ("Official Gazette of Montenegro" 82/08), three new Articles shall be added after Article 105, as follows:

"Article 105a

Displaced persons from the former Yugoslav republics who temporarily maintained the status of displaced persons in accordance with the Decision on the temporary retention of the status and rights of displaced and internally displaced persons in the Republic of Montenegro ("Official Gazette of the Republic of Montenegro" 46/06), may be granted permanent settlement if on the date of entry into force of this law they are registered in the records of displaced persons, as evidenced by a certificate of the Office for Asylum.

Permanent residence can be approved for internally displaced persons from Kosovo, who temporarily retained their status of internally displaced persons on the basis of the Decision referred to in paragraph 1 of this Article, if they contact for the purpose of being registered, until 14 November 2009, the state administration body responsible for the management of refugees, as evidenced by a certificate of that authority.

An internally displaced person who, due to health reasons, as evidenced by medical documentation of a public health institution, did not report for the registration can do so within three months from the expiry of the period prescribed in paragraph 2 of this Article.

In deciding on the approval of permanent residence to persons referred to in paragraphs 1, 2 and 3 of this Article the provisions of Article 57, paragraph 1, items 3, 4 and 5 of this Law shall not apply.

Persons referred to in paragraphs 1 and 2 of this Article who have no valid travel document required for exercising the right of permanent residence, and with no interference referred to in Article 57(1) items 2 and 6 of this Law, shall be granted temporary residence until a valid passport is obtained, and for a maximum of three years from the date of approval of temporary residence.

Persons referred to in paragraph 5 of this Article shall have the rights and obligations of foreign permanent residents in accordance with this Law.

Article 105b

Persons referred to in Article 105a paragraph 1 and 2 of this Law may apply for approval of permanent residence within two years from the date of enactment of this Law.

Article 105c

The status of displaced and internally displaced persons shall be terminated for the persons who are granted permanent residence in accordance with Article 105a of this Law.

Persons who do not realize their right to permanent residence in accordance with Article 105a of this Law shall be regarded as persons who are illegally residing in Montenegro.”

Article 2

This Law shall come into force eight days after its publication in the “Official Gazette of Montenegro”.

The Parliament of Montenegro, Number 01-767/6

Podgorica, 22 October 2009

The 24th Parliament of Montenegro

President,
Ranko Krivokapic, in person

