

1354.

Pursuant to the Article 95, item 3 of the Constitution of Montenegro, I am enacting the

**DECREE**

**ON THE PROCLAMATION OF THE FOREIGNERS LAW**

**("Official Gazette of Montenegro", No. 56/14 dated December 24, 2014)**

I declare the Foreigners Law, passed by the Parliament of Montenegro at its 25<sup>th</sup> convocation, at the fourth session of the second regular (autumn) sitting in 2014, on December 16, 2014.

Number: 01-1253/2

Podgorica, December 19, 2014

The President of Montenegro

Filip Vujanovic, pers.

Pursuant to the Article 82, item 2 of the Constitution of Montenegro and the Amendment IV, item 1 to the Constitution of Montenegro, the Parliament of Montenegro at its 25<sup>th</sup> convocation, at the fourth session of the second regular (autumn) sitting in 2014, on December 16, 2014, enacted the

**FOREIGNERS LAW**

**I. GENERAL PROVISIONS**

**Subject of the Law**

**Article 1**

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

**Obeying the Law**

**Article 2**

During his/her movement, stay and work in Montenegro, a foreign person shall be obliged to act in accordance with the regulations applicable in Montenegro and decisions of the competent state authorities.

Foreign citizen means any citizen of another state or a stateless person.

A stateless person is a foreigner whom no nation consider him/her its citizen in accordance with its legislation.

**The Right to Protection of Personal Data**

**Article 3**

A foreigner is entitled to the protection of personal data that are processed upon him/her, in accordance with the law governing the protection of personal data.

**Exemptions**

**Article 4**

This law does not apply to a foreigner who exercises the privileges and immunities under the international law, if not otherwise stipulated by this law. For stateless persons, the provisions of ratified and published international treaties and generally recognized

regulations of international law, if thus seems more favorable for them.

### **Application of Regulations Governing General Administrative Procedure**

#### **Article 5**

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

#### **The Use of Gender-Sensitive Language**

#### **Article 6**

The terms used in this Law for physical entities in the masculine gender imply the same terms in feminine.

#### **Definition of Terms**

#### **Article 7**

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

- 1) foreign travel document means a valid personal passport, family or group passport, diplomatic passport, service passport, seaman's booklet, shipping book or another travel document recognized by international treaties, pursuant to which the identity of its holder can be established, which has been issued according to the regulations on issuing travel documents of a foreign state;
- 2) a country of origin is a state that has issued to a foreigner a foreign travel document with which he/she entered Montenegro;
- 3) carrier is a company or entrepreneur registered to conduct business activity of passenger transportation on land, sea, lakes, rivers and in the air;
- 4) an employer is a domestic or a foreign legal entity, or a branch of a foreign company with its headquarters or a physical entity with his/her residence in Montenegro, who employs the foreigner;
- 5) a foreign company is a legal entity or entrepreneur who carries out an economic or other activity and is headquartered outside of Montenegro;
- 6) an accommodation provider is a company, legal entity, entrepreneur and physical entity who performs tourism and hospitality business activity, i.e. provides the tourism and hospitality services, in accordance with the law regulating tourism, as well as other company, entrepreneurs and a person who provides persons with the accommodation for a certain fee, i.e. organizes accommodation for their employees or members, including the accommodation in the building of a closed type.

## **II. ENTRY AND EXIT OF FOREIGNERS**

### **Control at Border Crossing Point**

#### **Article 8**

Foreign person shall pass the border control when entering or leaving Montenegro, in accordance with the provision of the law governing the border control.

Entry into Montenegro means crossing of the state border, i.e. a border crossing point where border controls are being performed.

#### **Denial of Entry**

#### **Article 9**

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

- 1) He/she uses another person's, invalid, i.e. false passport or other document;
- 2) He/she fails to satisfy the requirements from Article 11 of this Law;
- 3) This is required by reasons of national security, public order and public health;
- 4) He/she is in transit across the territory of Montenegro and fails to satisfy the requirements for entry into a third country;
- 5) A pronounced protective measure of expulsion is in force, or a security measure of deportation of a foreign citizen from the state, protective measure of deportation of a foreign citizen from the territory of Montenegro or his/her stay is cancelled;
- 6) He/she has insufficient financial resources to support himself/herself during his/her stay in Montenegro and to return to his/her country of origin or to travel to a third country.

The denial of entry as stated in the paragraph 1 of this Article shall be in person notified to a foreigner by the administrative authority in charge for police affairs (hereinafter referred to as the police).

The police maintain the records of denial of entry of a foreigner into Montenegro police keep records.

### **Denial of Exit**

#### **Article 10**

A foreigner shall not be allowed to exit from Montenegro if:

- 1) he/she uses another person's, invalid, i.e. false passport or other document;
- 2) there is reasonable suspicion that he/she intends to avoid criminal or misdemeanor prosecution, serve of his/her prison sentence, the enforcement of the court decision or court order or executive decision of another competent authority;
- 3) He/she fails to satisfy the requirements for entry into the country he/she intends to travel to;
- 4) this is required by reasons of national security and public order.

The police shall issue a decision on denial of exit referred to in paragraph 1 of this Article, and such denial shall be entered into a travel document.

Against the decision referred to in paragraph 2 of this Article, an appeal may be file to the public administration authority responsible for internal affairs (hereinafter referred to as the Ministry) within eight days of receipt of the decision.

The enforcement of a decision shall not be postponed by an appeal.

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

The manner of entering the denial referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

### **Entry, Movement and Stay**

#### **Article 11**

A foreigner may enter, move across and stay in Montenegro with a valid travel document, with a visa entered into, or a valid travel document accompanied with a temporary residence permit, temporary residence and work permit, or permanent residence permit, unless otherwise provided under this Law or an international treaty.

A foreigner whom Montenegro is obliged to accept on the basis of international treaty, when thus required due to humanitarian reasons, reasons of public order or public health, shall be granted an entry to Montenegro without a valid foreign travel document. Nationals of certain countries may also enter Montenegro with a valid identity card issued by competent authority of another country, or other document under which their identity and nationality can be determined, in accordance with international treaty or regulation on visa regime under Article 16, paragraph 2 of this law.

Retention of foreigners in the transit area of the airport and the port or anchorage pier, in terms of this Law, shall not be considered an entry into Montenegro.

### **The Restriction or Prohibition of Movement**

#### **Article 12**

A foreigner shall be restricted or prohibited the movement in a particular area in Montenegro if thus required due to the reasons of national security, public order or public health, in accordance with the law.

### **The Entry of a Foreigner with Multiple Citizenships**

#### **Article 13**

A foreigner holding multiple citizenships is considered to be a citizen of a state that 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 14**

A foreigner 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 passport or another joint foreign travel document shall enter or exit Montenegro only together.

The foreigners inscribed into a travel document referred to in paragraph 2 of this Article shall have also another individual document containing a photograph on the basis of which his/her identity can be determined.

The group leader shall have his/her own passport.

### **Obligations of a Carrier**

#### **Article 15**

A carrier may bring a foreigner to a border crossing point or the territory of Montenegro if the requirements from Article 11 of this Law are met by the foreigner.

The carrier that drove a foreigner in contravention of paragraph 1 of this Article shall, at its own expense, drove him/her away from the border crossing point or away from Montenegro and if this is not possible, the carrier must, at its own expense, find another way of transport, or, if another transportation type is not possible, he is obliged to cover the costs of the foreigner's stay and return 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 across the territory of Montenegro if they refused to transport the foreigner to the country of destination or if the foreigner is prohibited to enter into the country of destination.

The organizer of a tourist or business travel shall cover the costs of a forced stay and removal from Montenegro of the foreign beneficiaries of their respective services, including the costs of a stay in a shelter for foreigners, if the foreigners are expelled for the reasons referred to in this law, and they are not able to cover their own expenses.

A physical or legal entity whose interference resulted in a visa issued to a foreigner or a foreigner being allowed to enter Montenegro shall bear the obligation under paragraph 4 of this Article, where such costs cannot be covered by the organizer of the tourist or business travel, or a foreigner.

### **III. VISAS Visas and Visa Regime**

#### **Article 16**

A visa is a permission enabling foreign citizen to enter, stay in and transit across 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 public administration authority in charge of foreign affairs.

#### **Entry with no Visa**

#### **Article 17**

Nationals of certain countries may enter Montenegro without a visa, in accordance with an international treaty or according to the visa regime regulation under Article 16, paragraph 2 of this law.

#### **Visa Types**

#### **Article 18**

Visas, according to the provisions 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 19**

An airport-transit visa (A Visa) can be issued to a foreigner for one or more crossings through an international transit area 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 foreigner who does not leave an airplane or international transit area of an airport during a stopover at the Montenegrin airport shall not be required to have a visa.

In the case referred to in paragraph 2 of this Article, the Government may require the nationals of certain countries to have their airport-transit visas, if required under the reasons of national security and public order.

Airport-transit visa shall be issued with a validity period of up to three months.

## **Transit Visa (B Visa)**

### **Article 20**

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

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

Having a transit visa (B Visa), a foreigner may stay in Montenegro for not longer than five days.

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

A transit visa (B Visa) may be issued and entered into a group passport to a group of travellers that had been formed before a decision about the travel was made, who are passing across the territory of Montenegro together.

The visa referred to in paragraph 5 of this Article can be issued to a group of not less than 5 and not more than 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 21**

A visa for a short stay (C Visa) shall be issued for tourist and other type travels, for a single or multiple entries into the territory of Montenegro, and for an uninterrupted stay or the total duration of successive stays that shall not exceed 90 days within a period of 180 days, counting from the date 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 multiple-entry visa for a short stay (C Visa) can be issued with a longer validity period, but no longer than five years, as decided by the public administration authority responsible for foreign affairs.

A visa for a short-term stay (C Visa) can be issued to a group of travellers that was formed before making a decision about the travel, if the members of that group enter the territory of Montenegro together, stay there and leave the territory as a group. Such a 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 his/her own passport and, when necessary, a visa.

More detailed requirements for issuing a visa referred to in paragraphs 2 and 3 of this Article shall be prescribed by the public administration authority responsible for foreign affairs.

## **Visa for Long-Term Stay (D Visa)**

### **Article 22**

The visa for a long-term stay (D Visa) shall be issued to a foreigner who has an intention to stay in Montenegro for a period longer than 90 days, for performance of business activities or work, but not longer than 180 days within one year counting from the date of first entry.

The visa for a long-term stay (D Visa) shall be issued for one or multiple entries into Montenegro.

More detailed requirements for issuing a visa referred to in paragraphs 1 and 2 of this Article shall be prescribed by the public administration authority responsible for foreign affairs.

## **Limitations on the Validity**

### **Article 23**

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 validity period of the visa.

Exceptionally, if thus required due to the humanitarian reasons, national interest or international obligation of Montenegro, a travel document can be entered a visa that may be valid not after the expiry date of validity period of the travel document, when the return of the foreigner into his/her country of residence or a third country is ensured.

## **Competence for Visa Issuing**

### **Article 24**

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

The 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, in a special form.

Prior to issuing the visas referred to in Articles 19, 20 and 21 of this law, as well as a visa for a long-term stay for performance of business

activities referred to in the Article 22 of this law, diplomatic or consular mission of Montenegro shall be obliged to obtain a prior consent of the police.

Notwithstanding paragraph 4 of this Article, transit visa (B visa) and visa for a short-term stay (C visa) for a single entry will be issued to the holder of a diplomatic or official passport or a foreigner who is coming at the invitation of a state authority of Montenegro, without the prior consent of the police, with the obligation of diplomatic and consular mission of Montenegro to, without any delay, notify the police and the state authority responsible for foreign affairs.

Prior to the issuance of a visa for a long-term stay (D visa) for the work referred to in Article 22 of this law, a diplomatic and consular mission of Montenegro shall obtain the approval of the Ministry.

Notwithstanding, 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 across the territory of Montenegro of up to five days,
- 3) A transit visa (B Visa) to a seaman, or a group of seamen.

#### **Visa issuance manner**

##### **Article 25**

Visa shall be issued by entering a visa form into a valid foreigner's travel document.

Notwithstanding, if so required due to humanitarian reasons, national interest or international obligations of Montenegro, visa may be entered on a form for entering the visa if the travel document contains no place for visa entering or if the foreign travel document is not valid.

A more detailed procedure for visa issuing, the application form for visa issuing, visa form, form for visa entry, as well as the manner of visa entering into the foreign travel document shall be prescribed by the public administration authority responsible for foreign affairs.

#### **Representation**

##### **Article 26**

In the countries where Montenegro has no diplomatic or consular mission, a diplomatic or consular mission of another country can represent Montenegro in the process of issuing visas, as stipulated pursuant to an international treaty.

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

##### **Article 27**

A validity period of no visa for a short-term stay (C Visa) shall be extended, unless required so due to the humanitarian, professional, personal reasons or due to force majeure.

The extension of a visa referred to in paragraph 1 of this Article may be granted to a foreigner if he/she provides an adequate medical, official and other documents proving the existence of the grounds for visa extension.

An application for the extension of the validity period of the 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, in a prescribed form.

An application referred to in the paragraph 3 of this Article shall be decided upon by the police, which afterward notify the applicant of its decision.

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

The police have an obligation submit to the public administration authority competent for the foreign affairs a notice of a visa extension, which contains the following: name and surname of the foreigner, date, place and country of his/her birth, nationality, type and number of foreign travel document, the number of previously issued visa, the reasons for extension of a visa validity period, number, place and date of a visa extension.

#### **Reasons for the Rejection of Visa Application**

##### **Article 28**

Visa shall not be issued to a foreigner if:

- 1) An obstacle from Article 9 of this Law exists;
- 2) He/she fails to appear in person, as required upon the request of a diplomatic or consular mission of Montenegro;
- 3) he/she fails to submit the required documents proving the purpose and conditions for the issuance of the visa pursuant to this law;
- 4) he/she fails to submit proof of health and travel insurance;

5) he/she stayed in Montenegro for 90 days, without 180 days not having passed 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, i.e. approved the entry into Montenegro, if thus required due to the humanitarian reasons, interests of Montenegro or internationally accepted commitments. In these cases, a foreigner may be allowed to enter the country solely on a specified border crossing point.

#### **Shortening the Period of Visa Validity**

##### **Article 29**

During the course of border control performing of the entry into Montenegro, the visa validity period may be shortened by the Police at the border crossing point, if:

- 1) it is determined that the foreigner does not have sufficient funds for subsistence,
- 2) the visa validity period is longer than the travel document validity period;
- 3) the foreigner would exceed the limit of 90 days of stay within the period of 180 days starting from the date of first entry.

Method of shortening the period of validity of a visa as well as the detailed requirements regarding the amount of funds needed for subsistence during the stay in Montenegro is regulated by the public administration authority responsible for the foreign affairs.

#### **Entering Corrections to the Visa**

##### **Article 30**

The Police may, in the course of performance of the border control, correct the data mistakenly entered into the visa issued by a diplomatic or consular mission of Montenegro. A detailed method of correcting the data referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

#### **Cancellation of Visas**

##### **Article 31**

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. A cancellation of an issued visa shall be entered into the foreign travel document.

Detailed manner of cancellation of the visas issued shall be prescribed by the public administration authority responsible for foreign affairs.

### **IV. RESIDENCE OF FOREIGN CITIZENS**

##### **Article 32**

The residence of a foreigner in Montenegro pursuant to the provisions of this law shall include a:

- 1) stay 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 33**

A foreigner shall be entitled to a stay of up to 90 days on the basis of short-stay visa (C Visa) or without a visa, in accordance with the stipulations of the Article 16 paragraph 2 of this law.

In the case referred to in paragraph 1 above, a foreigner may stay in Montenegro for 90 days during the period of 180 days counted 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 an expiry of the period of 180 days counted from the date of first entry.

#### **Reasons for the Cancellation of Stay of up to 90 Days**

#### **Article 34**

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

- 1) he/she does not meet the requirements for entry and residence in Montenegro stipulated by this Law,
- 2) required so due to the national safety and public order;
- 3) upon the expiration of the period for which the visa was issued, i.e. upon the expiration of the period referred to in Article 33 paragraph 2 of this Law;
- 4) if returned to Montenegro on the basis of an international treaty due to an illegal stay (readmission);
- 5) there is a reasonable suspicion that a stay will not be used for the reported purpose.

#### **Making Decision on a Cancellation of Stay of up to 90 Days**

#### **Article 35**

The cancellation of residence referred to in Article 34 of this law shall be decided by the Police and the cancellation of a stay is entered in the foreign travel document. The decision referred to in the item 1 of this Article defines the period within which a foreigner must leave the territory of Montenegro and could prescribe a ban on the entry into Montenegro.

The period of ban on the entry referred to in paragraph 2 of this Article could be up to one year and shall be counted from the date of exit from Montenegro.

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

The enforcement shall not be postponed by an appeal.

A manner of the registration of a cancellation of stay referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

#### **The Termination of Residence on the Basis of Visa for Long-term Stay (D Visa)**

#### **Article 36**

The provisions of Articles 34 and 35 of this Law shall apply to the termination of stay of a foreigner on the basis of a visa for long-term stay (D Visa).

### **2. Temporary Residence**

#### **2.1. Joint Provisions**

#### **The Purpose of the Temporary Residence**

#### **Article 37**

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

- 1) family reunification;
- 2) secondary education or study;
- 3) participation in programs of international student exchanges or other programs for the young ;
- 4) specialization, vocational training and practical training;
- 5) scientific research work;
- 6) medical treatment;
- 7) humanitarian reasons;
- 8) the right to have on disposal of immovable property owned in Montenegro;
- 9) conducting religious services;
- 10) work;

#### **Temporary Residence Permit**

#### **Article 38**

In the cases referred to in Article 37, paragraph 1 items 1 to 9 and item 11 of this Law, a temporary residence permit shall be issued. A foreigner who is granted a temporary residence permit may stay in Montenegro in accordance with the purpose for which his/her temporary stay was granted.

#### **Temporary Residence and Work Permit**

### **Article 39**

In the case of article 37, paragraph 1, item 10 of this Law, a permit for temporary residence and work shall be issued. The work of a foreigner, in terms of paragraph 1 of this article, includes an employment, seasonal employment and work of a seconded worker. Exceptionally, a foreigner may reside and work in Montenegro on the basis of a work registration certificate issued in accordance with this Law.

## **Forms of Permits**

### **Article 40**

Permits from the Articles 38 and 39 of this Law are public documents with which a foreigner proves that he/she has been granted a temporary residence permit or temporary residence and work permit.

Permits from the paragraph 1 of this Article shall be issued in the prescribed form containing: Coat of arms of Montenegro, the name "Montenegro", the name of the permit, protective elements and spaces for the input of personal and other data.

The data referred to in paragraph 2 of this Article are the following: last name, first name, personal identification number of a foreigner, gender, citizenship, day, month and year of birth, permit number, date of issuance, validity date, photo, signature, name of the authority that issued the permit, the legal basis for the issuance of the permit and machine-readable record.

In addition to the data referred to in paragraph 3 of this Article, a temporary residence and work permit shall contain the following data: occupation, title, i.e. name and surname and the seat, i.e. address and tax identification number of the employer. Entry of the data referred to in the paragraphs 3 and 4 of this Article to the permit forms shall be done by the Ministry.

The data on the machine-readable records shall be determined by the Ministry, in accordance with the recommendations of ICAO Dos 9303. A form of a temporary residence permit and a temporary residence and work permit shall be prescribed by the Ministry, in accordance with European and international standards.

## **The Competence for the Form Preparation**

### **Article 41**

A form of a temporary residence permit and a temporary residence and work permit shall be prepared by the Ministry. The Ministry may entrust the preparation of the permit forms referred to in paragraph 1 of this Article to a legal entity, in accordance with the regulations governing the public procurement.

In the case referred to in paragraph 2 of this Article, the contract shall govern the right of the Ministry to review and control the documents related to the process of production, storing and delivery of the permit forms.

## **The Conditions for the Issuance of Permits**

### **Article 42**

A foreigner may be granted a temporary residence permit or a temporary residence and work permit if:

- 1) he/she has means of subsistence;
- 2) he/she has provided accommodation;
- 3) he/she has health insurance;
- 4) /she has submitted evidence justifying of the application for a permit issuance.
- 5) he/she has a valid foreign travel document or identity card issued by the competent authority of another state;
- 6) he/she was not imposed a prohibition on entry and residence in Montenegro;
- 7) in Montenegro he/she has not been legally sentenced to an imprisonment of more than six months for a criminal offense prosecuted ex officio, or the legal consequences of a conviction ceased;
- 8) in the country of origin he/she has not been legally sentenced to an imprisonment of more than six months for a criminal offense prosecuted ex officio, or the legal consequences of a conviction ceased;
- 9) there are no restrictions due to the reasons of national security, public order or public health;
- 10) she has submitted evidence of justifying the application for a permit issuance.

For the issuance of the permit referred to in paragraph 1 of this Article, the foreigner under the age of 16 is not required a proof referred to in paragraph 1 items 6 and 7 of this Article.

## **2.2. Temporary Residence Permit**

### **Temporary Residence for Family Reunification**

#### **Article 43**

A temporary residence permit for family reunification shall be granted to a foreigner who is an immediate family member of a Montenegrin national or a foreigner who was granted the status of a temporary resident in Montenegro

An immediate family under the paragraph 1 of this Law shall include: spouses, their children born in or out of wedlock, step children and adopted children, up to 18 years.

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.

In the case of a polygamous marriage, family reunification shall be allowed only to one spouse.

Temporary residence permit referred to in the paragraph 1 of this Article shall not be issued to a family member of a foreigner who was issued a permit for residence and work for a seasonal employment.

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 permit for family reunification may be extended when a Montenegrin citizen referred to in paragraph 1 of this Article has died, as well as in the case of termination of marriage that lasted in Montenegro for at least three years.

### **Marriage of Convenience**

#### **Article 44**

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

Marriage of convenience, in terms set forth in 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 a foreigner in Montenegro, contrary to the requirements stipulated by this Law.

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

- 1) spouses do not maintain the marital community;
- 2) the spouses fail to fulfil obligations arising from marriage;
- 3) the spouses did not get to know each other before the conclusion of marriage;
- 4) the spouses do not provide accurate personal data;
- 5) 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;
- 6) there is an evidence that a marriage of convenience was previously concluded by the spouses, either in Montenegro or in a foreign country.

### **Temporary Residence for High School or Higher Education**

#### **Article 45**

Temporary residence permit for the purpose of high school or higher education may be granted to a foreigner provided that the requirements from Article 42 of this law are met, with a certificate of studying or attending university enclosed as a proof of legitimacy of the application for temporary residence.

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

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

### **Temporary Residence for Participation in International Exchange Programs for Pupils and Students or Other Programs for the Young**

#### **Article 46**

A foreigner who comes to Montenegro to participate in programs of international exchange of pupils or students or other youth programs may be granted temporary residence permit if the requirements of Article 42 of this law are met, and if the following is enclosed as a proof of legitimacy of the application for temporary residence permit:

- 1) confirmation of the public administration authority 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 a competent authority or institution on financing the costs of education or study, support, accommodation, health insurance and the costs of repatriation of a foreigner back to the country of his/her nationality.

For the granting of temporary residence permit referred to in the paragraph 1 of this Article, an approval of his/her parent, foster parent or legal representative shall be required.

### **Temporary Residence for Specialization, Professional Training or Practical Training**

#### **Article 47**

The temporary residence permit for the purpose of specialization, professional training or practical training may be granted to a foreigner who meets the requirements of Article 42 of this law, and who files a certificate issued by a competent authority, institution or other legal entity in Montenegro approving the specialization, professional 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 Activities**

#### **Article 48**

Temporary residence permit for scientific research activities may be granted to a foreigner who meets the requirements of Article 42 of this law, and who submits a contract concluded with a scientific research institution or higher school institution, or another legal or physical entity proving the legitimacy of the application for temporary residence permit.

### **Temporary Residence for Medical Treatment**

#### **Article 49**

Temporary residence permit for medical treatment in Montenegro can be granted to a foreigner who meets the requirements of Article 42 of this Law, and who submits a certificate issued by the health institution where he/she will be treated, including the time required for the treatment, proving the legitimacy of the application for temporary residence. The temporary residence permit under paragraph 1 of this Article may be extended for the time required for the treatment of the foreigner.

### **Temporary Residence for Humanitarian Reasons**

#### **Article 50**

Temporary residence permit for humanitarian reasons may be granted to:

- a foreigner who is assumed to be a victim of a criminal act of human trafficking or victim of the offense of domestic violence or violence in the family union;
- a minor foreigner who was abandoned or was a victim of organized crime, or for other reasons left without parental care or unaccompanied;
- a foreigner from particularly justified humanitarian reasons.

A foreigner referred to in paragraph 1 of this Article is not obliged to fulfil the conditions set forth by the Article 42, paragraph 1 items 1, 2, 3 and 8 of this Law.

The temporary residence permit issued due to the humanitarian reasons shall be issued on the basis of adequate evidence of an international organization, non-governmental organization or state authority that provides to the foreigner referred to in paragraph 1 of this Article a support and protection, or an evidence of the competent state authority, which confirms that the foreigner cooperates in resolving process of the offenses.

### **The Rights of a Foreigner Issued a Temporary Residence for Humanitarian Reasons**

#### **Article 51**

A foreigner who has been issued a temporary residence permit on humanitarian grounds has the right to an accommodation, health security, education, employment and financial support, in accordance with the Law.

### **Reflection Period**

#### **Article 52**

A foreigner for whom the police determined to had been the victim of a crime of trafficking in human beings has the right to decide within 90 days if he will cooperate in the criminal proceeding, i.e. whether he will join the prosecuting or will be a witness in that process (reflection period).

The police shall determine if a foreigner is a victim of a crime of trafficking in human beings, in cooperation with the authorities, non-governmental and other competent organizations, i.e. those performing prevention, education, reporting and prosecution of offenders and protection of victims of trafficking in human beings, and, in the case of underage foreigner, with the Centre for Social Work.

### **The Protection of a Foreigner Issued a Temporary Residence for Humanitarian Reasons**

#### **Article 53**

A foreigner issued a temporary residence for humanitarian reasons 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.

An underage foreigner for whom it was established that had been the victim of the crime of trafficking in human beings will not be returned to any state, if, after a risk and his/her security estimation, there are circumstances that indicate that such a return would not be in his/her best interest.

#### **Temporary Residence for the Exercising of the Right to Dispose of Real Estate**

#### **Article 54**

Temporary residence permit for dispose of the right to real estate owned by a foreigner in Montenegro may be issued to a foreigner who meets the requirements of Article 42 of this Law, where the real estate certificate or other evidence in accordance with the law governing the real estate cadastre is submitted as an evidence justifying the request thus confirming the ownership of real estate.

The permit referred to in paragraph 1 of this Article shall be issued for a period of one year.

Detailed requirements and the method of determining the amount of the value of the real estate referred to in paragraph 1 of this Article shall be prescribed by the Government at the proposal of the state administration authority in charge for finance affairs.

#### **Temporary residence for the purpose of performing religious services in Montenegro**

#### **Article 55**

The temporary residence permit for the purpose of performing religious services in Montenegro may be issued to a foreigner who meets the requirements of Article 42 of this Law, where the confirmation that the religious community in which he/she intends to perform a religious service and religious affairs registered its activities and the seat in Montenegro, in accordance with the regulations governing the legal status of religious communities, is provided as the evidence justifying the submitted request.

#### **Application for Obtaining a Temporary Residence Permit**

#### **Article 56**

A foreigner shall submit in person an application for the temporary residence permit to the Ministry, at his/her place of residence.

With the application from paragraph 1 of this Article, a foreigner is obliged to enclose all evidences justifying the reasons for applying for a temporary residence permit as stipulated by the Article 42, paragraph 1, items 1, 2, 3, 4, 7 and 9 of this law. Fingerprints of two fingers and a signature shall not be taken from children under 12 years of age.

When submitting a request referred to in paragraph 1 of this Article, a foreigner is taken from a photograph, fingerprints of two fingers and digitized handwritten signature.

A foreigner who submits a complete application for temporary residence before the expiry of 90 days of stay may stay in Montenegro until the final decision.

#### **Deciding on the Application**

#### **Article 57**

A permit for temporary residence shall be issued by the Ministry, subject to prior opinion of the National Security Agency (hereinafter referred to as the Agency) and the police on the existence of obstacles due to the reasons of national security or public order set forth by the Article 42, paragraph 1, item 8 of this Law.

The Agency and the Police are obliged to deliver to the Ministry the opinion referred to in paragraph 1 of this Article without any delay and not later than seven days from a receipt of the request for an opinion.

If the Ministry receives no opinions referred to in paragraph 2 of this Article within the prescribed period, it shall be deemed that there are no obstacles for the issuance of a temporary residence permit.

An application for a temporary residence permit issuance shall be decided within 40 days of filing a complete application.

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 5 of this Article may be filed to the Ministry, within eight days from the date of receipt of the decision.

More detailed procedure for issuing permits for temporary residence, as well as the form of the application referred to in Article 56 of this Law shall be regulated by the Ministry.

### **Validity Period**

#### **Article 58**

Temporary residence shall be issued for a period not exceeding one year, unless otherwise provided by this Law.

### **Extension of Temporary Residence**

#### **Article 59**

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

The application referred to in paragraph 1 of this Article shall be accompanied by a valid foreign travel document or identity card issued by the competent authority of another state, and an evidence justifying the application for issuance of a temporary residence permit, and if five years passed from the date of collection of the data referred to in Article 56, paragraph 3 of this Law, a foreigner is asked for these data again as well.

In the case that the application for extension of a temporary residence permit is granted, the temporary residence permit shall be issued with a new validity period of one year.

The provisions of Article 57 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.

### **Termination of Temporary Residence**

#### **Article 60**

Temporary residence of a foreigner shall be concluded if:

- 1) The period of temporary residence expired;
- 2) The grounds for which the temporary residence was granted ceased to exist;
- 3) If a foreigner resides outside of Montenegro for a period longer than 30 days during the validity period off the temporary residence permit;
- 4) If it is subsequently determined that the reasons referred to in Article 9 of this Law exist;
- 5) If a foreigner was issued a protective measure of expulsion or security measure of deportation from the country or protective measure of deportation of a foreigner from the territory of Montenegro;
- 6) If a foreigner does not use his/her stay in Montenegro for the purpose for which it was granted;
- 7) In the case where the foreigner obtained a temporary residence permit for family reunification, and subsequently it was determined that the concluded marriage was the one of the convenience;
- 8) When the foreigner is qualified for permanent residence.

Notwithstanding paragraph 1, item 3 of this Article, a temporary residence permit of a foreigner who resides outside of Montenegro for a period up to 90 days for justified reasons will not cease to be valid if a prior notification of his/her departure from Montenegro was sent to the Ministry.

The Police shall notify the Ministry of the reasons for cessation of temporary residence permits referred to in paragraph 1 items 2 to 7 of this Article.

The decision on termination of temporary residence permit validity on the grounds referred to in paragraph 1 items 2 to 7 of this Article shall be issued by the Ministry.

When deciding on the termination of the temporary residence permit in the cases referred to in paragraph 1 items 3 and 8 of this Article, it should be taken into particular account the duration of the stay, as well as personal, family, economic and other circumstances.

The decision referred to in paragraph 4 of this Article defines a deadline up to which the foreigner must exit from Montenegro, and such a deadline may not be longer than 30 days, and he/she can be imposed a denial of entry and stay in Montenegro for a period of one to five years.

The period of a denied entry referred to in paragraph 6 of this Article shall be counted from the date of leaving Montenegro.

An appeal may be filed against the decision referred to in paragraph 4 of this Article to the Ministry within eight days from the date of receipt of the decision.

## **2.3. Permit for Temporary Residence for Employment**

### **Temporary Residence for Employment**

#### **Article 61**

A foreigner can work in Montenegro on the basis of a temporary residence and work permit or work registration certificate, unless otherwise provided by this law.

A foreigner can perform in Montenegro only those activities that the temporary residence and work permit or work registration certificate was issued for, and only for the employer who employs him/her.

The employer can deploy the foreigner only to the activities that he/she was issued a residence and work permit or work registration certificate for.

In the business premises or place of work performance of a foreigner, the employer must have on disposal a copy of the permit to stay and work, or a copy of the work registration certificate of a foreigner who works for him.

The employer is obliged to notify the Ministry of the termination of the work of the foreigner, before the expiry of the residence and work permit, at the latest within eight days from the date of termination of the foreigner work.

The employer shall not employ or use the work of a foreigner who is illegally residing in Montenegro.

#### **Exemptions**

#### **Article 62**

Without a permit for temporary residence and work or work registration certificate, a foreigner can work in Montenegro, if he/she has the following:

- 1) a temporary residence permit for family reunification with a Montenegrin citizen or a foreigner who has a permanent residence permit;
- 2) recognized refugee status or approved subsidiary protection, in accordance with the law governing asylum;
- 3) temporary residence permit on humanitarian grounds.

In the case referred to in paragraph 1 of this Article, a foreigner has free access to the labor market of Montenegro, unless a special regulation provides otherwise.

The employer must have on disposal in the business premises or place of work performance of the foreigner a copy of his/her temporary residence permit referred to in paragraph 1 items 1 and 3 of this Article, or evidence of recognized refugee status or approved subsidiary protection.

An employer who employs a foreigner referred to in paragraph 1 of this Article, is obliged to notify the Ministry within eight days from the date of employment or the beginning of the work of a foreigner, or cessation of work.

#### **The Purpose of the Temporary Residence and Work Permits**

#### **Article 63**

According to its purpose, the temporary residence and work permit may be issued for:

- 1) The employment of a foreigner;
- 2) Seasonal employment of a foreigner;
- 3) Work of a seconded employee.

A seconded employee is a foreigner who, in a limited period of time is employed in Montenegro, which is not a state in which he/she regularly works.

The permit referred to in paragraph 1, item 3 of this Article, refers to:

- 1) contracted services provision;
- 2) movement of persons within a foreign economic society.

#### **Limitation**

#### **Article 64**

The temporary residence and work permit for the purpose of employment and seasonal employment of a foreigner may be granted only if the records of the Employment Bureau of Montenegro (hereinafter: the Employment Bureau) have on disposal no unemployed persons eligible for employment in positions to which the permit relates; or the person registered with the Employment Bureau refused employment on these activities.

Exceptionally, the restriction referred to in paragraph 1 of this Article shall apply neither to the employment of the executive director of a foreign company registered in Montenegro and executive director of a foreign company with the founders of a company registered in Montenegro, nor to the foreigner with higher education holding a management position in such a company, i.e. the foreign entrepreneur who is self-employed, in accordance with special regulations.

#### **The Conditions for the Issuance of a Temporary Residence and Work Permit for Employment and Seasonal Employment**

#### **Article 65**

The temporary residence and work permit for the employment and seasonal employment shall be issued to a foreigner who meets the requirements of Article 42 of this Law, and submits the following as a proof of the justification of an application:

- 1) a written offer of the employer for hiring a foreigner on a particular work position;
- 2) a proof of the acquired level of education and qualification;
- 3) a proof of good health.

#### **Confirmation of the Employment Bureau**

#### **Article 66**

An employer may give a written offer referred to in Article 65, paragraph 1, item 1 of this law, after receiving confirmation from the Employment Bureau that there are no evidenced unemployed persons eligible for employment in jobs at the offer, or the person registered with the Employment Bureau refused employment on these positions.

The certificate referred to in paragraph 1 of this Article shall be issued no later than 30 days from the date of submission of the application for the issuance of certificates and valid for 60 days from the date of issuance.

More detailed method of issuing the certificate referred to in paragraph 2 of this Article shall be prescribed by the state administration authority responsible for labor affairs.

#### **Employment of a Foreigner**

#### **Article 67**

The temporary residence and work permit for the employment of a foreigner shall be issued with a validity period of one year.

The permit referred to in paragraph 1 of this Article may be extended up to two years.

The employer is obliged to, within eight days from the date of issuance of the temporary stay and work permit for the employment, conclude with a foreigner an employment contract and report it to the compulsory social insurance, in accordance with the rules governing employment.

If the foreigner does not receive employment within the period referred to in paragraph 3 of this Article, the employer shall, not later than three days, notify the Ministry for the annulment of residence and work permit.

#### **Seasonal Employment of a Foreigner**

#### **Article 68**

The seasonal employment of a foreigner means the employment for a definite period of time on the activities that are of a seasonal nature, where the need for labor force is much higher in a given period.

The temporary residence and work permit for seasonal employment shall be issued with a validity period of six months within the period of one year.

The permit referred to in paragraph 2 of this article issued with a validity period of less than six months may be extended until the expiration of six months.

The employer is obliged to, within eight days from the date of issuance of the permit for temporary residence and work permit for a seasonal employment, conclude with a foreigner a labor contract and register him/her to the compulsory social insurance, in accordance with the rules governing the employment.

If the foreigner does not find an employment within the period referred to in paragraph 4 of this Article, the employer shall, not later than three days, notify the Ministry for the annulment of residence and work permit.

#### **Delivery of Contracted Services by the Foreigner**

#### **Article 69**

A foreigner may provide the contracted services under the contract concluded between the foreign company and the legal entity with headquarters in Montenegro that the services are provided for.

Contracted services can be provided by a foreigner who is employed by a foreign company referred to in paragraph 1 of this Article.

#### **The Conditions for the Issuance of a Temporary Residence and Work Permit for Delivery of the Contracted Services**

#### **Article 70**

The temporary residence and work permit for the provision of the contracted services shall be issued to a foreigner who meets the requirements of the Article

42 of this Law, and provide as an evidence of the justification for the application, translated into Montenegrin language by an authorized translator, the following:

- 1) A contract for the delivery of contracted services;
- 2) An evidence that he/she is employed in a foreign company;
- 3) A confirmation of a social security issued by the competent authority.

The temporary residence and work permit for the provision of the contracted services shall be issued with a validity period of one year and may be extended to the end of the service, or up to two years.

### **The Movement of Persons Within a Foreign Company**

#### **Article 71**

A foreign company may temporarily deploy its employee to work in a branch of a foreign company i.e. a foreign company founded by it and registered in Montenegro, provided that the foreigner in that foreign company has been employed for at least one year and he/she performs managerial activities or is employed as a specialist.

A manager, in terms of paragraph 1 of this Article, is a person who performs managerial activities or is a member of a managerial staff of a foreign company or leads i.e. manages the organization unit or carries out the tasks of monitoring and control of employees or decides on the rights and obligations of employees in that company.

A specialist in terms of paragraph 1 of this Article is a person who possesses special expertise required for the operations of a foreign company.

### **The Conditions for the Issuance of a Temporary Residence and Work Permit for the Movement of Persons Within a Foreign Company**

#### **Article 72**

The temporary residence and work permit for the movement of persons within a foreign company shall be issued to a foreigner who meets the requirements of Article 42 of this Law, and submit as an evidence of the justification for the application, translated into Montenegrin language by an authorized translator, the following:

- 1) evidence of Temporary Reassignment set forth by the Article 71 of this Law;
- 2) evidence that is employed in a foreign company for at least one year;
- 3) proof of the social security issued by the competent authority.

The temporary residence and work for the movement of persons within a foreign company shall be issued with a validity period of one year and may be extended until the completion of works or up to two years.

### **The Annual Quota for the Employment of Foreigners**

#### **Article 73**

The annual number of temporary residence permits of foreigners (hereinafter: the annual quota) shall be determined by the Government, in accordance with migration policy, condition and movements in the labor market in Montenegro, at the latest by November 30 of the current year, for the next year.

The annual quota shall define the activities and occupations in which the foreigners may be employed or provide contracted services.

As a part of the annual quota, those are separately established the annual quotas for employment, seasonal employment of foreigners and delivery of the contracted services.

### **Determining the annual quota**

#### **Article 74**

The annual quota is determined on the proposal of the state administration authority responsible for labor affairs, with prior opinion of the Employment Bureau, public administration authorities responsible for particular activities for which the annual quotas are to be established and Social Council.

The Government may set a limit on the annual quota, increase the number or perform a rearrangement by purposes, if it is caused by changes in the supply and demand in the labor market or because of special conditions in individual industries.

The criteria and procedure for determining the annual quota are to be determined by the Government, upon the proposal of the state administration authority responsible for labor affairs.

### **The Work of a Foreigner regardless the annual quota**

#### **Article 75**

The permit for temporary residence and work regardless the annual quotas may be issued to a foreigner:

- 1) who performs the activities in Montenegro on the basis of international treaties that Montenegro concluded with another state, under the condition of reciprocity;
- 2) who teaches in educational institutions, in the language and alphabet of the minorities and other ethnic minority communities;
- 3) who is a professional athlete or a sport worker who works in Montenegro in accordance with the law governing the sport;
- 4) defined by the Article 64, paragraph 2 above;
- 5) who has been temporarily reassigned as a manager or specialist, in accordance with Article 71 of this Law;
- 6) that is involved in the implementation of development projects established by the Government;
- 7) who is residing in a neighboring country, who is employed or performs work in Montenegro and at least once a week returns to the place of residence (commuter).

#### **An Application for a Permit for Temporary Residence and Work**

#### **Article 76**

A foreigner who submits a complete application for a temporary residence and work permit before the expiration of the stay of 90 days may stay in Montenegro until the executive decision.

The Ministry shall issue a confirmation on a receipt of the application for a temporary residence and work permit, which shall contain the indicated time limit within which the applicant may take the permit.

The application form referred to in paragraph 1 of this Article and the form of the confirmation referred to in paragraph 5 of this Article shall be prepared by the Ministry.

An application for issuance of a permit for temporary residence and work shall be submitted by a foreigner in person to the Ministry in the residence place, on the prescribed form.

In addition to the evidence justifying the request set forth by the Articles 65, 70 and 72 of this Law, a foreigner must support the application referred to in paragraph 1 of this Article with the evidence of compliance with the conditions referred to in Article 42, paragraph 1 items 1, 2, 3, 4, 7 and 9 of this Law.

When submitting a request referred to in paragraph 1 of this Article, a foreigner is taken from a photograph, fingerprints of two fingers and digitized handwritten signature.

Exceptionally, an application for a permit for temporary residence and work can also be submitted to the Ministry by the employer in the intended stay of the foreigner, at the employer's seat in Montenegro or place of work of a foreigner.

In the case referred to in paragraph 4 of this Article, the employer shall be issued a confirmation of the annual quotas reservation, if the employer submits the evidence referred to in paragraph 2 of this Article.

The certificate referred to in paragraph 5 of this Article shall be issued for a period of five days.

In the event of an application in accordance with paragraph 4 of this Article, a foreigner is obliged to, within five days from the date of issue of the certificate notifies to the Ministry in the application submission area so as to provide the information referred to in paragraph 3 of this Article. Otherwise, it shall be deemed that the employer withdrew the request.

A foreigner who has been issued a visa for a long-term stay (Visa D) for the purpose of employment, he/she is obliged to submit an application for a permit for temporary residence and work within ten days of the issuance of visas.

#### **Deciding on an Application for a Temporary Residence and Work Permit**

#### **Article 77**

The temporary residence and work permit shall be issued by the Ministry in accordance with the Article 57 paragraphs 1, 2, 3, 5 and 6 of this Law.

An application for a temporary residence and work permit shall be decided within 20 days of the date of filing of a complete application.

If an applicant for a temporary residence and work permit does not take over the permit no later than five days after the expiry of the deadline specified in the confirmation referred to in the Article 76 paragraph 10 of this Law, he/she shall be deemed to have withdrawn his/her application.

An administrative dispute can be initiated against the decision rejecting the application for a temporary residence and work permit and because of no availability in the annual quota.

Detailed terms and conditions of issuing permits for temporary residence and work shall be prescribed by the Ministry.

#### **Application for Extension of a Temporary Residence and Work Permit**

#### **Article 78**

An application for extension of temporary residence and work permits shall be submitted by a foreigner or an employer to the Ministry in the foreigner's place of residence, the headquarters of the employer in Montenegro or place of work of a foreigner, not later than 30 days before the expiry of the temporary residence and work permit.

The application referred to in paragraph 1 of this Article shall be accompanied by a valid foreign travel document or identity card of a foreigner issued by the competent authority of another state, and evidence justifying the application for a temporary residence and work permit, and if it has been five years after the date of a collection of the data referred to in Article 76 paragraph 3 of this law, a foreigner shall be taken these data from again.

If an application for extension of a temporary residence and work permit is accepted, a temporary residence and work permit shall be issued with the new validity period of one year.

The provisions of the Article 77 of this Law shall stipulate the process of extending a temporary residence and work permit.

The form of the application for extension of temporary residence and work permit shall be prescribed by the Ministry.

#### **Termination of Temporary Residence and work Permit**

#### **Article 79**

The temporary residence and work permit ceases to be valid:

- 1) by the expiration of the period of validity;
- 2) by the termination of the employment contract or a contract on the delivery of contracted services, or termination of decisions on the temporary secondment;
- 3) if the foreigner performed work for which h/she has not been granted a temporary residence and work permit for;
- 4) If it is subsequently determined that the reasons referred to in Article 9 of this Law exist;
- 5) If the foreigner has been imposed protective measure of expulsion, the security measure of deportation of foreigners or protective measures deportation of foreigners from the territory of Montenegro;
- 6) when the foreigner qualifies for a permanent residence.

If the police, the labor inspectorate, employer or other authorities, within their jurisdiction, determine the existence of these reasons, those are obliged to inform the Ministry about the reasons for cessation of temporary residence and work permit referred to in paragraph 1 items 2 to 5 of this Article.

The Ministry shall issue a decision on the termination of the validity of the temporary residence and work permit referred to in paragraph 1 items 2 to 5 of this Article.

The decision referred to in paragraph 3 of this Article shall determine the period during which the foreigner must exit from Montenegro, which may not be longer than 30 days, and in the cases referred to in paragraph 1 items 3, 4 and 5 of this Article, may be imposed denial on entry and stay in Montenegro for a period of one to five years.

The period of entry denial referred to in paragraph 4 of this Article shall be counted from the date of exit from Montenegro.

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

#### **Cancellation of a Temporary Residence and Work Permit**

#### **Article 80**

The temporary residence and work permit shall be cancelled:

- if it has been issued on the basis of incorrect data on a foreigner or employer;
- in the case of the Article 67, paragraph 4 and Article 68, paragraph 5 of this Law.

The decision to cancel the permit for temporary residence and work shall be enacted by the Ministry.

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

The enforcement of a decision shall not be postponed by an appeal.

#### **Confirmation of Work Registration**

#### **Article 81**

Based on the issued confirmation of work registration in Montenegro the foreigners who can stay and work up to 90 days within a period of one year are those who:

- 1) perform in Montenegro the tasks on the basis of international treaties that Montenegro concluded with the international organization or the European Union on professional and technical assistance or on other ratified to international treaties;
- 2) are founders, members of the body of management and governing and the executive bodies of the company, as well as the auditors

- 3) were invited as lecturers or professors and scientific researchers engaged in some research projects of importance for Montenegro;
- 4) are lecturers who participate in organized professional conferences and seminars;
- 5) are Civil and military officials of other countries who come to Montenegro on the basis of a cooperation agreement with the Government;
- 6) perform services that require higher education or specialized knowledge and experience, with previous consent of the state administration authority responsible for the activity in which the service is provided;
- 7) perform research in Montenegro, which was approved by the Government;
- 8) are the correspondents accredited in Montenegro or reporters of foreign media;
- 9) are artists and technical staff for opera, ballet, theater, concerts, art and other cultural events if they do not stay longer than 30 days in Montenegro, or three months with interruptions within a year;
- 10) are authors and performers in the field of film, television, music, music theater, dance and ballet, as well as supporting technical staff, if they do not stay longer than 30 days in Montenegro, or three months with interruptions within a year;
- 11) are employees of foreign companies that perform additional training and improvement of their employees, i.e. they are attending an additional training and improvement, with a legal entity with its headquarters in Montenegro operationally affiliated with the foreign company;
- 12) come to Montenegro to participate in the sports competitions;
- 13) perform the delivery, installation or service of machines or equipment, if their work does not last longer than 30 consecutive days, or three months with interruptions within a year;
- 14) are participating in fairs and exhibition events in which their employer participate;
- 15) are pupils or students practicing in Montenegro on the basis of international treaties on the exchange of pupils or students;
- 16) who operate under the registered humanitarian organizations;
- 17) are employed in circuses or amusement parks.

Legal and physical entities who use the services of foreigners referred to in paragraph 1 of this Article shall have concluded a contract or other evidence of the performance of services with the foreign employer who directs the foreigner to work in Montenegro.

Prior to commencement of work of a foreigner referred to in paragraph 1 of this Article, legal and physical entities referred to in paragraph 2 of this Article shall submit a report on the work of the foreigner to the Ministry, in the place of work performance or at the headquarters of the employer.

The Ministry has the obligation to issue to the employer or physical entity referred to in the paragraph 3 of this Article a confirmation of work registration within seven days.

On the basis of the issued work registration confirmation, the foreigners can perform the works for the same employer or recipient of services across the entire territory of Montenegro.

Detailed requirements for the issuance of a work registration confirmation, employment application form and the form of the confirmation of work registration shall be prescribed by the Ministry.

### **3. Permanent Residence**

#### **The Right to Permanent Residence**

##### **Article 82**

A foreigner can permanently reside in Montenegro on the basis of a permanent residence permit.

A permanent residence permit may be issued to a foreigner who lawfully resided in Montenegro for five consecutive years before submitting the application for a permit based on a temporary residence permit or approved additional protection in accordance with the law governing asylum.

Continuous residence 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.

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.

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

- 1) temporary residence for the purpose of secondary education or study;
- 2) temporary residence for the dispose to real estate that the foreigner owns in Montenegro;
- 3) temporary residence approved for seasonal work and work of seconded workers;

A permanent residence permit may be issued to a child:

- 1) whose both parents at the time of his birth have been granted permanent residence;
- 2) if one of the parents at the time of his birth, is a Montenegrin citizen and has permanent residence in Montenegro or a foreigner who has permanent residence, with the consent of the other parent;
- 3) whose one parent, at the moment of his birth, has a permanent residence permit, and the other parent is unknown or has died.

### **The Conditions for the Issuance of Permanent Residence Permit**

#### **Article 83**

A foreigner may be granted a permanent residence permit if he/she:

- 1) has a valid foreign travel document;
- 2) has not been legally sentenced to an imprisonment of more than six months for a criminal offense prosecuted ex officio in Montenegro, or the legal consequences of a conviction ceased;
- 3) in the country of origin has not been legally sentenced to an imprisonment of more than six months for a criminal offense prosecuted ex officio, or the legal consequences of a conviction ceased;
- 4) has the means of subsistence;
- 5) has a health insurance;
- 6) has a provided accommodation;
- 7) there are no restrictions for reasons of national security, public order or public health.

### **The Form of a Permanent Residence Permit**

#### **Article 84**

A permanent residence permit is a public document by which a foreigner proves that he/she has been granted a permanent residence in Montenegro. The permit referred to in paragraph 1 of this Article shall be issued in the prescribed form containing: Coat of arms of Montenegro, the name "Montenegro", the name of the permit, protective elements and spaces for the input of personal and other data.

The data referred to in paragraph 2 of this article are: last name, first name, personal identification number of a foreigner, gender, citizenship, day, month and year of birth, permit number, date of issuance, the validity date, a photograph, signature, name of the authority that issued the permit and machine-readable records. The entry of the data referred to in paragraph 3 of this Article in the form of the permit shall be done by the Ministry.

Data contained in the machine readable record shall be determined by the Ministry, in accordance with the recommendations of ICAO Dos 9303.

Form of a permanent residence permit shall be prepared by the Ministry in accordance with Article 41 of this Law.

Form of a permanent residence permit shall be prescribed by the Ministry, in accordance with European and international standards.

### **The Submission of the Application for a Permanent Residence Permit**

#### **Article 85**

An application for a permanent resident permit shall be submitted by a foreigner in person to the Ministry in the place of his residence, on the prescribed form.

At the moment of submission of the application for a permanent resident permit, the foreigner must have temporary residence approved.

The application referred to in paragraph 1 of this Article must be accompanied by the evidence of compliance with the conditions referred to in Article 83, paragraph 1 items 1, 3, 4, 5 and 6 of this Law.

Evidence of compliance with the conditions referred to in Article 83, paragraph 1 items 2 and 3 of this Law shall not be submitted to a foreigner under the age of 16 years.

When submitting a n application referred to in paragraph 1 of this Article, a foreigner is taken a photograph, fingerprints of two fingers and digitized handwritten signature. Fingerprints and signature shall not be taken from children under the age of 12 years.

### **Deciding on an Application for a Permanent Residence Permit**

#### **Article 86**

A permanent residence permit shall be issued by the Ministry, followed by the prior opinion of the Agency and the police about the existence of obstacles due to the reasons of national security or public order under the Article 83, paragraph 1, item 7 of this Law.

The Agency and the Police are obliged to deliver to the Ministry the opinion referred to in paragraph 1 of this Article without any delay and not later than 60 days from a receipt of the request for an opinion.

If the Ministry receives no opinion referred to in paragraph 2 of this Article within the prescribed period, it shall be deemed that there are no obstacles for the issuance of a permanent residence permit.

An application for a permanent residence permit issuance shall be decided within six months of filing a complete application.

A rejection of the application for a permanent residence permit shall be stipulated by a decision. An appeal may be initiated against the decision referred to in paragraph 5 of this Article.

The method of issuing the permanent residence permits, as well as the application form referred to in Article 85 of this Law, shall be prescribed by the Ministry.

#### **Validity Period of the Permanent Residence Permit**

##### **Article 87**

A permanent residence permit shall be issued for a period of five years.

A foreigner under the age of four years shall be issued a permanent residence permit for a period of two years. A foreigner shall, within eight days of the expiry of the permit referred to in the paragraphs 1 and 2 of this Article, submit a request for the replacement of a permanent residence permit.

#### **The Rights of a Foreigner with Permanent Residence**

##### **Article 88**

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

- 1) labor;
- 2) education and professional training;
- 3) recognition of diplomas and certificates;
- 4) social welfare, health and pension insurance;
- 5) tax benefits;
- 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.

#### **Termination of the Permanent Residence**

##### **Article 89**

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

- 1) the foreigner in Montenegro is validly sentenced to an imprisonment of more than six months for a criminal offense that is prosecuted ex officio;
- 2) thus is required for reasons of national security or of public order;
- 3) the foreigner has provided false information on the identity, or if it has been issued on the basis of false information about the foreigner;
- 4) A security measure of deportation, a security measure of expulsion and a protective measure of expulsion from the territory of Montenegro was pronounced against this person;
- 5) It is established that a foreign person moved out of Montenegro or continuously stayed in another country for a period longer than six months;
- 6) He or she renounced his or her right to permanent residence;
- 7) He or she was granted Montenegrin citizenship.

The decision on termination of permanent residence from paragraph 1 items 1 to 5 of this Article shall be issued by the Ministry. The decision referred to in paragraph 2 of this Article determines the period during which the foreigner must exit from Montenegro, and in the cases referred to in paragraph 1 items 2 to 5 of this Article, he/she may be imposed a denial of entry and stay in Montenegro from one to five years. The period of the entry denial referred to in paragraph 3 of this Article shall be counted from the date of leaving Montenegro. Administrative proceedings may be instituted against the decision from paragraph 2 of this Article.

#### **The Existence of the Obstacles in Terms of National Security**

##### **Article 90**

The existence of reasons, i.e. the obstacles in terms of national security under Article 9, paragraph 1, item 3, Article 10, paragraph 1, item 4, Article 12, Article 19, paragraph 3, Article 34, paragraph 1, item 2, Article 60, paragraph 1, item 4, Article 79, paragraph 1 item 4, Article 89, paragraph

1 item 2, Article 119, paragraph 1, item 4, Article 126, paragraph 1, item 2 of this Law shall be established by the Agency, upon which it delivers the opinion to the Ministry or the police, if not otherwise provided by this law.

The reasons, i.e. obstacles in terms of national security, in terms of paragraph 1 of this Article, Article 57, paragraph 1, and Article 86, paragraph 1 above, exist if the person:

- 1) Performs or having been performed the activities that could lead to the execution of crimes against humanity and other goods protected by international law;
- 2) Performs the activities that could lead to the commission of criminal offenses against the constitutional arrangement and security of Montenegro;
- 3) Belongs or belonged to organizations and groups that advocate violent change of constitutional arrangement or acts in a manner that endangers constitutionally determined human rights and freedoms;
- 4) publicly advocated and spread the idea that incites national, religious or racial discrimination;
- 5) belongs or belonged to organizations and organized crime groups that are preparing or committing crimes, or in any other way supports these organizations and groups;
- 6) has or had a relationship or maintain a connection with persons who in an unauthorized manner collected the secrets and other information, terrorists, saboteurs, members of organized criminal groups or individuals that are reasonably suspected to belong to such groups;
- 7) does not respect the state of Montenegro and its symbols, do not carry out the decisions of the courts, public administration authority and other bodies, and
- 8) if other circumstances indicate that the person, upon the issuance of a temporary residence permit, a temporary residence and work permit and permanent residence permit would not abide by the legal system of Montenegro.

When the police or the Ministry issue a decision based on the opinion of the Agency that there are the reasons, i.e. the obstacles from paragraph 2 of this Article, the reasons for issuing the opinion does not comprise these ones.

## **V. REGISTRATION AND TERMINATION OF A FOREIGNER'S RESIDENCE**

### **Submission of the Registration and the Termination**

#### **Article 91**

A foreigner who has been issued a visa for a long-term stay (D visa) or stay in Montenegro for up to 90 days in accordance with Article 33 of this Law, is obliged to submit an application for residence in the place in which he/she intends to stay, in the prescribed form.

In the case of a foreigner who is issued a temporary residence permit, temporary residence and work permit and permanent residence permit intends to temporarily stay in another place in Montenegro for the period longer than eight days, he/she is obliged to submit an a residence notification.

A foreigner referred to in paragraph 1 of this Article shall be obliged to submit an application to stay in the case when in the second position in Montenegro intends to stay longer than 24 hours.

Application of the century. 1, 2 and 3 of this Article, a foreigner shall submit to the police within 24 hours of arrival at the place of residence.

A foreigner referred to in the paragraphs 1, 2 and 3 of this Article shall submit to the police a notification on the residence termination within 24 hours prior to departure from the place of residence, in the prescribed form.

A notification on the residence termination shall not be filed if the foreigner leaves the place of residence at the expiry date of the period specified in the application.

Registration and the termination referred to in the paragraphs 1 to 5 of this Article for the child shall be submitted by a foreigner parent, adoptive parent, guardian, foster parent, or a person to whom a child is entrusted with the custody, care, upbringing and education.

Registration and the termination referred to in the paragraphs 1 to 5 of this Article shall contain the following information: name and surname; gender; identification number; place, country and date of birth; citizenship; place of residence and address in the country of origin; place of residence and address; application date and time of residence; date of cancellation; the type, number, period of validity of a foreign passport or identity card issued by the competent authority of another state; the name of the state and the name of the authority that issued the foreign travel or other document; the type, number, expiration date and place of issue; date and place of entry in Montenegro; surname, first name and identification number of users of the facility where the foreigner resides, and other data if necessary.

The registration and termination form of the residence of a foreigner from paragraphs 1 and 5 of this Article shall be prescribed by the Ministry.

### **Submission of the Registration and Termination of the Accommodation Provider**

#### **Article 92**

In the case when the foreigner is using the services of accommodation provider, the obligation of submitting the registration, i.e. the termination of the foreigner's residence referred to in the Article 91 of this Law is born by the accommodation provider.

The registration and termination from the paragraph 1 of this Article shall be submitted to the police in the place within which the foreigner is applying for the residence within the period of

12 hours of arrival, in the prescribed form.

The registration and termination from the paragraph 1 of this Article, in addition to the data referred to in Article 91, paragraph 8 of this law shall contain the following information: name and seat, i.e. the first and last name of the provider of accommodation; name of the accommodation facility; registration number or personal identification number of the accommodation provider, and the address to which the foreigner is registering, i.e. registering out from.

A foreigner who uses the services of accommodation referred to in paragraph 1 of this Article shall provide the accommodation provider with the data referred to in Article 91, paragraph 8 of this Law.

The information referred to in paragraph 4 of this Article for a foreigner lacking operational capabilities, the accommodation provider is provided with the data by the parent, guardian or member of his/her family.

Notwithstanding paragraphs 1 and 2 of this Article, in the process of registering or terminating the residence of an organized group of foreigners, which has at least ten foreigners, with their stay no longer than eight days, it can be submitted a list of group members that, for each member, includes a particulars referred to in paragraph 3 of this Article.

The accommodation provider is obliged to check the authenticity of the information by examining the foreign travel document and that the application for permanent residence and to fulfill the form of the registration or termination of the residence that is to be filed to the police with the accurate information.

The form referred to in paragraph 2 of this Article shall be prescribed by the Ministry.

### **Records of the Accommodation Provider**

#### **Article 93**

The accommodation provider is obliged to keep the records on foreigners he/she provides the accommodation for.

The accommodation provider shall fulfill the records referred to in paragraph 1 of this Article with the data referred to in Article 92, paragraph 3 of this Law, which must be accurate.

The data in the records referred to in paragraph 1 of this Article shall be kept for two years from the date of entry in the register, after which it can be deleted by the accommodation provider.

The accommodation provider is obliged to allow the Police an access to the records referred to in paragraph 1 of this Article.

The content and method of keeping records referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

### **The Method of Submission of the Registration and the Termination**

#### **Article 94**

The accommodation provider shall submit electronically the foreigner's residence registration or termination, and if there are no technical possibilities for submitting it electronically, the accommodation provider may submit the foreigner's residence registration or termination through tourism organizations referred to in Article 95 of this Law, or in the prescribed form in writing. Lack of opportunities for submission of the foreigner's residence registration or termination electronically shall be determined by the police, and notified to the accommodation provider with a certificate.

The method of submission of the foreigner's residence registration or termination form shall be prescribed by the Ministry.

### **Submission of Registration Through Tourism Organizations**

#### **Article 95**

The foreigner who resides in Montenegro for tourism purposes, and do not use the services of accommodation providers, can submit a foreigner's residence registration or termination form in accordance with this Law through a travel organization in the place of residence.

A tourism organizations referred to in paragraph 1 of this Article shall submit electronically to the police the aforementioned registration or termination form.

A detailed method of submitting the registration or termination referred to in paragraph 1 of this Article shall be prescribed by the Ministry with the consent of the public administration authority responsible for the tourism affairs.

### **Other Obligations of the Submission of Registration and Termination**

#### **Article 96**

A company, entrepreneurs and a person to whom a foreigner comes to visit for a period up to 90 days and for whom one of the mentioned entities provides an accommodation for longer than 12 hours is required to file to the Police a foreigner's residence registration and termination notice, within 12 hours of arrival or departure of a foreigner.

The medical institution that receives a foreigner for treatment shall be required to submit to the Police a report on the foreigner's stay within 12 hours from the receipt of a foreigner for treatment if the foreigner has not reported his/her stay.

The health institution is obliged to file to the Police a form of the termination of a foreigner's stay after the end of treatment within the deadline referred to in paragraph 2 of this Article.

The administrative authority responsible for the execution of a sentence of imprisonment and the institution and organization in which the juvenile imprisonment and institutional measures are performed are obliged to file to the Police a foreigner's stay registration and termination form within 12 hours of receipt i.e. check out of a foreigner.

The obligation referred to in paragraph 3 of this Article shall be born by the health or other specialized institution in which the foreigner is located in order to execute security measures or protective measures.

Check-in and check-out of a foreigner from the items 1, 2, 3 and 4 of this Article shall be submitted on the form referred to in Article 92, paragraph 2 above.

### **Validity Period of the Registration**

#### **Article 97**

The stay registration shall be valid until the expiry of the stay duration specified in the registration.

If the registration does not contain a specified duration of a stay, and the termination has not been submitted, the registration is valid for six months, i.e. for a foreigner with a residence up to 90 days before the expiration of the stay.

Upon expiration of the period of stay specified in the registration, or after the expiration of six months or a stay up to 90 days, the stay is terminated ex officio.

### **Cases where the Registration of the Residence is not Required**

#### **Article 98**

The stay registration need not be filed for a foreigner who:

- 1) is located in a shelter for victims of violence;
- 2) is a member of the unit for protection, rescue and aid, if he/she is participating in the elimination of consequences of natural disasters upon the call of the state authorities.

## **VI. ILLEGAL RESIDENCE**

### **Obligation of Foreign Citizen to Leave Montenegro**

#### **Article 99**

A foreign person illegally residing in Montenegro shall leave its territory immediately or within a deadline set forth in this law.

A stay in Montenegro shall be regarded as illegal as referred to in this law if a foreigner stays in Montenegro with no visa when the visa is required in accordance with this Law, a temporary residence permit, a temporary residence and work permit and permanent residence permit or other legal ground prescribed by the law.

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.

If a foreign person considers his/her stay in Montenegro legal, he/she shall be obliged to prove that.

### **Deadline for Departure from Montenegro**

#### **Article 100**

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.

Pursuant to the decision referred to in paragraph 1 of this Article, a denial of entry into Montenegro may be imposed for a period of one to five years, in accordance with this Law.

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 3 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 6 of this Article.

## **VII. COMPULSIVE DEPORTATION**

## **Execution of Compulsive Deportation**

### **Article 101**

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

The decision on the compulsive deportation shall be brought by the Police.

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

The enforcement of a decision shall not be postponed by an appeal.

## **Prohibition of Compulsive Deportation**

### **Article 102**

No foreign person shall be compulsively deported to a country where his or her life or freedom may be threatened because of racial or religious belonging, his/her language or nationality, 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 103**

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 a foreigner.

## **Accommodation Facilities for Foreigners**

### **Article 104**

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 105**

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

An appeal against the decision referred to in paragraph 2 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 upon by the Ministry, within eight days from receipt of the appeal.

The enforcement of a decision shall not be postponed by an appeal.

## **Duration of Stay at the Shelter**

### **Article 106**

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:

The procedure for the establishing of identity or data collection is in progress;

So required for security reasons, or

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 102 of this Law.

## **Compliance with the Rules of Stay and Conduct at the Shelter**

### **Article 107**

A foreigner shall observe the rules of stay and 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 stay and conduct at the Shelter shall be prescribed by the Ministry.

## **Termination of Stay at the Shelter**

### **Article 108**

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

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

## **An Accommodation of Underage Person in the Shelter**

### **Article 109**

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

The measure of enhanced supervision at the Shelter may be ordered for an underage foreigner who has not turned 16 years of age yet, only if such a person is accompanied by his/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 Article 1 A (2) of the of the Convention relating to the Status of Refugees from 1967, Article 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 Stay at the Particular Place**

### **Article 110**

The compulsory stay from paragraph 3 of Article 014 shall be established by the Police ex officio. The compulsory stay 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 whom a compulsory stay in a particular place is determined shall be issued a special identification document that the foreigner is obliged to return before leaving Montenegro. The appearance and content of such special identification document of the 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 111**

In the case from the paragraph 3 of the Article 104 of this Law, a foreigner shall remain at a particular address and regularly report to the Police at his/her place of compulsive residence.

## **Termination of Compulsive Residence**

### **Article 112**

The compulsive residence of a foreigner shall be terminated:

- 1) Following his/her departure from Montenegro;
- 2) Following the expiration of prescribed time limit;
- 3) if he/she fails to report regularly to the Police in accordance with Article 111 of this Law;
- 4) if he/she is granted a refugee status, approved subsidiary or temporary protection in accordance with the regulations stipulating an asylum, or he/she has been issued a temporary residence permit, a temporary residence and work permit or a permit for

permanent residence,

5) if it is determined that he/she has neither accommodation nor funds of subsistence provided. A foreigner whose mandatory stay at a certain place has been terminated, and who failed to leave Montenegro, shall be forcibly removed or placed at the Shelter.

### **Special Categories of Foreigners**

#### **Article 113**

During the process of forced removal of a foreigner, special care shall be taken towards the underage foreigners, persons totally or partially incapacitated, children separated from parents, adoptive parents, guardians, foster parents, i.e. persons who were entrusted with the child care and education, persons with disabilities, elderly persons, pregnant women, single parents with underage children, as well as persons who have been exposed to torture, rape or other serious types 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 the regulations and international treaties governing the accommodation of persons with special needs.

### **Seizure of Documents and Objects**

#### **Article 114**

For the purpose of ensuring the execution of a protected measure of deportation or in a course of accepting of a foreigner in the shelter, his/her foreign travel and other documents, travel tickets, objects and funds are temporarily taken away from a foreign person by the Police.

A confirmation document on the seizure of travel and other documents, travel tickets, objects and funds shall be issued to the foreigner.

### **Charge of the Costs**

#### **Article 115**

The costs of accommodation at the Shelter and those incurred during the forced removal shall be borne by the foreigner. The costs referred to in paragraph 1 of this Article shall be covered by the funds seized in accordance with Article 114, paragraph 1 above, as well as other assets owned by the foreigner. If the foreigner does not have the funds to reimburse the costs referred to in paragraph 1 of this Article, the costs shall be compensated by:

- 1) a physical or legal person who has committed to bear the costs of the stay of the foreigner;
- 2) the carrier that failed to transport the foreigner in accordance with paragraph 2 and 3 of the Article 15 of this Law;
- 3) The organizer of tourist or business trips as referred to in the Article 15, paragraph 4 hereof;
- 4) the employer who employed the foreigner contrary to this law.

The amount of costs of accommodation at the Shelter and those incurred during the forced removal shall be established by the Police with the decision enacted on the basis of the actually incurred expenses. The costs that cannot be charged as set forth in paragraphs 2 and 3 of this Article shall be settled from the budget of Montenegro.

## **VIII. DOCUMENTS OF FOREIGNERS**

### **Travel Documents of Foreigners**

#### **Article 116**

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

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

Exceptionally, a travel document for a foreigner may be issued to him/her in some other case as well, if there are reasonable grounds for such action.

#### **The Authority Competent to Issue a Travel Document**

#### **Article 117**

A travel document shall be issued to a foreigner by:

- 1) The Ministry, in the cases referred to in Article 116, paragraph 1, items 1,2 and 4 and paragraph 2 of this Law;
- 2) A diplomatic or consular mission of Montenegro, subject to a prior Ministry's approval, in the cases referred to in Article 116, paragraph 1, item 3 of this Law.

The travel document issued to a foreigner shall be valid for a period not longer than 30 days. The form of the travel document of a foreigner shall be prescribed and prepared by the Ministry.

#### **Travel Documents for Stateless Persons**

#### **Article 118**

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 of the issuance, an application form for issuing travel documents, as well as the form of the travel document referred to in paragraph 1 of this Article shall be prescribed by the Ministry.

#### **Rejection of the Application**

#### **Article 119**

No travel document prescribed by the Articles 116 and 118 shall be issued to a foreign person if:

- 1) he/she is engaged in a criminal or misdemeanour proceeding;
- 2) he/she was sentenced to a prison or fine, until such sentence is served or fine settled;
- 3) he/she failed to satisfy his or her real property or civil obligation following a valid decision issued by the competent court;
- 4) If so required due to the reasons of national security, public order or public health;
- 5) If so required by international commitments of Montenegro.

A decision rejecting the application for issuing a travel document to a foreigner referred to in paragraph Articles 116 and 118 of this Law shall be made by the Ministry.

Against the decision rejecting the application for a travel document for foreigners, in the cases referred to in paragraph 2 of this Article, the foreigner may lodge an appeal to the Ministry, within eight days from the date of receipt of the decision.

#### **Special Identity Card for a Foreigner**

#### **Article 120**

A foreigner who is a member of a diplomatic or consular mission of a foreign state or member of a mission of a diplomatic status, shall be issued a special identity card.

A foreigner referred to in paragraph 1 of this Article shall be issued a special identity card with the validity for the period of his/her mandate. A foreigner is obliged to return the special identity card after termination of the mandate. If a foreigner's membership from the paragraph 1 of this Article ceases prior to the expiration of the mandate, he/she is obliged to return a special identity card.

#### **The Competence of Issuance**

#### **Article 121**

A special identity card for foreigners shall be issued by the public administration authority in charge of the foreign affairs.

A special identity card for foreigners shall be in a form prepared by the public authority in charge of the foreign affairs. The request for the issuance of a special identity card for foreigners shall be submitted in the prescribed form.

A form of a special identity card for foreigners and the application form referred to in paragraph 3 of this Article shall be prescribed by the public administration authority in charge of foreign affairs.

### **IX. DOCUMENTS OF IDENTITY**

#### **Purpose of Documents and Ban on Allowing Disposal by Other Persons**

#### **Article 122**

Personal identity of a foreign person shall be proven by his or her travel document, valid personal identity card issued by a public administration authority of a foreign state, temporary residence permit, temporary residence and work permit, permanent residence permit and a special personal identity card.

A foreigner shall keep his / her personal identity document referred to in the paragraph 1 of this Article and present it at the request of the competent official.

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

A foreigner shall use the name entered into his / her document referred to in the paragraph 1 of this Article.

### **Substitution of the Documents of Identity**

#### **Article 123**

A foreigner has the obligation to substitute his/her temporary residence permit, temporary residence and work permit, permanent residence permit and special identity card:

- 1) in a case of change of the foreigner's personal information;
- 2) in a 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 foreigner;

The foreigner 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.

The application referred to in paragraph 2 of this Article shall be submitted to the authority that has issued the document.

### **Obligation to Return Personal Identity Card**

#### **Article 124**

A foreigner shall return his / her temporary residence permit, temporary residence and work permit or permanent residence permit to the Ministry if those ceased to be valid, he / she was granted Montenegrin citizenship, or he / she is moving out of Montenegro.

### **Disappearance of Documents of Identity**

#### **Article 125**

In case of a disappearance of the document proving his / her personal identity referred to in Article 122, paragraph 1, of this Law, a foreigner shall without any delay notify the Ministry 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 disappearance of his / her identity document. The number of a missing document shall be announced in the "Official Gazette of Montenegro". The expenses of the announcing mentioned in the paragraph 3 of this Article shall be born by the foreigner.

### **Temporary Withholding of Documents for Personal Identification**

#### **Article 126**

A document referred to in the paragraph 1 of the Article 122 of this Law 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; or
- 2) It is 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 foreigner who has not met his/her matured real estate - legal obligation, at the request of the competent court. A document from paragraph 1 of this Article shall be withheld for as long as the reasons for such an action exist. A document confirming the temporary withholding of documents from paragraph 1 of this Article shall be issued by the Police.

## **X. MOVEMENT OF FOREIGNER IN UNIFORM**

### **The Conditions for Wearing Foreign Military Uniform**

#### **Article 127**

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

- 5) Is a member of a diplomatic or consular representation office of a foreign state or another foreign mission having in Montenegro

- a diplomatic status of a military representative, over the mission duration,
- 2) Is a member of a foreign military mission of foreign military delegation, during an 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 128**

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

- Is a member of a delegation of foreign police or customs authorities during an official visit;
- Performs the activities prescribed by an international treaty;
- Is attending a training course at the Police Academy;
- As a member of a foreign delegation of the police or customs officers, and a holder of a diplomatic or service passport, is traveling across the territory of Montenegro.

## **XI. RECORDS**

### **Types and Jurisdiction for Records Maintenance**

#### **Article 129**

The Ministry shall keep the records of: issued temporary residence permits, issued temporary residence and work permits, issued permanent residence permits, issued travel papers for foreigners, and issued travel documents for stateless persons (hereinafter referred to as documents), on the extension of documents validity, on the data entered into the forms of documents, on applications for documents issuing, data from the application for the issuance of documents, on the documentation submitted with the application for issuance of documents, on the biometric data (digital photos, two fingerprints and digitized signature), on termination of the validity of the documents, the reasons and the date of expiration of the documents, on the documents that have been declared invalid, on reported missing documents, certificates issued to report on the work, as well as the prepared forms of the documents.

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

The Police shall keep the records of: foreigners whose residence was reported, cancelled or changed, those staying in Montenegro for up to 90 days on the basis of a visa for a short-term stay (C visa), a visa for a long-term stay (D visa), or without a visa pursuant to a regulation on a visa regime, to the foreigners that were reported i.e. terminated the stay in the place of their temporary residence, and who have been issued a temporary residence permit, temporary residence and work permit and permanent residence permit, foreigners who were denied entry into / exit from Montenegro, visas issued at the border crossing, rejected visa applications, and annulled visas, visas with shortened period of validity, temporary seizure of documents, extended visas to the foreigners whose stay was canceled up to 90 days, issued opinions for a temporary stay, foreigners accommodated in a shelter, foreigners who were issued a decision on the exit from Montenegro, foreigners imposed a compulsory deportation, foreigners who have been designated compulsive residence in a particular place and issued special identification documents of foreigners with certain mandatory stay.

An integral part of the records referred to in paragraph 1 of this Article and the information and documents about the identity cards for foreigners issued before the enacting of this Law.

The records referred to in the paragraph 1 and 3 of this Article represent electronically maintained database.

The manner of keeping the records referred to in paragraph 2 of this Article shall be prescribed by the public administration authority responsible for foreign affairs.

### **Maintenance of the Data**

#### **Article 130**

The information about the foreigner who has been issued a temporary residence permit shall be kept for five years after termination of the foreigner's stay, after which those could be deleted from the records.

Data of the foreigner with the stay of up to 90 days shall be kept for five years after the termination reported on his residence, after which they are deleted from the records.

## **Data Usage**

### **Article 131**

The data from the records referred to in Article 129 of this Law, except for the fingerprints and the signatures, can be used by the Ministry and the Police for performance of the operations within their jurisdiction.

The public institutions, the public administration authorities, local self-government institutions, local government institutions and other authorities can use the data from the records, except for the biometric data, for the performance of the duties within their jurisdiction, if those are authorized by the law to use such information.

The bodies listed in the paragraphs 1 and 2 of this Article are obliged to ensure the protection of data records used against any accidental or unauthorized access, use, processing and forwarding, in accordance with the law.

Data from these records may be used for statistical, scientific, research and other purposes, without marking the identity of persons to whom the information relates, in accordance with the law.

Data from the records may be used by the entity to which those data relate, at his/her request.

## **XII. SUPERVISION**

### **Jurisdiction**

#### **Article 132**

The implementation of this Law and the related secondary legislation shall be supervised by the Ministry and a public administration authority responsible for exterior affairs.

The inspection supervision activities, in accordance with the provisions of this Law and the law governing the inspection, shall be performed by an authorized official person from the Police, an inspector of labor and other competent inspections within their jurisdiction.

## **XIII. PENALTY PROVISIONS**

### **Article 133**

A fine of EUR 1,000 to EUR 10,000 shall be imposed on the employer - a legal entity if:

- 1) Assign to a foreigner the employment duties for which he has not been granted a residence and work permit, or a confirmation of a work registration (Article 61, paragraph 3);
- 2) In the business premises or place of work performance of the foreigner, the employer does not hold a copy of the residence and work permit, or a copy of the confirmation of work registration of foreigners who is employed with him (Article 61, paragraph 4);
- 3) He fails to inform the Ministry on the work termination of the foreigner before the expiry of residence and work permit, not later than eight days from the date of termination of the work of the foreigner (Article 61, paragraph 5);
- 4) He employs or uses the labour forces of foreigners who are illegally residing in Montenegro (Article 61, paragraph 6);
- 5) In the business premises or place of work performance of a foreigner the employer does not hold a copy of the residence and work permit set forth by the Article 62, paragraph 1 items 1 and 3 of this Law or the evidence of recognized refugees or those approved additional protection (Article 62, paragraph 3);
- 6) Within eight days from the date of employment beginning or beginning of the work of a foreigner, or termination of a work performance of a foreigner referred to in Article 62, paragraph 1 of this law (Article 62, paragraph 4) he fails to inform the Ministry thereof;
- 7) He gave a written offer referred to in Article 65, paragraph 1, item 1 of this Law before obtaining a confirmation from the Employment Bureau that it has no record of unemployed persons eligible for employment in jobs that such an offer applies to or a qualified person registered in the Employment Bureau refused the employment on these matters (Article 66, paragraph 1);
- 8) He failed to conclude a labour contract with a foreigner and report him/her to the compulsory social within the eight days after the issuance of a temporary residence and work permit for employment or seasonal employment (Article 67, paragraph 3 and Article 68, paragraph 4);
- 9) He failed to inform the Ministry not later than three days that the foreigner did not begin with the work performance within the timeframe referred to in Article 67, paragraph 3 of this Law, for the purpose of canceling the residence and work permit (Article 67, paragraph 4 and Article 68, paragraph 5);
- 10) He failed to submit to the Labour Ministry a foreigner's labour registration before the beginning of the work performance of the foreigner referred to in the Article 81 paragraph 2 of this Law (Article 81, paragraph 3).

For the offense referred to in paragraph 1 of this Article, the person responsible in the legal entity shall be fined as well with the amount of EUR 300 to EUR 2,000.

For the offense referred to in paragraph 1 of this Article an entrepreneur with the amount of EUR 300 to EUR 6,000.

#### Article 134

A fine of EUR 300 to EUR 5,000 shall be imposed on the a legal entity if:

- 1) it has driven to the border crossing or in the territory of Montenegro a foreigner who does not fulfil the conditions of Article 11 of this Law (Article 15, paragraph 1);
- 2) it does not take the foreigner at its own expense away from the border crossing or does not find another mode of transportation, i.e. does not cover the costs incurred during the stay and return of the foreigner (Article 15, paragraph 2).

For the offense referred to in paragraph 1 of this Article, the responsible person in the legal entity shall be fined as well with the amount of EUR 300 to EUR 1,200.

For the offense referred to in paragraph 1 of this Article, the entrepreneur shall be fined with the amount of EUR 300 to EUR 1,200.

For the offense referred to in paragraph 1 of this Article, a protective measure of prohibition of activities performing can be imposed for up to six months.

#### Article 135

A fine of EUR 500 to EUR 3,000 shall be imposed on a legal entity if:

- 1) it fails to submit a registration or a termination notice referred to in the Article 92, paragraph 1 hereof to the Police by which it registers the residence of a foreigner within 12 hours of his/her arrival (Article 92, paragraph 2);
- 2) it does not check the authenticity of the information by examining the foreign travel document of the person that it provides accommodation to, and submits to the Police false information within the registration or the termination (Article 92, paragraph 7);
- 3) it does not keep records on foreigners it provides the accommodation to (Article 93, paragraph 1);
- 4) it fails to keep the information in the records referred to in Article 93, paragraph 1 of this Law for two years from the date of the foreigner's entry (Article 93, paragraph 3);
- 5) it does not allow to the Police an access to the records referred to in Article 93, paragraph 1 of this Law (Article 93, paragraph 4);
- 6) it fails to submit the registration, or termination by electronic means (Article 95, paragraph 2);
- 7) it fails to submit the registration, or termination to the Police for the foreigners with residence up to 90 days, whom it provides the accommodation to for a period longer than 12 hours, within 12 hours of arrival or departure of foreigners (Article 96, paragraph 1);
- 8) it fails to notify the residence of a foreigner who was admitted for treatment within 12 hours from receipt (Article 96, paragraph 2);
- 9) it fails to submit the notice on stay termination of a foreigner after the end of his/her treatment, within 12 hours after the end of treatment (Article 96, paragraph 3).

For the offense referred to in paragraph 1 of this Article, the person responsible in the legal entity shall be fined as well in the amount of EUR 150 to EUR 500.

For the offense referred to in paragraph 1 of this Article, the physical entity who provides an accommodation shall be fined in the amount of EUR 150 to EUR 500.

For the offense referred to in paragraph 1 of this Article, an entrepreneur shall be fined in the amount of EUR 300 to EUR 1,500.

#### Article 136

A foreigner shall be fined in the amount of not more than EUR 200 to EUR 1.200 per instance in case of:

- 1) enters, stays and moves across Montenegro without a valid foreign travel document that was entered a visa or without a valid foreign travel document accompanied with a temporary residence permit, a temporary residence and work permit or permanent residence permit (Article 11 paragraph 1);
- 2) Movement or stay in a particular area where her or his movement or stay is restricted or prohibited (Article 12);
- 3) Not using the travel document that was used to cross the state border ( Article 13, paragraph 2);
- 4) Staying in Montenegro contrary to the purpose stated in his or her visa application (Article 21 paragraph 1);
- 5) Staying in Montenegro contrary to the purpose stated in his or her temporary residence permit (Article 38 paragraph 2);
- 6) not working on the basis of a temporary residence and work permit or confirmation of the work registration (Article 61 paragraph 1);
- 7) not performing in Montenegro the works for which he/she has been issued a temporary residence and work permit for or certificate of work registration with the employer who employs him (Article 61 paragraph 2);
- 8) illegal residing in Montenegro or failure to exit the territory of Montenegro immediately or within the time limit determined for him/her (Article 99 paragraph 1);
- 9) Unauthorized departure from the Shelter or failure to observe the applicable rules of behavior at the Shelter (Article 107 paragraph 1);
- 10)Departure from the place of residence as specified by the Police or failure to report to the competent authority regularly (Article 111);
- 11)Refusal to present his or her identity document to an authorized official (Article 122 paragraph 2);
- 12)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 122 paragraph 3);
- 13)Failure to use the personal name that is registered in the document referred to in Article 123 paragraph 1 of this Law or other document proving the identity (Article 122 paragraph 4).

For a violation from paragraph 1 of this Article, a foreigner may be subject to the protective measure of expulsion from the territory of Montenegro for the period of one year, alone or in addition to a fine.

#### **Article 137**

A foreigner shall be fined in the amount of not more than EUR 60 to 600 per instance if:

- 1) He/she was issued a visa for a long-term stay (D visa) or he/she stays in Montenegro for the period of up to 90 days, and fails to notify the police on his/her stay in the place in which he/she intends to reside or in another place if intending to stay longer than 24 hours, within 24 hours of arrival at the place of residence (Article 91, paragraph 1.3 and 4);
- 2) He/she was issued a temporary residence permit, a temporary residence and work permit or permanent residence permit, and fails to submit to the Police the residence registration in the case that he/she stays in another place in Montenegro temporarily for a period longer than eight days (Article 91, paragraph 2);
- 3) He/she fails to file a stay termination notice to the Police within 24 hours prior to departure from the place of residence (Article 91, paragraph 5);
- 4) He/she fails to submit a stay registration or a termination under Article 91, paragraph 1 to 5 of this law for the child (Article 91, paragraph 7);
- 5) Within eight days of the occurrence of reasons from Article 123 paragraph 1 of this law he/she fails to apply for the replacement of his/her documents (Article 123, paragraph 2);
- 6) He/she fails to return a temporary residence permit, a temporary residence and work permit or a permanent residence permit if he/she has ceased to be valid or has acquired Montenegrin citizenship or emigrated from Montenegro (Article 124);
- 7) He/she fails to report the disappearance of documents of identity referred to in Article 122, paragraph 1 of this Law (Article 125, paragraph 1).
- 8) During his/her stay in Montenegro moves in a foreign military uniform except in the cases prescribed by the Article 127 of this Law;
- 9) During his/her stay in Montenegro moves in foreign police or foreign customs uniform except in the cases prescribed by the Article 128 of this Law.

### **XIV. TRANSITIONAL AND FINAL PROVISIONS**

#### **Deadline for Adoption and the Application of Secondary Legislation**

##### **Article 138**

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, secondary legislation enacted under the Foreigners Law ("Official Gazette of Montenegro", No. 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13), The Law on Movement and Stay of the Foreigners ("Official Gazette of Montenegro", 22/08 and 32/11) and the Law on records of permanent and temporary residence; "Official Gazette of Montenegro", No. 13/08, 41/10 and 40/11) shall be applicable, if those are not derogating the provisions of this Law.

#### **Resolving Previously Initiated Proceedings**

##### **Article 139**

The proceedings that were initiated before the entrance into effect of this Law shall be completed according to the regulations that were in force prior to this Law.

#### **Validity of Documents Issued under Previous Regulations**

##### **Article 140**

An identity card of a foreigner granted a permanent residence, identity card of a foreigner who was granted a temporary residence permit, travel document for stateless persons, a travel document for a foreigner, a special identity card and special identification card of a foreigner who is determined compulsive residence shall be valid until the expiration of the period for which those were issued. A temporary residence permit issued prior to the entry into force of this Law shall be valid until the expiration of the period for which it was issued. Work permits issued prior to the entry into force of this Law shall be valid until the expiration of the period for which those were issued. A foreigner who has been issued a personal work permit is entitled to the rights prescribed in accordance with Article 88 of this Law.

#### **Entering into the Register of Foreigners Ex Officio**

##### **Article 141**

The citizens of the countries established on the territory of the former SFR of Yugoslavia who have a registered residence and an identity card issued by the competent authority in Montenegro shall be, on the date of entry into force of this Law, ex officio entered in the register

of the foreigners with the permanent residence.

The citizens of the countries established on the territory of the former SFR of Yugoslavia who have permanent residence and have no identity card issued by the competent authority in Montenegro, who did not file an application for the issuance of identity cards, shall be, on the date of entry into force of this Law, ex officio entered in the register of foreigners with temporary residence with the validity period of one year ago.

### **Termination of the Status of Displaced and Internally Displaced Persons**

#### **Article 142**

A status of the displaced persons from the former Yugoslav republics and internally displaced persons from Kosovo, who were temporarily retained their status in accordance with the Decision on temporary retaining of the status and rights of displaced and internally displaced persons in the Republic of Montenegro ("Official Gazette of Montenegro", no. 46/06), ceased to be the status of displaced and internally displaced persons, if by December 31, 2014 those have not submitted a request to the Ministry to regulate the status of a foreigner with a permanent residence or a temporary residence in accordance with the line 105 and 105d of the Foreigners Law ("Official Gazette of Montenegro", No. 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13).

Persons who have not submitted an application in accordance with the paragraph 1 of this Article or their application was rejected shall be considered to be the persons who are illegally residing in Montenegro.

### **Application of Certain Provisions**

#### **Article 143**

The provisions of the Articles 73 and 74 of this Law shall become applicable from January 1, 2016.

By the deadline referred to in paragraph 1 of this Article, the annual quota shall be determined in accordance with the Law on Employment and Work of Foreigners ("Official Gazette of Montenegro", No. 22/08 and 32/11).

### **Termination of Effectiveness of the Current Laws**

#### **Article 144**

On the day of entry into force of this Law, the Foreigners Law ("Official Gazette of Montenegro", No. 82/08, 72/09, 32/11, 53/11, 27/13 and 61/13) the Law on Employment and Work of Foreigners ("Official Gazette of Montenegro", No. 22/08 and 32/11) and the provisions of the Law on the Registers of Temporary and Permanent Residence ("Official Gazette of Montenegro", No. 13/08, 41/10 and 40/11), referring to the foreigners shall cease to be effective.

### **Entrance into Force**

#### **Article 145**

This Law shall enter into force on the eighth day following the one of its annunciation in the Official Gazette of Montenegro, and will become effective from April 1, 2015.

Number: 24-3/14-1/20  
EPA 562 XXV  
Podgorica, December 16, 2014

The 25th Convocation of the Parliament of Montenegro  
The President,  
Ranko Krivokapić, pers.