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Landinformationsenheten

Fråga-svar

Regler för uppehållstillstånd och förvärv av medborgarskap i Montenegro samt in- och utresa mellan Montenegro och Kosovo

Fråga

1. Jag skulle vilja ha information om reglerna för uppehållstillstånd och förvärv av medborgarskap i Montenegro. Mitt ärende gäller ett äkta par med fem barn där maken är från Montenegro, hustrun är från Kosovo och barnen i sin tur har olika medborgarskap.
2. Jag har också en fråga om in- och utresa mellan Kosovo och Montenegro. Min sökande säger att det är fritt att resa mellan länderna och att hon som medborgare i Kosovo kan vistas i Montenegro i tre månader utan tillstånd och att hon sedan måste återvända till Kosovo och vistas där i tre månader och att hon sedan kan återvända till Montenegro i tre månader. Det finns inga stämplat i hennes pass. Vad kan du få fram för information om detta. Kan uppgifterna stämma och att in- och utresorna inte noteras i passet.

Svar

Reglerna för uppehållstillstånd och förvärv av medborgarskap i Montenegro

Law on Foreigners (Official Gazette of Montenegro 82/08), Aliens act:

"RESIDENCE OF FOREIGNERS IN MONTENEGRO

Stay of foreigners in Montenegro, in terms of the Aliens Act, is:

- Stay up to 90 days
- Temporary residence
- Permanent residence

90 days of stay

For the 90 day's stay, it is essential that the foreign national has a valid travel document. A foreign national may stay in Montenegro for 90 days in the period of six months from the date of first entry. A foreigner, who has lived in Montenegro for 90 days, may be re-enter and stay in Montenegro after the time period of six months from the date of first entry.

Pursuant to the registers of permanent and temporary residence (Official Gazette MNE, no. 13/08), foreigners intending to stay in Montenegro for more than three days are obliged to register themselves with the police station within 24 hours of arrival in Montenegro.

Temporary residence

Temporary residence may be granted to a foreigner intending to stay in Montenegro for more than 90 days, for: 1) employment and work, conducting business or entrepreneurial activity, 2) seasonal work, 3) secondary or higher education, 4) participation in the programs of international exchange of students and other youth programs, 5) specialization, vocational training and practical training, 6) scientific research, 7) medical treatment, 8) family reunification; 9) on humanitarian grounds, 10) other justifiable reasons, in accordance with the specific law or international agreement.

A foreigner who is granted a temporary stay can stay in Montenegro in accordance with the purpose for which he was granted a temporary stay. A foreigner may be granted a temporary stay if: 1) has provided means of subsistence 2) has provided shelter, 3) has health insurance, 4) there are no obstacles in terms of national security, public order or public health, 5) has submitted evidence of the justification of the request for a temporary stay.

Temporary residence for scientific research

According to the Article 46 of the Aliens Act, a temporary residence for scientific research can be granted to a foreigner who meets the following requirements: has provided funds for maintenance, has provided accommodation, has provided health insurance, there are no interference in terms of national security, public order or public health evidence, and has submitted evidence justifying the request for temporary residence. As evidence of the justification of the request for a temporary stay he/she has to submit a contract concluded with the research institution in Montenegro.

Members of the immediate family of a foreigner, who is granted a temporary stay for scientific research, can exercise the right for temporary residence, in accordance with the Article 48 of the Law, i.e. on the basis of temporary residence for family reunification.

Members of immediate family, according to this Law are: a spouse, their minor children born in or out marriage, minor children of the spouse and adopted children.

Permanent residence

According to the Aliens Act, a permanent residence may be granted to a foreigner who up to the date of the application resided in

Montenegro for five years continuously based upon the permit for temporary stay.

A foreigner with granted permanent residence in Montenegro is entitled to: 1) work and employment; 2) education and professional specialization; 3) recognition of diplomas and certificates; 4) social assistance, health and pension insurance; 5) tax rebates; 6) access to the market of goods and services; and 7) free associations, integrations, and memberships in the organizations which represent the interests of workers or employers."

Proposal, The Law Amending the Law on Foreigners,
In the Law on foreigners (»Official Gazette of Montenegro«, number 82/08), after the Article 105, three new articles shall be added and shall read as follows:

“Article 105 a

Those displaced persons from the former Yugoslav Republics who have temporarily continue to hold a displaced person status on the grounds of the Decision allowing a temporarily holding of a status of displaced or internally displaced persons in the Republic of Montenegro (»Official Gazette of the Republic of Montenegro«, number 46/06), may be granted a permanent residence if, on the day of entering into force of this law, such individuals have been registered as displaced persons, as evidenced on the grounds of the certificate issued by the Asylum Office.

The permanent residence may also be granted to internally displaced persons from Kosovo, who have temporarily continue to hold a status of internally displaced person on the grounds of a Decision referred to in paragraph 1 of this Article, if they report themselves for registering before a competent authority in charge of taking care of refugees, not later than 14 November 2009, which is evidenced by the appropriate certificate issued on behalf of such authority...."

Inofficiell översättning av Montenegros medborgarskapslag, lagen antogs 2008-02-21:

"Article 10

Montenegrin emigrant and a member of his or her family up to the third degree of consanguinity in lineal terms, may be granted Montenegrin citizenship if he or she takes up lawful and uninterrupted residence in Montenegro for a minimum of two years, and if the conditions referred to in Article 8, paragraph 1, items 1, 4, 5, 7 and 8 of this Law are fulfilled.

Article 11

A person who has been married to a Montenegrin citizen for at least three years and who takes up lawful and uninterrupted residence in Montenegro for at least five years, may be granted Montenegrin citizenship if the conditions referred to in Article 8, paragraph 1, items 1, 4, 5, and 7 of this Law are fulfilled."

"For a child Montenegrin citizen, holding another citizenship as well, will ceased Montenegrin citizenship ex lege if it is established,

while he or she is below 18, that conditions based on which he or she has been granted Montenegrin citizenship, does not exist any more.

If both parents have ceased Montenegrin citizenship under the conditions stipulated in paragraph 1, items 1, 2 and 3 of this Article, or only one parent while another is not Montenegrin citizen, their child shall have its Montenegrin citizenship ceased, as well, unless it leaves the child without citizenship."

In- och utresa mellan Kosovo och Montenegro.

Ministry of Foreign Affairs and European Integration of Montenegro ,
Consular Information Visas for Foreign Citizens Serbia:

"Visa regime between Montenegro and other countries is regulated by the Regulation on Visa Regime . Foreign citizens are obliged to apply for a visa prior to their entry in Montenegro. Visa is issued by a diplomatic or consular missions of Montenegro. Where there is no Montenegrin diplomatic or consular mission, a diplomatic or consular missions of the Republic of Serbia and the Republic of Bulgaria (in Armenia, Azerbaijan or Georgia) issue visa, in accordance to the bilateral agreements on protection of interests of Montenegrin citizens concluded with these countries.

Foreign citizens coming from countries in which Montenegro, Republic of Serbia and Republic of Bulgaria have no diplomatic or consular missions may send a visa application and a copy of the first two pages of their passport to the Ministry of Foreign Affairs of Montenegro by fax: + 382 20 225 702 or by email: mip.konzularno@gov.me"

"The citizens of Serbia may enter, pass through and stay in Montenegro for up to 90 days with a valid passport without a visa. Also, they may enter and stay in Montenegro for up to 30 days with a valid identity card or a document confirming their identity and nationality. "

Law on Foreigners and Article 18 of the Decree on the Government of Montenegro, the Government of Montenegro at its session held on 26 February 2009:

REGULATION ON THE VISA REGIME

"Article 2

Nationals of the following states may enter, pass through the territory of and stay in Montenegro up to 30 days with a valid identity card or a document confirming their identity and nationality:

Member States of the European Union, Principality of Andorra, Principality of Monaco, Republic of San Marino, Holy See and Swiss Confederation, Bosnia and Herzegovina, Republic of Serbia, Republic of Croatia, Republic of Macedonia and Republic of Kosovo."

Angående stämplat i pass skrivs i "Book of Rules on the Mode of Approving Temporary Stay and Permanent Residence and Issuance of Travel and other Documents to Foreigners":

"Article 3

Along with the application from Article 2 of the Book of Rules, a foreigner is obligated to submit certified copy of the valid travel document with the imprint of the entrance seal in it that have been **stamped** on the border crossing, if he is submitting the application in Montenegro, or the imprint of the seal of previously approved temporary stay, proof of sufficient funds to support himself, proof of provided accommodation, proof of healthcare insurance, as well as proofs justifying the application."

"Article 14

Temporary stay approval is registered within foreigner's valid travel document, by imprinting a seal 105 mm x 81 mm in size, which in its upper left corner contains the title: "Montenegro" and the name of the body which has issued the approval, and in the middle the inscription: "TEMPORARY STAY APPROVAL", under which there are boxes to fill in the purpose of temporary stay, approval expiration date, and the signature of authorized official (Form no. 3).

Authorized official is putting his signature on defined spot within the **stamp** pattern and certifies the signature with the seal on the right hand side of the stamp so to cover part of the **stamp** and the travel document page as well, but still to enable unhindered insight into data inserted into the **stamp** pattern."

"Article 18

Permanent residence approval is registered within foreigner's travel document, by imprinting a seal 105 mm x 81 mm in size, which in its upper left corner contains the title: "Montenegro" and the name of the body which has issued the approval, and in the middle the inscription: "PERMANENT RESIDENCE APPROVAL", under which there are spaces to fill in the approval date, and the signature of authorized official (Form no. 5).

Authorized official is putting his signature on defined spot within the **stamp** pattern and certifies the signature with the seal on the right hand side of the **stamp** so to cover part of the **stamp** and the travel document page as well, but still to enable unhindered insight into data inserted into the **stamp** pattern.

When putting the permanent residence approval **stamp** in the foreigner's travel document, temporary stay approval **stamp** is annulled by introducing the new **stamp** "ANNULLED".

"Article 20

Cancellation of stay up to 90 days, i.e. stay on the grounds of issued visa for longer stay (visa D), cancellation of temporary stay and permanent residence, as well as prohibition of entrance, are being

recorded into the foreigner's travel document by imprinting the **stamp**, when the cancellation notice becomes effective.

Stamp form from paragraph 1 of the Article contains: cancellation of stay, i.e. permanent residence and space for entering the date up to which the holder of the travel document must"

leave Montenegro, date up to which he is prohibited from entering Montenegro, name of the body that enacts the notice, number and date of notice, seal and signature of the authorized official (Form no. 6).

When foreigner's travel document contains a visa, the cancellation **stamp** imprint is **stamped** alongside the sticker of the visa, and if the foreigner didn't need visa to enter Montenegro, **stamp** imprint is **stamped** alongside the last entrance **stamp**.

In case when temporary stay or permanent residence is cancelled, the **stamp** of temporary stay or permanent residence is annulled by posting the **stamp** "ANNULLED".

Lonely Planet. Kosovo and Serbia visa stamp issues, januari 2011:

"To be honest, there's no real border between Montenegro and Serbia either. Ok, being on a bus, border police definitely appears, but if you for example use trains or fly in between, it is hard that you'll get Serbian/Montenegrin **entry/exit stamp** at all. More or less, while borders and customs are well organized and equipped, it is hard to tell that everything must be in total order when crossing these 'countries'. So I guess you shouldn't worry after all, and the only 'possibly problematic' issue would be, as stated, entering Kosovo from Montenegro/Macedonia/Albania/the air, ..."

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda av Migrationsverkets landinformationsenhet under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende.

Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden.

Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

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