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ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN MONTENEGRO OVERVIEW

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INTRODUCTION

*This document provides an overview of how asylum and migration policies are organised in the **Montenegro**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by Montenegro in **January 2023.***



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The migration policy in Montenegro is managed by **Ministry of Interior (MOI)** that is also a NCP for this network. Within Ministry of interior- **Directorate for Administrative affairs, Citizenship and Foreigners** is in charge of improving conditions in the field of legal migration, combating illegal migration, promoting the value of international protection, full integration of foreigners with approved international protection, as well as issues regarding readmission and reintegration of returnees under readmission procedure, all on the platform of intensive regional and

international cooperation and harmonization with the acquis and best practices of the EU MS. Within the Directorate for Administrative Affairs, Citizenship and Foreigners, four sections dealing with migration and asylum issues have been systematized, which guarantees successful and quality implementation of standards and policies in this area:

- **Section for foreigners, migration and readmission**
- **Section for asylum**
- **Section for the reception of foreigners seeking international protection**
- **Section for integration of foreigners with approved international protection and reintegration of returnees upon readmission.**

Also, with the adoption of the new Law on Internal Affairs, in June 2021, **the Police Directorate** again became part of the Ministry of Internal Affairs, which created conditions for further strengthening of coordination in the field of mixed migration management in Montenegro, dealing with irregular migration, trafficking in human beings and smuggling of migrants, and border control.

Ministry of Foreign Affairs is responsible for implementing visa regime and visa issues, providing consular assistance and protection of Montenegrin citizens abroad through diplomatic and consular missions, cooperation with diaspora, and for achieving multilateral

and bilateral cooperation, development and implementation of EU policies.

Ministry of Economic Development and Tourism is responsible for the implementation of investment citizenship programme, labour market analysis and registration of foreigners stay up to 90 days throughout tourist organizations.

Ministry of Health is providing health care.

Ministry of Education is responsible for skills development, recognition of diploma, academic credentials required abroad.

Ministry of Labour and Social Welfare is responsible for preparing proposals for regulations in the field of labour relations, labour market, coordination over local teams for reintegration of returnees under readmission procedure.

National Employment Agency is dealing with labour market research, mediation in employment and work engagement of persons with approved international protection, and returnees under readmission procedure, organizing training and education, giving the opinion on determining the Annual Quota for work and seasonal work of foreigners.

National Statistics Agency maintains a database on migration.

THE LEGAL SYSTEM

Main legal framework which completes the migration and asylum system in Montenegro are:

The **Law on International and Temporary Protection of Foreigners** (from January 1, 2018) and the **Law on Foreigners** (from March 3, 2018) through which we have largely applied European standards, which has reflected and reflects on the quality and efficiency of exercising the rights of foreigners, legal migration management flows and combating illegal migration through coordinated and clearly prescribed procedures.

Law on Amendments to the Law on Foreigners was adopted by Parliament of Montenegro on July 28, 2022, and regulates residence of digital nomads with its Rulebook on conditions and manner of issuing temporary residence permit for a digital nomad as well as member of their family. The main reason for the adoption of this Law is contained in need to create opportunity for foreigners who perform business electronically for a foreign company that is not registered in Montenegro.

Law on Montenegrin Citizenship ("Official Gazette of Montenegro", No. 13/08) regulates the manner of and conditions for acquiring and losing Montenegrin citizenship.

Also there is a Law on Border Control, Regulation on the Visa Regime, Law on Social and Child Protection, Law on healthcare, General Law on Education and Training, Labour Law, and the Law on employment mediation and the rights in the time of unemployment.

In addition to the Agreement between Montenegro and the **European Community on readmission (return and acceptance)** of persons without a residence permit, which applies from 1 January 2008, Montenegro has signed 13 readmission agreements with third countries, and 15 implementation protocols with EU countries, based on Article 19 of the Agreement with the EU.

During next five years, MNE migration policy will be managed through the **Strategy on Migration and Reintegration of Returnees in Montenegro**, for the period 2021-2025. year, and it represents a continued activity with previous strategic documents in this area, and represents the third document in a row, with the fact that this strategy includes **mixed migration trends. The main goals of the strategy are:** to transpose into the national legislative framework, all European regulations that regulate the area of mixed migration, increasing accommodation and administrative capacities for the reception of aliens seeking international protection and persons granted international protection in Montenegro,

establishment of an electronic database and improvement of the system of identification, registration and connection of data for persons from the system of international protection, final resolution of the legal status of internally displaced persons (IDPs) and persons at risk of statelessness and creating conditions for effective access to rights for persons with recognized status of stateless persons, improving the readmission policy and systematic work on voluntary return, improving the institutional framework for the reintegration of returnees into Montenegrin society through the construction and strengthening of local self-government, which will ultimately prevent repeated attempts at irregular migration to EU countries, with the establishment of a system of continuous monitoring of returnees, establishment of a system of electronic data exchange between the competent state authorities and strengthening the professional capacities of employees involved in the process of reintegration of returnees.



INSTITUTIONAL CHART

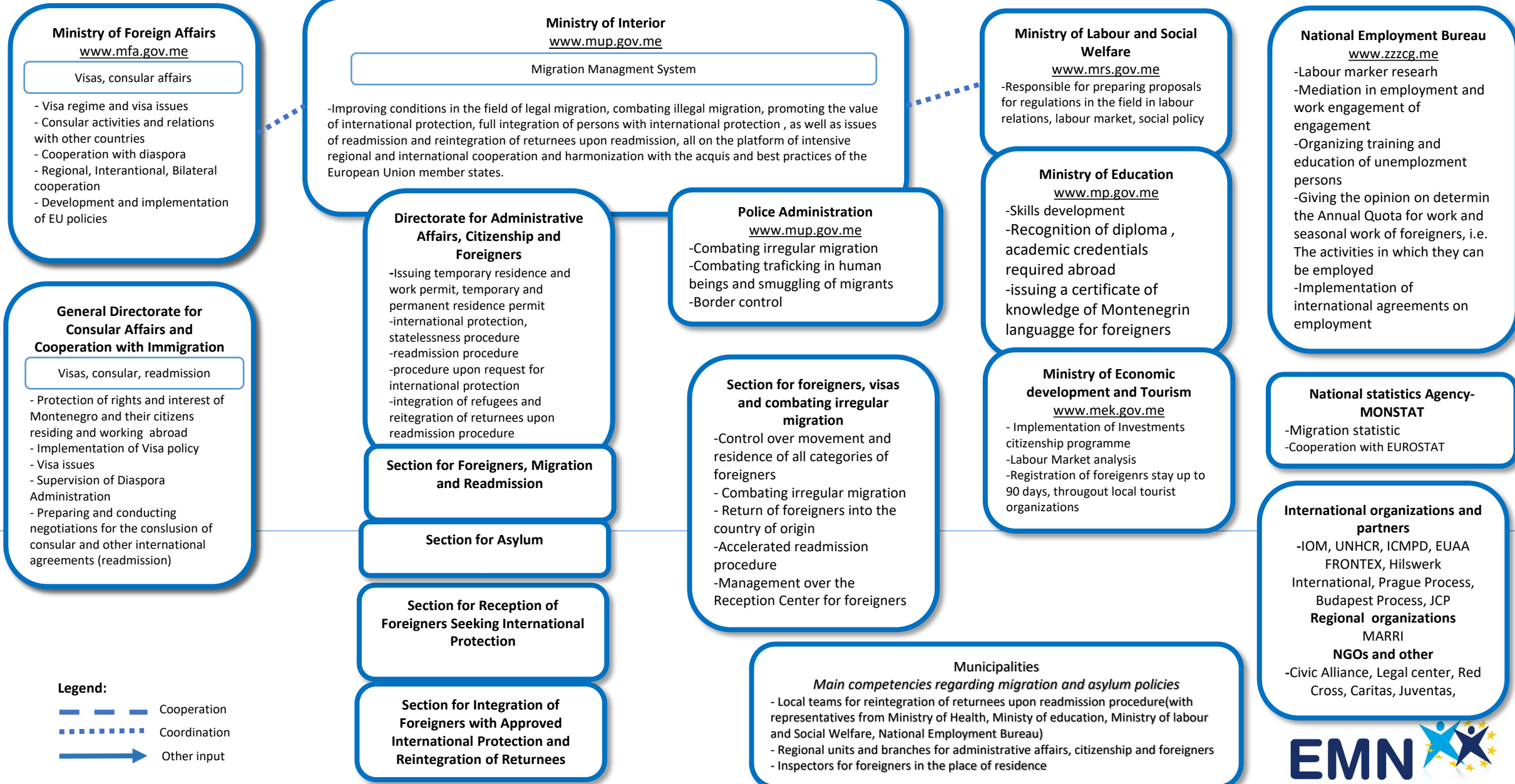
The most up to date Institutional Chart will be added in as an Annex.

MONTENEGRO

Institutional Framework for migration and asylum*

NATIONAL LEVEL

LOCAL LEVEL



- Legend:**
- - - - - Cooperation
 - Coordination
 - Other input