

# Residence and work of foreigners in Montenegro

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- Entry into Montenegro
- A visa is an authorization that allows a foreigner to enter, stay and transit through the territory of Montenegro, when it is prescribed by a special regulation, that is Visa regime.
- The visa regime is prescribed by the Government of Montenegro at the proposal of the state administration body responsible for foreign affairs.
- Types of visas
- A visa can be an airport-transit visa (visa A), a visa for a short stay (visa C) and a visa for a long stay (visa D).

- Stay of a foreigner in Montenegro
- The stay of a foreigner in Montenegro is:
  - 1) stay up to 90 days;
  - 2) temporary stay;
  - 3) permanent residence.

The grounds for obtaining temporary residence are:

- 1) family reunification;
- 2) education;
- 3) participation in international student exchange programs or other youth programs;
- 4) specialization, professional training or practical training of foreigners;
- 5) scientific research work;
- 6) treatment;
- 7) humanitarian reasons;
- 8) use and disposal of the right to immovable property owned in Montenegro;
- 9) performing religious services;
- 10) performing voluntary work within the framework of the European Voluntary Service;
- 11) residence of stateless persons;
- 12) work;
- 12a) stay of a digital nomad; and
- 13) in other cases in accordance with the law and international agreement.

## Conditions for issuing a permit

A foreigner may be issued a temporary residence permit and a temporary residence and work permit, if:

1. has means of support;
2. has accommodation provided;
3. has health insurance;
4. has a valid foreign travel document (the validity period of which must be at least three months longer than the period for which the residence or travel document for a stateless person is approved);
5. he was not banned from entering and staying in Montenegro;
6. in Montenegro, he has not been sentenced to an unconditional prison sentence of more than six months for a criminal offense for which he is being prosecuted ex officio, or the legal consequences of the conviction have ceased;
7. in the country of origin, he has not been sentenced to an unconditional prison sentence of more than six months for a criminal offense for which he is being prosecuted ex officio, or the legal consequences of the conviction have ceased;
8. there are no obstacles for reasons of national or internal security or public health;
9. attach proof of the justification of the request for the issuance of a permit.

## Temporary residence for the purpose of using and disposing of the right to real estate

A temporary residence permit for the purpose of using and disposing of the right to immovable property owned by a foreigner in Montenegro can be issued to a foreigner who meets the other requirements for the permit, and as proof of the justification of the request, attach a deed of immovable property or other evidence which confirms the ownership of that real estate.

This permit can be issued to a foreigner who is a co-owner of at least 1/2 of the real estate.

Immovable property are family houses, weekend houses, villas, apartments, catering facilities, residential and business facilities and business premises.

### Expiry date

A temporary residence permit is issued with a validity period of up to one year.

## Extension of temporary stay

The request for the extension of the temporary residence permit is submitted by the foreigner in person to the Ministry in the place of residence, no later than 30 days before the expiration of the temporary residence permit.

A valid foreign travel document or a foreigner's identity card issued by the competent authority of another country, and proof of the justification of the request for a temporary residence permit shall be attached to the request.

In case the request to extend the temporary residence permit is approved, a temporary residence permit is issued with a new validity period of up to one year.

## Termination of validity of the temporary residence permit

The temporary residence permit ceases to be valid:

- 1) upon expiry of the validity period;
- 2) by the termination of the reasons on the basis of which the permit was issued;
- 3) if the foreigner stays outside Montenegro for more than 30 days during the temporary stay;
- 4) if it is subsequently established that there are reasons why they could not stay in the territory of Montenegro
- 5) if a security measure of expulsion of a foreigner from the country has been imposed on a foreigner, a protective measure of expulsion of a foreigner from the territory of Montenegro
- 6) if the foreigner does not use the stay in Montenegro for the purpose for which it was approved;
- 7) in the case when the foreigner obtained a temporary residence permit for the purpose of family reunification, and it is subsequently determined that the marriage was concluded for benefit;
- 8) when a foreigner acquires the right to permanent residence.



## Exceptions:

A foreigner who stays outside Montenegro for up to 90 days for justified reasons will not lose his temporary residence permit if he informs the police about his departure and the reasons for his departure from Montenegro.

A temporary residence permit issued for family reunification will not cease to be valid in the event of a serious illness or disability of the foreigner that occurred after the issuance of the residence permit.

The police informs the Ministry about the existence of a reason for the termination of the validity of the temporary residence permit.

## Temporary residence and work permit

### Temporary stay for work

A foreigner can work in Montenegro based on a permit for temporary residence and work.

A foreigner can work in Montenegro only in jobs for which he has been issued a permit for temporary residence and work or a certificate of employment registration and only with the employer who employs him.

Exceptionally, a foreigner may be issued a permit for temporary residence and work to perform the duties of an executive director at several employers, in accordance with the regulations governing the field of employment.

The employer can assign a foreigner only to jobs for which he has been issued a residence and work permit.

The employer is obliged to inform the Ministry about the termination of the foreigner's work, before the expiration of the validity period of the residence and work permit, no later than within eight days from the date of termination of the foreigner's work.

An exception to obtaining a permit for temporary residence and work is a foreigner who has a permit for temporary residence for family reunification with a foreigner who has a permit for temporary residence for the purpose of work can work in Montenegro, after one year from the date of obtaining the permit for temporary residence.

## Conditions for issuing a permit for temporary residence and work for the purpose of employment

A permit for temporary residence and work for the purpose of employment is issued to a foreigner who meets the conditions for obtaining the permit, and as proof of the justification of the request, attach:

- 1) a written offer from the employer to employ a foreigner in a specific workplace;
- 2) proof of the acquired level of education and qualification;
- 3) proof of medical fitness.

The proof from point 1 of this article is not submitted for entrepreneurs and executive directors in companies in which they are the sole owners or owners of more than 51% of the capital, and they are required to submit proof of ownership and registration of the entrepreneur, i.e. business society.

Exceptionally, a temporary residence and work permit for entrepreneurs and executive directors in companies in which they are the sole owners or owners of more than 51% of the capital can be issued to a foreigner who is over 67 years of age.

## Request for extension of temporary residence and work permit

The request for extension of the permit for temporary residence and work is submitted by the foreigner or the employer to the Ministry in the place of residence of the foreigner, the employer's headquarters in Montenegro or the place of work of the foreigner, no later than 30 days before the expiration of the permit for temporary residence and work.

With the request from paragraph 1 of this article, a valid foreign travel document or foreigner's identity card and proof of the justification of the request for the issuance of a permit for temporary residence and work, and if from the date of data collection from the first permit for the past five years, those data have also been taken from foreigners.

In addition to these proofs for the extension of the permit for temporary residence and work for the purpose of employment, proof of the fulfilled obligations on the basis of taxes and contributions for the duration of the permit for temporary residence and work is attached.

If the request to extend the temporary residence and work permit is approved, a temporary residence and work permit is issued with a new validity period of up to one year.

## Termination of the permit for temporary residence and work

The temporary residence and work permit ceases to be valid:

- 1) upon expiry of the validity period;
- 2) termination of the employment contract,
- 3) if the foreigner performs tasks for which he was not issued a permit for temporary residence and work;
- 4) if a security measure of expulsion of a foreigner from the country has been imposed on a foreigner, a protective measure of expulsion of a foreigner from the territory of Montenegro
- 5) if the foreigner stays outside Montenegro for more than 30 days during the temporary stay;
- 6) if the employer from whom he received the offer is punished for illegal employment or failure to report the work of a foreigner;
- 7) if the bankruptcy procedure of the company from which he received the offer is in progress or if that company was in bankruptcy;
- 8) if the employer from whom he received the offer does not perform economic activity;
- 9) if the employer from whom he received the offer is punished because he did not fulfill his obligations on the basis of taxes and contributions for workers;
- 10) when a foreigner acquires the right to permanent residence.

As an exception to the above, a foreigner who has stayed outside Montenegro for up to 90 days for justified reasons will not lose his temporary residence and work permit if he previously informs the police about his departure and the reasons for his departure from Montenegro.

## Digital nomad permit

Digital nomad is a foreigner who is employed or performs work electronically for a foreign company or his own company that is not registered in Montenegro.

A temporary residence permit can be issued to a digital nomad who meets the conditions prescribed for a temporary permit, and as proof of the justification of the request, attach an employment contract or other document proving that the foreigner performs work electronically for a foreign company or his own company that is not registered in Montenegro.

This permit is issued with a validity period of up to two years and can be extended for a maximum of two more years, and a new one can be issued after the expiration of the period of six months from the expiration of the validity of the digital nomad's temporary residence.

A digital nomad who has been granted a temporary stay in Montenegro can be joined by close family members for family reunification.

## Permanent residence

### The right to permanent residence

A permanent residence permit may be issued to a foreigner who has legally resided in Montenegro for a continuous period of five years up to the date of submitting the application for the permit on the basis of:

- approved temporary residence;
- recognized refugee status or approved additional protection, in accordance with the Law on Asylum ("Official Gazette of the Republic of Montenegro", number 45/06), i.e. approved asylum or subsidiary protection in accordance with the law regulating international and temporary protection of foreigners.

Exceptionally, a permanent residence permit may be issued to a foreigner who, until the date of submitting the application for the permit, had an approved temporary residence in Montenegro for less than five continuous years, if this is dictated by reasons of humanity or if it is in the interest of Montenegro.

It is considered that a foreigner has continuously resided in Montenegro when he has been absent from Montenegro several times for up to ten months in total or once for up to six months in a period of five years.

If the foreigner previously had an approved temporary residence in Montenegro for the purpose of education or specialization, professional training or practical training, only half of the time spent on the basis of the approved temporary residence is counted in the time required for the approval of permanent residence.



## Conditions for issuing a permanent residence permit

A foreigner may be issued a permanent residence permit if:

- 1) has a valid foreign travel document, i.e. a travel document for a stateless person;
- 2) has permanent, regular and sufficient means of support;
- 3) has health insurance;
- 4) has accommodation provided;
- 5) has knowledge of the Montenegrin language to the extent that enables basic communication.

A foreigner will not be issued a permanent residence permit if this is required by reasons of national or internal security.

Knowledge of the Montenegrin language is checked by the institution of higher education that implements the Montenegrin language and literature study program, in accordance with the special program adopted by the National Council for Education.

## Duration of permanent residence

A foreigner is granted permanent residence in Montenegro for an indefinite period of time.

The permanent residence permit is issued with a validity period of five years, with the obligation to extend it.

A foreigner under the age of four is issued a permanent residence permit with a validity period of two years.

## Rights of a foreigner with approved permanent residence

A foreigner who has a permanent residence permit has the right to:

- 1) work, employment mediation and rights during unemployment;
- 2) education and professional training;
- 3) recognition of diplomas and certificates;
- 4) social assistance, health and pension insurance;
- 5) tax benefits, in accordance with the law;
- 6) access to the market of goods and services;
- 7) freedom of association, connection and membership in organizations that represent the interests of workers or employers.

## Termination of permanent residence

Permanent residence ceases to be valid if:

- 1) a foreigner in Montenegro has been legally sentenced to an unconditional prison sentence of more than six months for a criminal offense for which he is being prosecuted ex officio;
- 2) it is required by reasons of national or internal security;
- 3) the foreigner provided false identity information or the permanent residence permit was issued based on false information about the foreigner;
- 4) a security measure of expulsion of a foreigner from the country, a protective measure of expulsion of a foreigner from the territory of Montenegro was issued to the foreigner
- 5) it is determined that the foreigner has moved out of Montenegro or resided continuously for more than one year in another country;
- 6) the foreigner renounced his permanent residence;
- 7) the foreigner acquired Montenegrin citizenship.