

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 <u>Montenegro</u> 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 interior-Directorate Ministry of Administrative affairs, Citizenship and Foreigners is in charge of improving conditions in the field of legal migration, combating illegal migration, promoting the value international protection, 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 throug diplomatic nad consular missions, cooperation with diaspora, and for achieving multillateraln



and bilateral cooperation, developinf and implementation of EU policies.

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

Ministry of Helath is providind 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, coorindation over local teams for reintegration of returnees under readmission procedure.

National Employment Agency is dealing with labour market research, mediation in employment and work angagement of persons with approved international protection, and returnees under readmission procedure, organizing training and education, givin the opinion on determin the Anual 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 exercising efficiency of the rights foreigners, legal migration management flows and combating illegal migration through prescribed coordinated clearly and 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 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 Reintegration and 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 through the construction society 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 competent state authorities strengthening the professional capacities of employees involved in the process of reintegration of returnees.



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

MONTENEGRO

Institutional Framework for migration and asylum*

Ministry of Foreign Affairs

www.mfa.gov.me

Visas, consular affairs

- Visa regime and visa issues
- Consular activities and relations with other countries
- Cooperation with diaspora
- Regional, Interantional, Bilateral cooperation
- Development and implementation of EU policies

General Directorate for Consular Affairs and Cooperation with Immigration

Visas, consular, readmission

- Protection of rights and interest of Montenegro and their citizens residing and working abroad
- Implementation of Visa policy
- Visa issues
- Supervision of Diaspora Administration
- Preparing and conducting negotiations for the conslusion of consular and other international agreements (readmission)

Legend:



Ministry of Interior

www.mup.gov.me

Migration Managment System

-Improving conditions in the field of legal migration, combating illegal migration, promoting the value of international protection, full integration of persons with international protection , as well as issues of readmission and reintegration of returnees upon readmission, all on the platform of intensive regional and international cooperation and harmonization with the acquis and best practices of the European Union member states.

Directorate for Administrative Affairs, Citizenship and Foreigners

-Issuing temporary residence and work permit, temporary and permanent residence permit -international protection, statelessness procedure -readmission procedure -procedure upon request for international protection -integration of refugees and reitegration of returnees upon readmission procedure

Section for Foreigners, Migration and Readmission

Section for Asylum

Section for Reception of Foreigners Seeking International Protection

Section for Integration of Foreigners with Approved International Protection and Reintegration of Returnees

Police Administration

www.mup.gov.me

- -Combating irregular migration -Combating traficking in human
- beings and smuggling of migrants
 -Border control

Section for foreigners, visas and combating irregular migration

- -Control over movement and residence of all categories of foreigners
- Combating irregular migration
- Return of foreigners into the country of origin
- -Accelerated readmission procedure
- -Management over the Reception Center for foreigners

Ministry of Labour and Social Welfare

www.mrs.gov.me

-Responsible for preparing proposals for regulations in the field in labour relations, labour market, social policy

Ministry of Education

www.mp.gov.me

- -Skills development
- -Recognition of diploma, academic credentials required abroad
- -issuing a certificate of knowledge of Montenegrin languagge for foreigners

Ministry of Economic development and Tourism

www.mek.gov.me

- Implementation of Investments citizenship programme
- -Labour Market analysis
- -Registration of foreigenrs stay up to 90 days, througout local tourist organizations

National Employment Bureau

www.zzzcg.me

- -Labour marker researh
- -Mediation in employment and work engagement of engagement
- -Organizing training and education of unemplozment persons
- -Giving the opinion on determin the Annual Quota for work and seasonal work of foreigners, i.e. The activities in which they can be employed
- -Implementation of international agreements on employment

National statistics Agency-MONSTAT

-Migration statistic-Cooperation with EUROSTAT

International organizations and partners

-IOM, UNHCR, ICMPD, EUAA FRONTEX, Hilswerk International, Prague Process, Budapest Process, JCP Regional organizations

MARRI
NGOs and other

-Civic Alliance, Legal center, Red Cross, Caritas, Juventas,

Municipalities

Main competencies regarding migration and asylum policies

- Local teams for reintegration of returnees upon readmission procedure(with representatives from Ministry of Health, Ministy of education, Ministry of labour and Social Welfare, National Employment Bureau)
- Regional units and branches for administrative affairs, citizenship and foreigners
- Inspectors for foreigners in the place of residence

