

Montenegro
Government of Montenegro

MONTENEGRIN CITIZENSHIP ACT

(«Official Gazette of Montenegro», Nr.13/08 dated 26 february 2008)

Montenegrin citizenship act

I. GENERAL PROVISIONS

Article 1

This Act shall regulate the modes and conditions for the acquisition and the cessation of Montenegrin citizenship , likewise keeping of the Register of Montenegrin citizens.

Montenegrin citizenship is a legal link between physical person (hereinafter referred to as “Person”) and Montenegro and it does not indicate national and ethnical origin.

Article 2

A Montenegrin citizen holding at the same time also the citizenship of a foreign country, shall be considered a Montenegrin citizen in the proceedings in front of Montenegrin authorities , unless otherwise provided by ratified International treaties.

Article 3

A Montenegrin citizenship shall be verified based upon certificate on Montenegrin citizenship, valid travel document and other legal public documents .

II. ACQUISITION OF MONTENEGRIN CITIZENSHIP

Article 4

Montenegrin citizenship shall be acquired by:

1. origin,
2. birth on the territory of Montenegro,
3. naturalization,
4. pursuant to International agreements and treaties.

1. Acquisition of Montenegrin citizenship by origin

Article 5

Montenegrin citizenship shall be acquired by a child:

- 1) if the child’s father and mother were Montenegrin citizens at the time of the child’s birth;;
- 2) if one of the parents was Montenegrin citizen at the time of the child’s birth and the child was born on the territory of Montenegro;

- 3) if one of the parents was Montenegrin citizen at the time of the child's birth, and the other was without citizenship or of unknown citizenship or was unknown and the child was born in a foreign country
- 4) if one of the parents was Montenegrin citizen at the time of the child's birth and the child was born in a foreign country, or if stays stateless.

Article 6

Montenegrin citizenship shall be also acquired by :

- 1) the child born on the territory of foreign state, if one of the parents was Montenegrin citizen at the time of the child's birth, if personally declares for the registration into Register of births and Register of citizenship of Montenegro prior to reaching 18 years of age, if does not hold the citizenship of foreign state;
- 2) the person who fulfilled 18 years of age, if one of the parents is Montenegrin citizen, and the second parent is citizen of foreign state, if personally declares for the registration into Register of citizenship of Montenegro prior to reaching 23. years of age;
- 3) the child in the case of total adoption, if one of adoptive parents is Montenegrin citizen.

According to paragraph 1 item 1 of this Article the acquisition of Montenegrin citizenship for a child older than 14 years also requires his consent.

2. Acquisition of Montenegrin citizenship by birth on the territory of Montenegro

Article 7

A child born or found on the territory of Montenegro of unknown parentage or whose parents are of unknown citizenship or have no citizenship or if a child stays without citizenship shall acquire Montenegrin citizenship

A child from paragraph 1 of this Article, may cease Montenegrin citizenship if it is detected prior to the child reaching the age of 18 that both parents are foreign citizens or that a child have acquired the citizenship of foreign state on any ground.

Upon request of the parents, Montenegrin citizenship shall cease for a child from Paragraph 2 of this Article, since the day of handing over of the decree. For a child older than 14 years of age cessation of the Montenegrin citizenship also requires his consent.

3. Acquisition of Montenegrin citizenship through naturalization

Article 8

A petitioner may be admitted through the naturalization to the Montenegrin citizenship, in accordance to the interests of Montenegro if fulfils the following conditions:

- 1) has reached 18 years of age;;
- 2) has a release from foreign citizenship ;
- 3) has been legally and without interruption staying in Montenegro for the period of 10 years, prior to the petition for admission into Montenegrin citizenship;
- 4) has a guaranteed residence and guaranteed permanent source of income in Montenegro of an amount that enables material and social welfare;
- 5) has not been irrevocably sentenced in Montenegro or a foreign state to a prison term longer than one year and for a criminal offence prosecuted “ex officio” or legal consequences of such sentence are cessated;
- 6) posses active command of the Montenegrin language to the level which allows basic communication;
- 7) poses no threat to the security and defense of Montenegro
- 8) discharged his/her tax obligations

The condition from Paragraph 1 item 2 of this Article, does not regard a petitioner if the person has no citizenship at all or if the person can submit the evidence, that his/her own citizenship shall be cancelled by the law of his own State, through admission into Montenegrin citizenship.

If criminal proceedings have been initiated for a criminal offence under Paragraph 1 item 5 of this paragraph, the procedure shall be suspend until a legally binding decree has been taken in the criminal proceedings

The Government of Montenegro (hereinafter: Government) shall apoint the Competent Organization for establishing of criteria and testing of language knowledge from paragraph 1 titem 6 of this Article.

Article 9

A written assurance may be issued at his/her request to a person who has recordd a petition for Montenegrin citizenship, and his/her citizenship in a foreign state is not cessated that he/she will acquire Montenegrin citizenship if all the conditions from Article 8 paragraph 1 of this Act are fulfilled. A written assurance shall be issued for the validity period of two years under the condition that a person fulfills all the conditions for admission before expiration of the period of validity of a written assurance.

Should a person mentioned above not present the evidence requested under Article 8 paragraph 1 item 2 of this Act within a period of two years after the receipt of the aforesaid written assurance, the procedure of admission into Montenegrin citizenship shall be suspended.

Article 10

A Montenegrin expatriate and his/her descendant to the third generation in direct descent may acquire Montenegrin citizenship by admission if the above mentioned have resided in Montenegro legally and continuously for at least two years and if the conditions referred to in the Article 8 paragraph 1 items: 1,4,5,7 and 8 hereof have been fulfilled.

Article 11

The person who has been married to a Montenegrin citizen for at least three years and has lived in Montenegro legally and continuously for at least five years may acquire Montenegrin citizenship by naturalization and if the conditions referred to in the Article 8 paragraph 1 items: 1,4,5 and 7 hereof have been fulfilled.

Article 12

Notwithstanding the conditions under Article 8 of the present Act a person over 18 years of age may exceptionally obtain Montenegrin citizenship through naturalization if this is to the benefit of the state for scientific, economic, cultural, economic, sports national or similar reasons.

On admission into Montenegrin citizenship under paragraph 1 of this Article , shall decide the Government on proposal of the competent State Administration Authority , with the opinion of the State Administration Authority competent for the affairs of citizenship.

Article 13

The person with recognized refugee status in Montenegro pursuant to the Act on Asylum, may acquire Montenegrin citizenship by naturalization if the conditions referred to in the Article 8 paragraph 1 items: 1,2,3,5 and 7 hereof have been fulfilled.

Article 14

The stateless person may acquire Montenegrin citizenship by admission if the conditions referred to in the Article 8 paragraph 1 items: 1,,3,5,7 and 8 hereof have been fulfilled.

Article 15

The person who was born in Montenegro and the person born in foreign state, prior to the reaching the age of 18, if legally and continuously stays at the territory of Montenegro, may acquire Montenegrin citizenship by naturalization if the conditions referred to in the Article 8 paragraph 1 items: 1,2,3,5,7 and 8 hereof have been fulfilled.

Article 16

A child shall acquire Montenegrin citizenship if:

- 1) both parents have acquired Montenegrin citizenship through naturalization;
- 2) one of parents have acquired Montenegrin citizenship through naturalization and if stays with him/her legally and continuously in Montenegro;
- 3) in the case of incomplete adoption, he/she stays legally and continuously in Montenegro with his/her adoptive parent

In the case from paragraph 1 item 2 of this Article, the consent of second parent shall be also be submitted, except he/she is a stateless person. If other person does not agree with naturalization of the child into Montenegrin citizenship, the opinion will be given by the authority competent for guardianship.

If the child is over the age of fourteen, his/her consent is also necessary to acquire Montenegrin citizenship

Article 17

Criteria for conditions from Article 8 paragraph 1 items: 3,4 and 7, Articles : 12 and 24 paragraph 1 item 5,6,8 hereof shall be established by the Government.

4. Acquisition of Montenegrin citizenship on the ground of International agreements and treaties

Article 18

Montenegrin citizenship may be acquired on the ground of ratified International agreements and treaties, concluded by Montenegro.

On the ground of International agreements and treaties from paragraph 1 of this Article, a double citizenship may be established, under the condition of reciprocity.

III. CESSATION OF MONTENEGRIN CITIZENSHIP

Article 19

Cessation of Montenegrin citizenship shall be done :

1. at the demand of Montenegrin citizen,
2. by deprivation,
4. by International agreements and treaties.

IV. Cessation of Montenegrin citizenship by renunciation

Article 20

Montenegrin Citizenship citizen ceases, by renunciation, with dismissal.

Dismissal from Montenegrin citizenship can be granted if a citizen demands it and if the following conditions are fulfilled:

- 1) the petitioner is over the age of 18;
- 2) the person holds foreign citizenship or has proof that he/she will be granted foreign citizenship
- 3) actually resides at the territory of foreign State.

Article 21

A dismissal guarantee may be issued to a person that has applied for dismissal from Montenegrin citizenship if the conditions under Article 20 of paragraph 2 hereof, have been fulfilled.

Should a person to whom a guarantee under the paragraph1 of this Article has been issued not present proof in the period of two years after such a guarantee was handed over that he/she will or has actually acquired foreign citizenship, the procedure for dismissal shall be suspended.

Article 22

A dismissal from Montenegrin citizenship may be given to a child, under the condition that he/she does not stay stateless, on demand of:

- 1) parents who cessate Montenegrin citizenship by dismissal;
- 2) parent who cessates Montenegrin citizenship by dismissal, with the consent of second parent of Montenegrin citizen;
- 3) parent who cessates Montenegrin citizenship by dismissal, and the second parent is citizen of foreign State, with unknown citizenship or stateless person;

- 4) both adoptive parents, citizens of foreign State, in the case of complete adoption;
- 5) parent who ceases Montenegrin citizenship, to whom based upon irrevocable Court decree, a child was allocated for care and education, if parents are separated or do not live together.

If the second parent does not agree to the dismissal of the child from Montenegrin citizenship, or his/her place of residence is unknown or second parent's functional capacity and parental rights have been taken away the child may obtain dismissal if according to the opinion of the State agency competent for social welfare, it will benefit the child.

If the second parent does not agree to the dismissal of the child from Montenegrin citizenship, or his/her place of residing is unknown or second parent's functional capacity and parental rights have been taken away the child may obtain dismissal if according to the opinion of the State agency competent for social welfare, it will benefit the child.

A child over the age of fourteen must give his personal consent for the cessation of Montenegrin citizenship.

Article 23

If a person who ceased Montenegrin citizenship does not acquire foreign citizenship within one year since handing over of decree on cessation, State Administration Authority competent for affairs of citizenship (hereinafter: competent authority) shall invalidate decree on his/her demand.

Demand for invalidation of the decree can be lodged within three months since expiration of the period from paragraph 1 of this Article.

Decree on cessation may be invalidated at the request of person and upon run out of period from paragraph 2 of this Article, 2, if he/she is deprived of citizenship.

2. Cessation of Montenegrin citizenship by deprivation

Article 24

Any adult citizen of Montenegro, holding also foreign citizenship, shall be deprived of Montenegrin citizenship, if :

- 1) voluntarily acquired the citizenship of foreign state, except under conditions of the provisions under Article 18 of paragraph 2 hereof,
- 2) it is established that decree on naturalization have been made on the basis of false statement; deliberate concealment of facts or circumstances important for making of decree, except if the person who acquired the Montenegrin citizenship should become stateless person.

- 3) have acquired Montenegrin citizenship on the basis of a warranty of foreign state that he/she will cease a citizenship if he/she acquires Montenegrin citizenship, and if within the period established by the decree on acquisition of citizenship he/she does not submit evidence on cessation of citizenship of that state, except if such a person should become a stateless person ;
- 4) is irrevocably sentenced for the criminal offence against humanity and other interests protected by the International Law;
- 5) is irrevocably sentenced for planning, organizing, financing or any other manner of assisting to or committing of terrorist acts or providing of shelter to organizers, perpetrators or participants in terrorist activities.
- 6) is a member of the organization with the activities aiming against security and defense of Montenegro;
- 7) is in the voluntary service of military forces of a foreign state;
- 8) his/her attitude is seriously harmful to the interests of Montenegro.

A child Montenegrin citizen, holding at the same time the citizenship of foreign state, shall be deprived of Montenegrin citizenship, if during his/her minority is established that conditions based upon which he/she acquired the Montenegrin citizenship, are not anymore fulfilled.

If under paragraph 1 items: 1, 2 and 3 of this Article Montenegrin citizenship ceased to one or both parents, and second parent does not hold this citizenship, their child will also cease Montenegrin citizenship, except if he/she becomes stateless person.

Upon coming to knowledge on facts paragraph 1 to 3 of this Article, a Competent Authority shall be obliged to initiate the proceedings ex officio

3. Cessation of Montenegrin citizenship pursuant to the International agreements and treaties

Article 25

Montenegrin citizenship may cease pursuant to the International agreements and treaties concluded by Montenegro.

IV REACQUISITION OF MONTENEGRIN CITIZENSHIP

Article 26

A person who ceased Montenegrin citizenship and acquired citizenship of foreign state may reacquire Montenegrin citizenship if submits the application for reacquisition of Montenegrin Citizenship and at least for one year legally and continually resides in Montenegro.

The petition from paragraph 1 of this Article shall be rejected if conditions from Article 8 paragraph 1 items 1, 2 and 7 hereof, are not fulfilled.

V PROCEDURE FOR ACQUISITION AND CESSATION OF THE MONTENEGRIN CITIZENSHIP ON DEMAND

Article 27

On application for verification, acquisition and cessation of the Montenegrin citizenship shall decide competent authority

Article 28

The application from Article 27 of this Act shall be submitted to the competent authority personally or through plenipotentiary, on the prescribed form. For a person without civil capacity the application shall be submitted by his/her guardian.

Exceptionally from paragraph 1 of this Article, the application may be submitted through the diplomatic or consular representative if applicant resides at the territory of foreign state.

Forms and contents of the application from paragraph 1 of this Article shall be prescribed by the competent Authority.

Article 29

If a proceedings for verification, acquisition or cessation of the Montenegrin citizenship is initiated on the demand of the person, it can not be continued or completed without taking of certain action of the applicant, it will be considered that applicant abandoned the action, if in spite of notice of competent authority, he/she does not complete the action within allowed period, which is necessary for continuation or completing of the proceedings,

The decision from paragraph 1 hereof shall be made upon expiration of the three months period since the day of notice, or six months if a person resides in a foreign state..

Competent authority is obliged to make the decision on acquisition and cessation of the Montenegrin citizenship within six months since the day of initiation of the proceedings.

An administrative challenge to the final decision from paragraph 3 of this Article shall be permitted

Article 30

An adult person naturalized into Montenegrin citizenship gives a solemn statement .

The content and manner of giving of a solemn statement shall be regulated by the Government.

Article 31

Montenegrin citizenship shall be acquired by naturalization or ceased by dismissal since the day of handing over of decree on naturalization or dismissal.

Montenegrin citizenship shall be ceased by deprivation since the day of coming into force of facts or circumstances from Article 24 hereof, on which competent authority shall make decision, ex officio.

In the proceedings of making decree from paragraph 2 of this Article, competent authority shall be binded to allow the person to declare himself /herself about facts and circumstances from Article 24 hereof. Decrees can be made also without declaration of properly notified person, if he/she does not submit the written declaration within regulated period.

Article 32

Taxes for the actions and acts in the proceedings of verification, acquisition and cessation of the Montenegrin citizenship shall be regulated by separate Act to the amount which will not pose a disturbance for submitting of the request.

VI . RECORDS ON MONTENEGRIN CITIZENS

Article 33

On Montenegrin citizens shall be kept Records.

Records on Montenegrin citizens is a Register on Montenegrin citizens (hereinafter: Register).

Register , shall be kept ex officio by the competent authority.

The Montenegrin citizen who was born in Montenegro shall be registered in the register at the place of birth, and the Montenegrin citizen whose place of birth is not in Montenegro, shall be registered into the Register in the place of his/her registering into the birth register in Montenegro, pursuant to the Law.

Article 34

The citizenship Register from the Article 33 hereof, is a computerized data basis on Montenegrin citizens which shall contain the following data: ordinal number, surname, maiden name and name ; unified personal registration number of the citizen; date of birth, place, municipality and state of birth; father's surname and name, mother's surname, name and maiden name; date of the registration; place and municipality of the registration; manner and legal basis for acquisition of the citizenship; data on registration

into citizenship register; foreign citizenship; cessation of Montenegrin citizenship-manner, legal basis and date; number and date of the legal document and name of the authority, date of cancellation from the register and note. also be entered).

For persons who acquired Montenegrin citizenship with a decree of the authority competent for deciding on naturalization or through an international agreements and treaties, beside data from paragraph 1 of this Article next data shall also be included: grade and type of educational qualifications; profession; place of residence and date of admission; previous citizenship, if unknown then the nationality must be entered in the record; number, date of the decree and the authority which issued such a decree; manner and legal basis for acquisition of citizenship .

For persons whose Montenegrin citizenship ceased by : renunciation, deprivation and pursuant to International agreements and treaties, beside data from paragraph 1 of this Article, following data shall be included: grade and type of educational qualifications; profession; place of residence before departure to foreign state; place of residence at the time of cessation of citizenship; number and date of the decree and name of the authority which issued the decree; citizenship of foreign state; date of emigration ; manner and legal basis for deprivation and date of cessation of the citizenship.

Register shall be kept on a manner which allows compatibility and connecting with the official records of the State administration authorities.

The integral part of the Register is a collection of documents which are legal basis for entry into Register.

The bylaws on keeping of Register shall be made by the competent authority.

Article 35

Records and acts of causes concerning registering into the Register of Montenegrin citizens , shall be kept permanently. Personal data shall be kept in the Register for a period of 50 years after the date of the death or cessation of citizenship of a person to which these data apply.

After expiration of the period from paragraph 1 of this Article the data shall be delivered to the competent State archive.

Article 36

Data for the Register from Articlea 33 hereof, shall be gathered from: the existing Register of citizens; other public records kept by the State administration authorities, authorities of the local self-administration and other authorities; public documents and directly from persons who are subject to data.

Article 37

Personal data from the register of citizenship may be used by the competent authority when performing its duties pursuant to Law.

The competent authority shall be obliged to forward to other users the data from these records solely if the users are authorized pursuant to law to use such data or upon the consent or request of the individual they relate to.

The users of the data referred to in the paragraph 2 shall be allowed to use data solely for the purpose they were requested and shall not be allowed to forward such personal data to any other user .

Article 38

Data from the Register may under the condition of reciprocity, forwarded to the authorities of foreign State, if:

- 1) forwarded to the authority of foreign State competent for the matters of citizenship;
- 2) if the recipients of the data bind themselves to use the received data solely for purposes in connection with settling citizenship matters or if such is necessary for the realization of the criminal proceedings or if the communication of such data will be of undoubted benefit for the individual they relate to;
- 3) in the authority to which such data is communicated , the protection of personal data is guaranteed also for foreigners..

Existing of conditions from paragraph 1item 3 of this Article, shall be established by the State administration authority competent for foreign affairs.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 39

Pursuant to this Act, a Montenegrin citizen shall be considered a person who acquired the Montenegrin citizenship in accordance with previous regulations and if registered into the Register of Montenegrin citizens in Montenegro.

A Montenegrin citizen, who on the date of 3 June 2006 acquired a foreign citizenship is entitled keep the Montenegrin citizenship until signing of the bilateral agreement with a country whose citizenship he/she acquired, but not longer than one year since the date of passing the Constitution.

Article 40

If a person who acquired the Montenegrin citizenship pursuant to regulations is not registered into the Register of citizens of Montenegro kept

according to previous regulations, a competent authority shall establish the citizenship of such person on his/her demand.

Article 41

A citizen of the Republic of former SFRY with registered residence in Montenegro before 3 June 2006 may acquire Montenegrin citizenship through naturalization, if

- 1) holds no foreign citizenship or holds dismissal from the citizenship of foreign state;
- 2) fulfills conditions from the Article 8 paragraph 1 item 4, 5, 7 and 8 hereof.

The application from paragraph 1 of this Article and the application from Article 40 hereof may be submitted to the competent authority within one year period since beginning of implementation of this Act.

After expiration of the period from paragraph 2 of this Article, a person may be naturalized or his/her citizenship may be established solely if becomes stateless person and if submits application within the three years period since coming into force of this Act.

Regulations from paragraph 2 and 3 of this Article shall be regulated by the competent authority.

Article 42

Register from the Article 33 hereof shall be established within two years since coming into force of this Act.

Registers of citizens, which were kept pursuant to the regulations valid until the day of implementation of this Act, shall be closed and data transferred into the Register from Paragraph 1 of this Article. Data from citizens Register books shall be transferred into the Register pursuant to the Article 39 hereof.

Until establishing of the Register from paragraph 1 hereof, the Register on persons who acquire or cessate Montenegrin citizenship shall be kept, on the manner prescribed by the competent authority.

Data on cessation of Montenegrin citizenship shall be registered into the Register of citizens into which the citizen is registered..

Article 43

Registers of citizens, which were kept pursuant to the regulations valid until the day of implementation of this Act, Register and Records which shall be established in accordance to the Article 42 paragraph 3 hereof, likewise certificates issued based upon these records shall be considered as public documents.

Public documents from paragraph 1 of this Article shall contain the Coat of Arms of Montenegro.

Article 44

The bylaws for implementation of this Act shall be passed within six months since coming into force if this Act.

Records from the Article 42 paragraph 3 hereof, forms and contents of the certificate on citizenship from Article 43 hereof, shall be prescribed within 30 days period since coming into force of this Act.

Within the period from paragraph 2 of this Article shall be passed regulations from Article 41 hereof.

Article 45

Proceedings initiated pursuant to the Montenegrin Citizenship Act ("Official Gazette of the Republic of Montenegro", Nr. 41/99) and Yugoslav Citizenship Act ("Official Gazette of the Republic of Montenegro", Nr. 33/96 and 9/01), shall be closed according to the regulations of this Act.

Article 46

The Book of Citizens which were kept pursuant to preceding regulations, which were valid until coming into force of this Act, shall be preserved for 100 years since last registering, and upon expiration of such period shall be delivered for guarding to the competent Archive.

Article 47

The validity of the Law on Montenegrin Citizenship (Official Gazette of Montenegro, No.: 41/99) ends on the day of the entry into force of the present Act.

Article 48

The present Act shall come into force on the day of its publication in the "Official Gazette of Montenegro", and shall be implemented upon expiration of 60 days since coming into force.