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NATIONAL REPORT ON ACCESS TO SOCIAL AND ECONOMIC RIGHTS OF FOREIGNERS

Inclusion of Foreigners in the Western Balkans
- Access to Social and Economic Rights (FOSTER)



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I. INTRODUCTION

The National Report on Access to Social and Economic Rights of Foreigners was developed within the framework of the project "Inclusion of Foreigners in the Western Balkans - Access to Social and Economic Rights (FOSTER)", implemented by seven civil society organizations in cooperation with the Balkan Refugee and Migration Council (BRMC) and the Danish Refugee Council (DRC). The project is funded by the European Union through the IPA III program under the "Human Rights, Anti-Discrimination and Intercultural Dialogue" lot.

The report was compiled based on the results of research by an informal network of civil society organizations in Montenegro whose work focuses on the empowerment and protection of vulnerable groups, including women, children, youth, elderly people, people with disabilities, foreigners under international and temporary protection, RE population, victims of human trafficking and domestic violence, through mutual cooperation, direct work with beneficiaries and the provision of various support services, such as legal, humanitarian and psychosocial assistance.

The aim of this report is to provide an overview of the current situation, challenges and practices regarding access to social and economic rights of foreigners in Montenegro. Based on data received from relevant authorities, coordination mechanisms, data availability and structural challenges affecting access to economic and social rights of foreigners are analyzed and identified.

II. METHODOLOGY

An informal network of civil society organizations (Crnogorska iskra Berane, Caritas Montenegro, Identity, EPEKA MONTENEGRO, Plava Planeta, ULIKS, Psychological Association of Montenegro, SOS Center for Women and Children Victims of Violence Nikšić, Sjeverna zemlja, SOS phone for Women and Children Victims of Violence Podgorica, Safe Women's House and UMHCG) is engaged in activities to monitor access of foreigners to fundamental rights and to collect data on established practice in Montenegro. Monitoring activities were carried out through field visits and interviews with key national stakeholders who are responsible or authorized to deal with and enable access to basic services for vulnerable foreigners.

For the purposes of the Report, a combined method of data collection was used through field visits, pre-prepared questionnaires and direct interviews. The Report included 20 field visits and collected data from 15 institutional representatives of ministries, administrative bodies, organizations, institutions, civil society organizations, international organizations dealing with issues of access to social and economic rights of migrants.

The questionnaires and interviews were conducted based on a pre-prepared set of questions, which were aimed at examining statistical data, attitudes, practices, experiences of authorities, challenges, and organizations in the field of protection and realization of the rights of the aforementioned groups. The data were collected through electronic communication (e-mail) and direct interviews with representatives of organizations, and were completed by a total of 15 respondents.

The collected responses were analyzed qualitatively, with the aim of identifying common patterns, challenges, and good practices in working with foreigners in the context of their social and economic rights. Special emphasis was placed on examining the approach of organizations in realizing and protecting these rights.

III. INSTITUTIONAL CAPACITIES

The Ministry of the Interior is an absolutely key institution at the state level for the implementation of migration policy. The Ministry, among other things, performs administrative¹ tasks related to maintaining the Central Population Registry, issuing identity cards, travel and other documents, deciding on the acquisition and loss of Montenegrin citizenship and other rights in the field of civil status, the rights of foreigners and stateless persons, mixed migration management tasks and integrated border management tasks.

The Police Directorate is an operational body operating within the Ministry of the Interior responsible for the control of the entry and exit of foreigners from the country, the prevention of illegal migration, smuggling and trafficking in human beings, the reception and treatment of migrants found at the border, the collection of technical data on the movement of foreigners: entry/exit by citizenship, the number of refused entries, violations of the residence regime and irregular stays.

The Ministry of Foreign Affairs performs administrative tasks related to, among other things, the visa system; consular affairs, implementation of strategic foreign policy priorities (regional cooperation, European integration, improvement of bilateral relations, cooperation on a multilateral level).

The Ministry of Social Welfare, Family Care and Demography² carries out administrative tasks, which relate, among other things, to the protection of persons with disabilities, protection of the elderly, protection from domestic violence, protection from violence against children; approval of financial assistance to foreigners seeking international protection and asylum seekers and foreigners under subsidiary protection and family protection.

The Health Insurance Fund of Montenegro is a state fund whose main activity is to ensure that insured persons exercise their rights to health care and other rights from mandatory health insurance. The Fund maintains and consolidates several databases containing over 95% of the population of Montenegro, i.e. all those who have a health card.

Centre for Social Work are public institutions that perform tasks that ensure the exercise of citizens' rights and meet their needs established by law in the field of social and child protection, family and legal protection, provide direct assistance and care, work with families of future foster parents and adoptive parents, financially insecure persons, the elderly and persons with disabilities, persons with marital and family problems, and keep records of beneficiaries.

The Ministry of Education, Science and Innovation performs administrative tasks that, among other things, relate to: the creation, establishment and development of the education and upbringing system; mobility of students and academic staff and international cooperation in the field of education; recognition of foreign educational certificates of completed primary, secondary and higher education, as well as education and professional development of foreigners in Montenegro. In accordance with the Law on Official Statistics and the System of Official Statistics³, the Ministry of Education, Science and Innovation is the producer of official statistics in the field of research and development.

The Ministry of Labour, Employment and Social Dialogue carries out administrative tasks related to: the preparation of regulations in the field of labour relations, occupational safety and health, labour market and employment, wages and other income from work and based on work, the preparation of proposals for determining the annual number of permits for temporary residence and work of foreigners (annual quota); as well as other tasks assigned to its jurisdiction.

1 Article 6 of the Regulation-on-the-Organization-and-Operation-of-State-Administration

2 Article 12a of the Regulation

3 Article 10 of the "Official Gazette of Montenegro", No. 18/12, 47/19 and 23/25

The Employment Agency of Montenegro (ZZZCG) is a central institution in the labour market that carries out employment and work mediation tasks; advising and informing employers and unemployed persons about employment opportunities; keeping prescribed records in the field of employment; providing unemployment insurance rights and other tasks stipulated by the Law on Employment Mediation and Rights During Unemployment⁴, other regulations and the Statute of the Institute⁵. The Institute keeps records in the field of employment on unemployed persons, job vacancies, unemployed persons receiving cash benefits and other records⁶ whose content is regulated by the Rulebook on the content, forms and manner of keeping records in the field of employment⁷.

The Tax Administration is an administrative body that performs tasks related to: registering taxpayers and maintaining a unified register of taxpayers; maintaining a central register of taxpayers and insured persons, maintaining a register of business entities for taxation purposes; receiving and processing financial statements of legal entities; receiving and processing all tax returns of taxpayers; keeping records of income of legal and natural persons; keeping other prescribed records; providing data for the social insurance funds on the basis of which taxpayers exercise their rights from social insurance; as well as other tasks assigned to its jurisdiction.

The Central Register of Business Entities (CRPS) is a key state institution for registering, maintaining and publishing data on all business entities in Montenegro. As a unique database, the CRPS enables complete transparency of ownership structures, including natural and legal persons of foreign origin.

The Statistical Office - MONSTAT is an administrative body that, among other things, performs tasks related to: organizing and implementing official statistics, collecting data from administrative sources and deriving statistics from combined data sources; the collection, processing, statistical analysis and publication of official statistics; the application of nomenclatures, classifications and statistical standards in accordance with Eurostat regulations which ensure comparability of data and data indicators at the national and international level; the development of the statistical information system of official statistics; as well as other tasks assigned to its competence.

The Protector of Human Rights and Freedoms of Montenegro is an autonomous and independent body that undertakes measures to protect human rights and freedoms when they are violated by an act, action or omission of state bodies, state administration bodies, local self-government units and local administration bodies, public services and other holders of public authority (hereinafter referred to as: bodies), as well as measures to prevent torture and other forms of inhuman or degrading treatment or punishment and measures to protect against discrimination⁸.

IV. AVAILABILITY AND STRUCTURE OF DATA ON FOREIGNERS

The Ministry of the Interior is the key institution at the state level for the implementation of migration policy, which maintains and processes data on foreigners, migration, residence, asylum and international protection through records on residence applications, residence and work permits, asylum seekers, refugees and returnees. As part of the EU accession process, the Ministry of the Interior is gradually aligning its records and procedures with the standards of Regulation (EC) No 862/2007⁹.

⁴ The Law was published in the "Official Gazette of Montenegro", No. 24/2019 and 29/2025.

⁵ The Statute was published in the "Official Gazette of Montenegro", No. 39/2019 of 12.7.2019. and entered into force on 20.7.2019.

⁶ Art. 63 and 70 of the Law on Employment Mediation and Rights During Unemployment

⁷ The Regulation was published in the "Official Gazette of Montenegro", No. 66/2019 of 6.12.2019., entered into force on 14.12.2019, and is applicable from 1.4.2020.

⁸ Article 2 of the Law on the Protector of Human Rights and Freedoms of Montenegro ("Official Gazette of Montenegro", No. 042/11 of 15.08.2011, 032/14 of 30.07.2014, 021/17 of 31.03.2017)

⁹ <https://eur-lex.europa.eu/eli/reg/2007/862/oj> Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)

Regulation (EC) No 862/2007 regulates European statistics on migration and international protection: definitions, mandatory data fields, classifications, reporting deadlines to Eurostat, methodology. The Regulation requires harmonised data on migration (flows and stocks), detailed breakdowns (citizenship, country of birth, previous/next residence, year/period, gender, age) and monthly data on international protection.

While the data collected by the Ministry are thematically aligned, but are not fully methodologically and technically compliant with the requirements of Regulation No 862/2007 (e.g. definitions, reporting periodicity and full data exchange), but full alignment of both the Ministry of the Interior and all other relevant entities is expected only upon accession to the European Union.

The Ministry of the Interior is responsible for maintaining the Central Population Register, a single computer-controlled database on Montenegrin citizens, foreigners with a permanent or temporary residence permit in Montenegro and foreigners who have property and rights and obligations in Montenegro based on pension and disability insurance, taxes, humanitarian and other reasons, if such records are prescribed¹⁰. The law¹¹ determines the content of the Central Population Register of Montenegro, the exchange, management, maintenance, storage and use of data, and the determination and use of personal identification marks.

Pursuant to Articles 106 and 110 of the Law on International and Temporary Protection of Foreigners, the Ministry of Internal Affairs maintains records of Foreigners under international protection in electronic form¹². The records include, among other things, data (Article 4 of Regulation 862/2007) on applicants for international protection (number of applications submitted, date of submission, citizenship of the applicant, gender and age, status of the procedure (ongoing, decided, suspended), number of repeated applications and place of submission of the application, data on decisions on international protection (asylum granted, subsidiary protection granted, rejected applications, etc.), data on humanitarian and temporary protection (number of acts issued, reasons for approval, etc.).

The record-keeping partially coincides with the requirements of Regulation No 862/2007, but is missing: standardized statistical definitions of migration, data on the reason for arrival (work, education, asylum), systematic observation and monitoring of migration flows (when people migrate, how long they stay in a certain place, whether they return, whether they migrate again, time dimension, etc.) and full technical compatibility of IT systems and databases with EU statistical systems. This way of organizing statistics allows for understanding the causes of migration, analysis of return migrations, monitoring the integration of migrants, exchange and comparability of data between countries.

The Statistical Office of Montenegro, MONSTAT¹³, organized and conducted the population census in Montenegro from 3 to 28 December 2023¹⁴. According to the results of the population census, out of a total of 623,633 inhabitants, 46,878 were foreign citizens residing for more than a year with the intention of staying. According to the methodological instructions for migration statistics, data are collected on foreigners who have moved to Montenegro as well as those who have a residence permit. The population census in Montenegro only includes foreigners who have resided for more than a year and intend to continue their stay.

¹⁰ Article 3 of the Law on the Central Population Register ("Official Gazette of the Republic of Montenegro", No 049/07 of 10.08.2007, "Official Gazette of Montenegro", No 041/10 of 23.07.2010, 040/11 of 08.08.2011, 055/16 of 17.08.2016, 077/24 of 05.08.2024)

¹¹ Law on the Central Population Register ("Official Gazette of the Republic of Montenegro", No. 49/07, 41/10, 40/11 and other laws and 55/16)

¹² Art. 106 and Article 110 of the Law on International and Temporary Protection of Foreigners

¹³ <https://www.monstat.org/cg/page.php?id=2342&pageid=1992>

¹⁴ Monstat (2023): Regulation on determining the period for conducting the census of population, households and dwellings and the reference moment of the census (consolidated text)

MONSTAT processes data that are thematically compatible with Regulation No 862/2007, in particular: population migration, foreign population and citizenship, demographic indicators (age, gender, place of residence), education, labour market and social indicators, using international classifications (ISCO, ISCED, NUTS). However, it does not process them entirely according to the same definitions, frequency and methodology as required by Regulation No 862/2007.

The Central Register of Business Entities (CRPS) is the key state institution for the registration, maintenance and publication of data on all business entities in Montenegro. According to CRPS data, there are 34,897 active business entities founded by foreign citizens (excluding Foreign Company Branches - DSDs), 1,897 business entities with foreign legal entities as founders (excluding DSD), 638 active DSDs (companies with a specific registration status in relation to a foreign founder, most often in cases of: transformations and status changes, mergers, takeovers or re-registration of ownership, irregular or atypical forms of documentation from abroad) and 2,718 foreign citizens registered as entrepreneurs with active/registered status. The data show that foreign citizens and foreign companies constitute a significant segment of the domestic economy, which at the same time brings investments but also requires a high level of regulatory attention.

According to the Law on Employment Mediation and Rights During Unemployment¹⁵, in addition to citizens of Montenegro, the following categories of foreigners have rights under this Law provided they hold: a permanent residence permit; a temporary residence permit for a stateless person; a temporary residence permit for the purpose of family reunification with a Montenegrin citizen or with a foreigner who has a permanent residence permit, a temporary residence permit for humanitarian reasons; recognized refugee status or granted additional protection; granted asylum, subsidiary or temporary protection or who seeks international protection, after the expiry of a period of nine months from the date of submitting an application for international protection.

The Employment Agency keeps records for the above categories as well as for all unemployed persons and collects data on the number of foreigners who use employment services. The data are classified according to legal status, type of support accessed, gender, age, nationality and level of education. The data collected are prescribed by the Rulebook on the content, forms and manner of keeping records in the field of employment¹⁶. Through the unified registration system of taxpayers and insured persons, the Employment Agency receives data from the Tax Administration of Montenegro on all employment in Montenegro, so it has data on the establishment of employment. The Agency does not keep records of foreigners who left the country before the expiration of the contract.

The reporting required by Regulation No. 862/2007 for the acquisition of citizenship by age, gender and previous citizenship exists in the Ministry of Internal Affairs, but the data is not systematically reported in Eurostat format¹⁷. The terminology is fully compatible with the Regulation - citizenship, residence permit, foreigner, asylum, migration, subsidiary protection.

National institutions collect almost all types of data required in Articles 3, 4 and 6 of Regulation No 862/2007. Differences occur in the details, e.g. The EU requires specific formats (reasons for residence, acquisition of citizenship) while the national system classifies it differently. Montenegro has a good basis, legislation covering key concepts, institutions collect data, MONSTAT has the methodology and sources, however, not all required components of Regulation 862/2007 are fully visible in publicly available data, especially in the part of acquisition and loss of citizenship, details of international protection and residence permits.

¹⁵ Law on Employment Mediation and Rights during Unemployment ("Official Gazette of Montenegro", No. 24/2019 and 29/2025)

¹⁶ Rulebook on the content, forms and method of keeping records in the field of employment ("Official Gazette of Montenegro", No. 66/2019)

¹⁷ <https://ec.europa.eu/eurostat>

In the part of issuing residence permits, cooperation and coordination between the Statistical Office and the Ministry of Interior should be improved so that the reasons for issuing permits are regularly classified and published in statistical reports. For full compliance, it is necessary for the competent institutions to provide and publish all required data and for statistics to be aligned with the technical characteristics of the Regulation.

In order to better shape and inform migration policy, it would be useful to systematically collect, among others, detailed age structure, level of education, languages spoken by foreigners and level of knowledge of the host country, level of earnings before and after arrival, participation in local communities (volunteering, associations, societies). Also, the lack of insight into changes in status, duration of stay, transition to other legal frameworks or economic flows indicates that Montenegro does not have a centralized, integrated system of records on foreigners.

TRENDS AND PATTERNS IN IMMIGRATION

The increase in the number of foreign nationals in Montenegro is visible in everyday life. The main drivers for this trend are economic, as indicated by data from the Central Register of Business Entities (CRPS), which shows an evident increase in new company owners from Russia and Turkey. In September 2025, according to data from the Ministry of Internal Affairs¹⁸, a total of 100,867 foreign citizens resided in Montenegro, of which 71,250 with temporary residence and 29,617 with permanent residence.

According to data from the Directorate for Asylum and international partners¹⁹, a shifting trend has been observed regarding persons seeking international protection in Montenegro. In 2024, in accordance with the Law on International and Temporary Protection of Aliens, 2,970 individuals expressed their intention to seek protection—a decrease of approximately 40% compared to 4,998 in 2023. Conversely, statistics for refugees and those under temporary protection show a significant increase since 2022, primarily due to the arrival of Ukrainian citizens. Consequently, the total population under protection is substantially higher than in previous years.

The number of transit migrants has consistently decreased over the last three years. In 2023, a total of 5,314 migrants were registered in Montenegro; in 2024, this figure dropped to 3,153, while 2,488 migrants were registered during the first ten months of 2025. The majority of these cases involved citizens of Bangladesh (457), Pakistan (399), and Afghanistan (357)²⁰.

The increase in the number of foreign nationals in Montenegro is caused by a combination of economic factors, geopolitical developments, and a flexible migration policy. Favorable conditions for investment, especially in real estate, a relatively simple procedure for obtaining temporary residence on the basis of work (especially through the establishment of a company), and the attractiveness of the coast all make Montenegro an appealing destination. Family reunification is also a reason for their arrival, alongside geopolitical instability and war conflicts.

Most migrants who enter Montenegro illegally use the international protection system for short-term or temporary legalization of residence, without genuinely intending to submit an application to the competent authority. They use the territory of Montenegro as a transit zone and leave after a short stay of 5–10 days. Persons granted international protection have the right, after the prescribed period of residence, to submit applications for permanent residence, and later for Montenegrin citizenship (if they meet all legal requirements). Since the establishment of the international legal protection system in Montenegro, 157 foreigners have exercised the right to status/subsidiary protection, but only 4–5 persons have subsequently applied for permanent residence in the state of Montenegro, while currently 65 foreigners live with granted international protection.

¹⁸ <https://www.gov.me/mup>

¹⁹ Ministry of Internal Affairs – Data obtained from the Asylum Directorate

²⁰ Data obtained from the Border Police of Montenegro

Foreigners are issued with a temporary residence permit valid for up to one year, with the possibility of extension²¹. A permanent residence permit may be issued to a foreigner who, by the date of submitting the application for the permit, has legally resided in Montenegro for five years continuously on the basis of an approved temporary residence and on the basis of recognized refugee status or approved subsidiary protection²². It is particularly important to note that foreigners with approved temporary residence generally do not meet the conditions for transition to permanent residence, because the temporary residence and work permit is renewed for up to three years, after which the process is “reset”. The only exception is foreign executive directors, who can achieve continuity and later obtain permanent residence and citizenship.

Changes have been observed in the structure of the communities that are arriving – different groups arrived at different times, such as Iranians, then Cubans, while currently the most represented are Russians, who are estimated to stay in Montenegro for a longer period, especially in the south of the country. Also, a significant number are Ukrainians and Belarusians. In recent years, Montenegro has seen an increase in the arrival of unaccompanied minors from Egypt. Minors are mostly registered as adults, in order to stay with the group or to exercise certain rights.

Foreigners residing and working in Montenegro are increasingly bringing their families with them, which indicates a longer-term intention to integrate. The increase in the number of children of foreign citizens enrolled in Montenegrin schools is a clear indicator of this trend of family reunification. The trend of family reunification of foreigners in Montenegro is a clear indicator of the transition from a temporary, circular to a permanent, resident type of migration.

According to data from the Ministry of Internal Affairs, as the authority responsible for issuing temporary residence and work permits for foreigners, in 2024, 38,019 temporary residence and work permits for foreigners were issued (24,748 in quota and 13,271 outside the quota), which is 924 or 2.37% fewer permits compared to the same period in 2023 (23,822 in quota and 15,121 outside the quota). In the quotas used for the employment of foreigners in 2024, three groups of occupations have the largest share (68.35%): construction, accommodation and food services, and other service activities.

The Montenegrin visa issuance system, coordinated by the Diplomatic and Consular Missions (DKP) and the Police Directorate, relies on rigorous checks of applicants and employers, with notarization of invitation letters that guarantee coverage of the costs of possible accommodation in a Reception Center for Foreigners or in the process of returning the foreigner to the country of origin²³. Claims about the “extremely enviable level” of checks and controls before issuing a visa cannot fully predict the future intentions of an individual. The employer’s obligation to notify the police of the “slightest suspicion” is insufficiently precise and does not provide an immediate notification mechanism if the worker simply does not show up for work. The system is focused on entry into Montenegro, but less on movement and residence after the issuance of a permit. Irregularity occurs after legal entry, when the worker misuses the visa as a transit point to Western Europe. However, despite claims that during 2024 and 2025 “no significant irregularities were identified”, the disappearance of foreign workers, who are suspected of continuing their journey to other countries, does not mean that the existing mechanisms are fully effective in preventing secondary irregular migration after legal entry into the country.

In light of current migration flows, Montenegro requires a more proactive migration policy. This necessitates better coordination and the reform of legal frameworks and institutions, as evidenced by recently announced legislative changes.

²¹ Article 63 of the Law on Foreigners (“Official Gazette of Montenegro”, No. 012/18 of 02/23/2018, 003/19 of 01/15/2019, 086/22 of 08/03/2022, 077/24 of 08/05/2024)

²² Article 86 of the Law on Foreigners

²³ According to the data of the Border Police

VI. ACCESS TO RIGHTS - PRACTICE AND CHALLENGES

The existing legislative framework guarantees a wide range of rights to foreign citizens, starting from legal residence, prohibition of expulsion, work and free access to the labor market, health care, education and social assistance, humane treatment, prohibition of discrimination, etc. Although Montenegro nominally guarantees a significant scope of rights to foreigners through its laws, the efficiency of exercising these rights in practice is low and burdened by numerous bureaucratic and technical obstacles.

One of the problems observed in practice is the incompatibility of the IT systems of the Ministry of Internal Affairs, the Health Insurance Fund and other state institutions. The Central Population Registry of Montenegro does not recognize and does not include data on foreigners under international protection, although it recognizes and includes databases for other categories of foreigners, such as foreigners with permission for permanent or temporary residence in Montenegro. Problems are particularly pronounced in administrative periods between two statuses (e.g. expiration of documents or transition from one residence basis to another, e.g. when a person with previously approved temporary residence transfers to the status of international protection), when foreigners temporarily lose formal registration in the health insurance system. Given the importance of accurate and comprehensive population data, including data on foreigners under international protection in a single database such as the Central Population Registry would contribute to improving statistical data, better planning of public policies and easier access to guaranteed rights and services for foreigners, and thus to the full integration of these persons into Montenegrin society.

Access to basic rights, especially health care, is made more difficult or impossible due to the lack of a personal identification number (UPIN), which is not assigned to foreigners who have expressed their intention or submitted an application for international protection, as well as to migrants who are not registered. A unique personal identification number is a personal identification number that serves to link data in official records²⁴. In practice, the lack of a temporary personal identification number means that persons who are already in a vulnerable situation do not have equal access to other services compared to the local population or registered foreigners. This results in difficult access to health institutions; in some cases, institutions administratively refuse admission because the system requires an identifier. It is also difficult to issue referrals, maintain medical records, and process prescriptions and laboratory tests. This lack of data continuity jeopardizes the treatment of chronically ill patients and vulnerable groups, and ultimately prolongs waiting times for essential health services²⁵.

The Ministry of Internal Affairs issues an identity document to persons granted international protection. This biometric document differs from the standard ID cards issued to Montenegrin citizens; it lists Podgorica as the holder's place of residence and is titled an 'Identification Document.' A problem arises when a beneficiary resides outside Podgorica, as the IT systems of the Health Insurance Fund and other institutions fail to recognize them. Furthermore, these individuals cannot formally update or change their place of residence, a right currently reserved for Montenegrin citizens rather than foreign nationals. This creates parallel systems, as the Law on Identity Cards does not apply to foreigners. Additional uncertainty stems from recent amendments to the Law on Identity Cards, which do not specify how foreigners with granted asylum will have their documents 'chipped' or integrated into the Health Insurance Fund's electronic system.

In practice, even valid documents held by foreigners with permanent residence are often not accepted for financial transactions at Montenegrin Post Offices. Internal procedures at the Post Office—conducted in accordance with the Law on the Prevention of Money Laundering and Financing of Terrorism as *lex specialis*—place this category of foreigners in an unequal position.

²⁴ Article 4 of the Law on the Central Population Register ("Official Gazette of the Republic of Montenegro", No. 049/07 of 10 August 2007, "Official Gazette of Montenegro", No. 041/10 of 23 July 2010, 040/11 of 08 August 2011, 055/16 of 17 August 2016, 077/24 of 08/05/2024)

²⁵ According to the data of the Red Cross of Montenegro.

They are often unable to deposit or withdraw funds, including pensions and child allowances, or pay utility bills without a passport from their country of origin²⁶. Addressing this challenge requires harmonizing internal institutional procedures with the broader legal framework.

Since the establishment of the international legal protection system in Montenegro, only 157 foreigners have exercised this right. Of these, only 4–5 individuals have transitioned to permanent residence, and to date, none have acquired Montenegrin citizenship, highlighting the exceptionally slow pace of full integration.

When it comes to social protection, certain problems have been recorded in accessing rights and providing accommodation for vulnerable categories. Foreigners have the same rights to social and child protection as Montenegrin citizens, e.g. the right to child allowance or material security for the family, but not to the subsidies that go with these rights, e.g. subsidies for electricity and water, since the bills are not kept in their name, but in the name of the owner of the facility in which they reside. Among the beneficiaries of the system there are also foreigners with approved asylum who are accommodated in nursing homes, as well as those who use the services of day centres for children with developmental disabilities. Practice also points to a number of other challenges related to the lack of specialized accommodation capacities for unaccompanied children, a limited number of professional staff (psychologists, social workers), short-term and inadequate accommodation solutions, difficult access to formal education and the risk of secondary migration and disappearance of children from the system. Unaccompanied children/young foreigners/migrants (mostly from the countries of the region, but also from other countries around the world, including South America, Asia and other countries) are staying in the PU Center “Ljubović” (“Ljubović”), which is not good practice. PU Center “Ljubović” is not adapted for the long-term stay of children without a regulated status, and the procedures for their return to their country of origin are unclear.

Certain specificities are related to the challenges in the educational process - children from Ukraine still attend online classes from Ukraine in large numbers, although they also attend schools in Montenegro at the same time. Many of them want to enter the Montenegrin education system, but at the same time retain the Ukrainian education system, because they hope to return to their homeland, and fear that they may have difficulties in catching up on the material in it. It is necessary to continue working with parents of Ukrainian children, in order to increase awareness of the importance of including children in the Montenegrin education system and of the parental obligations that arise from this. The assessment of Ukrainian students' prior knowledge remains poorly defined, including the grading system, which often differs from the Montenegrin one. In practice, the quality of educational integration often depends on the enthusiasm and engagement of teachers. The language barrier and the lack of organized Montenegrin language courses (especially above A2 level) represent a continuing obstacle. Foreigners often rely on informal translators or the mediation of the NGO sector.

More than 34,000 foreign-owned companies are registered in Montenegro, but a significant number of these do not file financial reports with the Tax Administration. The number of registered companies is therefore not a reliable indicator of real business operations. Only active companies are required to submit reports; many registered entities never start business, do not employ workers, have no turnover, do not open or use a business account, have no VAT or tax obligations, and exist only formally until they are permanently dissolved. Foreign citizens often open companies that remain inactive solely to obtain temporary residence, a tax number, and access to real estate and bank accounts. Companies are also established for one-time transactions, such as: buying an apartment or house (for tax benefits), owning a vessel, buying a vehicle, specific international payments, property-legal arrangements, or fixed investments without employees. Tax optimization is a key reason for opening a company, providing foreigners easier access to residency and the use of the local tax regime, even if the reported turnover often remains symbolic or zero. The existence of nearly 35,000 foreign-owned companies in the CRPS, with less than half submitting financial reports, speaks to a structural difference between the legal and economic existence of entities. This phenomenon does not necessarily mean

irregularity, but rather indicates that Montenegro must: reform the registry, regulate residency requirements, reduce administrative burdens, and use data from the Tax Administration—and not just from the CRPS—to create effective economic policies.

VI. I. ACCESS TO SOCIAL PROTECTION

According to Article 5 of the Law on Social and Child Protection²⁷, rights to social and child protection can be exercised by foreigners with approved temporary or permanent residence, as well as asylum seekers and foreigners under subsidiary protection. Also, in exceptional cases, persons not included in these categories, who are faced with special circumstances and social risk, are entitled to one-time financial assistance and temporary accommodation services.

It is important to note that records are kept on beneficiaries, rights and service providers in accordance with the law²⁸. The Regulation on the content of the database and record-keeping in social and child protection prescribes the conditions regarding the content, storage and access to these records²⁹. Record-keeping and data collection in the social and child protection system is carried out through the Integrated Social Welfare Information System, known as ISSS (social card). This is an electronic system for processing, approving, monitoring and auditing social benefits, reporting and business analytics and statistics. Interoperability, the basic characteristic of the social card, implies automatic electronic data exchange between social work centers and the Ministry of Social Welfare, with nine databases of state institutions: The Pension and Disability Insurance Fund, the Health Insurance Fund, the Employment Agency, the Real Estate Administration, the Tax Administration, the Ministry of Internal Affairs (central population register and motor vehicle register), the Ministry of Education, the Ministry of Agriculture and the Veterinary Administration.

In Montenegro, social protection is provided through a network of state institutions, with Centers for Social Work acting as the key authorities. Data collection on service users is conducted in accordance with legal obligations. Social Work in Danilovgrad and Podgorica maintain records of foreign nationals who formally exercise their right to social protection in the same manner as Montenegrin citizens, whereas the Center for Social Work in Berane currently has no foreigners among its beneficiaries.

The Secretariat for Social Welfare of the Capital City of Podgorica collects data on users within its mandate but does not maintain separate records specifically for foreign service users. At the 'Ljubović' Public Institution Center³⁰, during the intake process and the preparation of a social history, data is collected on the social services the user receives—most often healthcare—or those for which a need exists, with the institution mediating their provision.

"Institutions in Montenegro dealing with social protection primarily collect and classify data based on criteria such as the type of service, legal status, and demographic information, though with varying levels of detail and consistency in practice. All institutions collect data by type of service and legal status. It is evident that all entities keep records of what type of assistance they provide to foreigners and who the beneficiaries are according to their legal status (e.g. asylum seekers, persons under temporary protection, foreigners with granted international protection). Demographic data are most consistently recorded in the Centers for Social Work in Podgorica and Berane, which explicitly state that they monitor citizenship, gender and age, which is crucial for a targeted analysis of needs. There are also certain gaps in the statistics: the Berane CSW stated that it currently does not have statistics on foreign citizens who are beneficiaries of services in the recent period, which indicates that the influx of beneficiaries varies and that the records depend on the current situation on the ground. Specifically, the

²⁷ "Official Gazette of Montenegro", No. 027/13 dated 11.06.2013, 001/15 dated 05.01.2015, 042/15 dated 29.07.2015, 047/15 dated 18.08.2015, 056/15 dated 18.08.2015, 023/0616.16 from 20.10.2016, 001/17 from 09.01.2017, 031/17 from 12.05.2017, 042/17 from 30.06.2017, 050/17 from 31.07.2017 02.05.2017. 145/21 of 31.12.2021, 145/21 from 31.12.2021, 003/23 from 10.01.2023, 048/24 from 24.05.2024, 084/24 from 06.09.2024, 0323.0325.

²⁸ Article 15 of the Law on Social and Child Protection

²⁹ ("Official Gazette of Montenegro", No. 058/13 dated 20.12.2013, 007/16 dated 29.01.2016, 049/25 dated 20.05.2025)

³⁰ Public Institution "Ljubović" Center is a social and child protection institution in Montenegro, which deals with institutional care of an independent type, children with behavioral problems

Regional Unit of the Center for Social Work in Tuzi keeps records of unaccompanied minors who are assigned a temporary guardian, provided with accommodation and allocated one-time financial assistance.

It seems that different state institutions keep records of certain social services and rights provided to a certain category of foreigners, but these records are fragmented. Also, although certain data have been collected, they have not been formalized into a centralized statistical database, which consequently leads to a lack of information on the needs of foreigners and their rights, which affects the quality of services provided and makes policy analysis and planning difficult. In this regard, it is necessary to improve the mechanisms for regular exchange of aggregated data between different institutions (especially between centers in the north, south and central part) in order to provide a comprehensive insight into the needs of vulnerable groups of foreigners, rational planning of resources, and prevent overlap or lack of support.

Foreign citizens in Montenegro benefit from a wide range of rights and services in the field of social and child protection, the frequency and type of which depend primarily on their legal status (readmitted persons, migrants in transit, persons under international and temporary protection, foreigners with permanent or temporary residence). The most frequently used forms of material benefits from social protection relate to material security, one-time financial assistance and allowance for care and assistance, and in the domain of child protection these are the birth allowance, the newborn child allowance and the child allowance. However, the Centers for Social Work do not keep separate records on foreigners, i.e. they cannot classify foreigners according to the type of service they use.

Accommodation in the Reception Center (provided by the Directorate for Reception) is the central and most frequent social service for foreigners under international protection. In addition to accommodation, these persons are provided with basic necessities of life, health care, food and hygiene products. Temporary accommodation (up to three days) is also available to readmitted persons. Persons who receive international protection have the opportunity to obtain housing through UNHCR, inclusion in supported or subsidized housing programs, assistance in securing temporary accommodation within the framework of integration projects. This applies exclusively to persons who have already been granted international protection, and not to those in transit or without status. During 2016 and 2020, social housing was allocated to refugees from Bosnia and Herzegovina and Kosovo.

Financial support as a form of material benefit is highly represented among the rights available to foreigners in Montenegro. According to the practice of the Center for Social Work Podgorica, foreigners with permanent or temporary residence most often access benefits for childbirth, benefits for newborn allowance, child allowance, and also submit applications for care and assistance allowance and material security. Psychosocial support and counseling are among the most sought-after social services, especially for vulnerable categories of foreigners. This service, provided by the Directorate for Reception, Centers for Social Work, the Red Cross of Montenegro, UNHCR and civil society organizations, includes individual and group interventions, interviews with psychologists and social workers. Administrative and integration support, which includes information about rights, assistance in navigating administrative procedures, obtaining documents, registering residence and enrolling children in school, are key services for foreigners in the integration process, which are also provided by the aforementioned institutions and organizations.

Foreign citizens most often access essential services. Healthcare and temporary accommodation with basic necessities, which are necessary for immediate stabilization upon arrival or in transit, dominate. For those who remain in the system (asylum seekers, foreigners with permanent/temporary residence), the focus shifts to material security, regular cash benefits and psychosocial support, as a basis for longer-term integration. The legal status of a person is the primary factor dictating the type and scope of services available, with persons without a regular status or in transit depending mainly on emergency humanitarian and one-time assistance.

Given the rising number of foreigners in Montenegro and the influence of global and regional migration flows, a further increase in the demand for social services is expected. Adjusting the social protection system to these shifting trends will be essential to adequately addressing future challenges. Specifically, there is a pronounced and growing need for psychosocial support, housing, temporary accommodation, healthcare, and financial assistance, as well as emergency humanitarian services. In light of these projections, continuous monitoring and evaluation of migration's impact on social services are vital for timely and effective policy responses.

In practice, however, foreigners face significant barriers to accessing their rights. Many, especially those in transit, exhibit a reluctance to engage with state authorities due to negative experiences in their countries of origin. This fear is often linked to concerns over potential consequences, such as loss of status or deportation. Furthermore, foreigners are frequently underinformed about their rights and the administrative complexities involved in exercising them, particularly during the initial period of their stay. The lack of interpreters and informational materials in their native languages, compounded by the difficulty of obtaining necessary documentation from their countries of origin, further complicates their navigation of the system.

Most institutions actively inform foreign nationals about available social services during reception, registration, and through daily communication. Those under international and temporary protection receive information through various channels, including multilingual brochures, individual interviews, and workshops. Translation services are also provided, particularly for the languages most common among applicants for international protection. However, some institutions, such as the Center for Social Work Danilovgrad, lack translated materials or organized translation services. Similarly, the Secretariat for Social Welfare has brochures on beneficiary rights, but they have not yet been translated into foreign languages. Conversely, the Center for Social Work Podgorica focuses on digital communication, offering information on rights and procedures in multiple languages via its website. While staff in most institutions are trained to work with culturally diverse and vulnerable groups—including training in intercultural competence and trauma-informed approaches—some institutions recognize the need for additional training to better adapt to shifting migration flows.

Continuous cooperation between state institutions and non-governmental organizations enables efficient information exchange and the coordination of field activities for migrants and asylum seekers. This partnership involves referring beneficiaries to civil society services, such as psychosocial support, legal aid, SOS lines, and shelters. International partners, notably UNHCR, provide essential technical and financial support for individual integration plans and staff training. Cooperation with the civil sector and local communities—whether formal through Standard Operating Procedures (SOPs) and protocols, or informal through daily operational coordination—is a vital component of the support system. It complements institutional capacities and ensures that foreign nationals can more easily exercise their rights.

VI. II. ACCESS TO WORK AND EMPLOYMENT

According to the Law on Employment Mediation and Unemployment Rights³¹, foreigners can also register with the Employment Agency of Montenegro (EAM), just as Montenegrin citizens can.

The Agency maintains records for these categories of individuals, as well as for all unemployed persons, and collects data on the number of foreigners utilizing employment services. Data are classified according to legal status, type of support accessed, gender, age, nationality, and level of education. The collected data are prescribed by the Rulebook on the content, forms, and manner of maintaining employment records³². Through the unified registration system for taxpayers and insured persons, the Agency receives data from the Tax Administration of Montenegro on all employment in the country, thereby having information on the establishment of employment relationships.

³¹ Law on Employment Mediation and Rights during Unemployment ("Official Gazette of Montenegro", No. 24/2019 and 29/2025).

³² Rulebook on the content, forms and method of keeping records in the field of employment ("Official Gazette of Montenegro", No. 66/2019).

It is important to note that the EAM does not keep records on foreigners who departed the country before their contracts expired. Article 6 of the Regulation on the criteria and procedure for determining the annual number of temporary residence and work permits for foreigners³³ stipulates that the Employment Agency must compile a quarterly report on issued permits and submit it to the Ministry.

The annual quota for work permits in 2024 was set at 28,988, which included 5,000 additional permits to address specific labor market needs. The distribution within the quota was primarily for regular employment (21,727 permits, or 90.13%) and seasonal employment (2,261 permits, or 7.11%). In total, 38,019 permits were issued: 24,748 within the quota and 13,271 outside of it. The predominant sectors were construction, accommodation and food services, and other service activities, which together accounted for 68.35% of the permits issued within the quota.

Regarding the country of origin, the highest number of permits were issued to citizens of Turkey (9,382), the Russian Federation (9,042), Serbia (7,443), Albania (2,035), and Bosnia and Herzegovina (1,866). Within the quota specifically, the leading countries were Serbia (6,386), Turkey (5,175), and the Russian Federation (4,079). Highly specialized workers, such as those in IT and other professional occupations, are typically hired outside the quota system. Montenegro is increasingly becoming a regional employment hub for foreign nationals due to a domestic labor shortage, reflecting a growing internationalization of its labor market.

The construction sector exhibits a massive and irreplaceable demand for labor that far exceeds domestic capacity. The sector lacks essential profiles, including bricklayers, carpenters, reinforcement workers, painters, drivers, and machinists, resulting in tens of thousands of work permits issued annually for this industry³⁴. Workers primarily come from Turkey, Albania, Serbia, Bosnia and Herzegovina, India, and Bangladesh. Construction is the sector where the dual role of foreigners is most evident: as investors providing capital and as foreign laborers performing the physical work.

Major construction projects, including tourist complexes, residential developments, and mixed-use zones, often feature mixed ownership structures. Foreign investors significantly drive the sector by increasing demand, expanding the number of active construction sites, and growing the need for laborers and subcontractors. These investments are directly linked to the real estate and tourism sectors, creating an interconnected economic environment.

In the tourism industry, foreign nationals play a vital role as workers within the accommodation and food services sector. Between January and September 2024, 27,506 workers were employed in this field—a 43.8% increase compared to 2019. By September 2024, 1,363 specific temporary residence and work permits had been issued for foreigners in tourism. Labor shortages remain the primary obstacle in the recruitment process; as seasonal procedures for foreigners are currently complex, there is a clear need to introduce a 'permanent seasonal worker' category and to digitalize the permit process. Furthermore, the growth of high-class facilities underscores the large share of foreign capital in tourism, with Montenegro now hosting 39 five-star hotels and 226 four-star hotels—a 13% increase in collective accommodation facilities compared to 2023.

Foreigners fill critical labor gaps and contribute to economic growth through investment and employment in key sectors, particularly ICT, which is strategic for Montenegro. Foreign influence is evident through the ownership structures of telecommunications and IT companies, the presence of international corporations, and the high demand for qualified experts. Over the last decade, more than 730 million euros have been invested in telecommunications infrastructure, predominantly by international corporations and operators with majority foreign ownership. This capital accelerates the modernization of the sector and its integration into the European market. Currently, a shortage of domestic talent in software engineering, data analysis, cybersecurity, and network architecture has led to the hiring of freelance experts from Serbia, Bosnia, Ukraine, and Russia, as well as specialists from the EU and nearshoring offices. Much of the ICT sector serves international clients through outsourcing or B2B cooperation, making the industry dependent on foreigners in three key dimensions: capital, labor, and clients.

³³ *The Regulation on the criteria and procedure for determining the annual number of temporary residence and work permits for foreigners ("Official Gazette of Montenegro", No. 20/2019 of 4.4.2019).*

³⁴ *From the report of the PKCG*

In the retail and trade sector, the role of foreign nationals is evident across three distinct levels: as consumers, entrepreneurs, and laborers.

Foreigners as Consumers: The significant seasonal surge in consumption within Montenegro is closely linked to tourists, long-term non-residents, and foreign property owners who frequent local businesses. In 2024, the Montenegrin economy saw a notable growth in trade turnover, driven by a higher volume of tourists and an increasing number of foreigners residing in the country during the off-season. This heightened demand for both food and non-food products suggests that the trade sector has been the most responsive to the influx of foreign nationals.

Foreigners as Entrepreneurs: With more than 2,700 foreigners registered as entrepreneurs, it is clear that individual investors are actively participating in the Montenegrin economy through independent business registration. While the Chamber of Economy (PKCG) does not specify the exact figures in its latest report, records from the Central Register of Business Entities (CRPS) confirm a significant presence of foreign-owned trade companies. Typical founders in this sector include citizens of Serbia, Turkey, Russia, Ukraine, and Albania, as well as those from the Middle East. Their business activities primarily focus on retail outlets, textile stores, specialized shops, and catering facilities, which are often classified as trade and services for taxation purposes.

Foreigners as Workers: The shortage of domestic labor in retail, warehousing, and logistics has necessitated the employment of foreign workers, particularly from the surrounding region. As labor shortages are now felt across almost all sectors of the economy, the trade industry increasingly relies on foreign nationals to maintain its operations and logistics chains.

The Integration Department³⁵, within the Directorate for the Integration of Foreigners, collects data on individuals under its mandate who utilize employment services. This is achieved through direct user interaction and data exchange with the Employment Agency of Montenegro (EAM). Information is recorded during the development of individual integration plans, through cooperation with the EAM regarding job seekers and training participants, and during field contacts that track changes in employment status.

Beyond the construction and tourism sectors, a significant number of foreigners have established their own businesses; currently, 34,897 companies in Montenegro have at least one foreign founder. This influx of investment is driven by a favorable tax policy, a liberal foreign trade regime, and various subsidies. While foreign capital and know-how contribute to modernizing the economy, a chronic labor shortage persists in tourism, trade, agriculture, and construction. Tourism alone requires approximately 19,000 to 20,000 seasonal workers annually.

To address these challenges, the current system—often criticized as slow and bureaucratic—must be aligned with market needs and EU standards. Essential reforms include the digitalization of all work permits through a unified electronic portal, the integration of registers between the Ministry of Interior, the Tax Administration, and local governments, and the introduction of a 'permanent seasonal worker' category. Furthermore, more flexible regimes are needed for scarce labor and workers from third countries, such as India, Bangladesh, and Nepal, alongside simplified procedures and strict maximum deadlines for permit processing.

According to the Government of Montenegro, the tourism sector lacks up to 10,000 workers, while construction faces a chronic shortage of qualified labor. Trade and logistics are heavily impacted by the departure of the domestic workforce, and the labor market continues to shrink demographically. With foreign workers now accounting for over 20% of new seasonal employment, the economy faces a serious capacity crisis unless significant reforms are implemented.

The steady growth in temporary residence and work permits may soon be impacted by proposed amendments to the Law on Foreigners. Under these new provisions, foreigners serving as executive directors or majority shareholders (owning more than 51% of capital) must employ at least three full-time workers, two of whom must be Montenegrin citizens. Existing company and real estate owners will have a one-year grace period to align their status with these regulations. Furthermore, the maximum stay for visa-free citizens from countries not aligned with EU visa policy has been reduced from 90 to 30 days.

35 From the report of the Directorate for Integration of Foreigners with Approved International Protection – Integration Department;

In addition to tightening conditions for foreign-owned firms, the government is introducing enhanced residence and business controls. While the expected impacts include higher wages and improved working conditions for qualified Montenegrin workers, there are risks of labor shortages in specific sectors and a potential decline in foreign investment. These measures aim to strengthen border control, ensure harmonization with EU standards, and reduce the informal economy. Ultimately, the new law introduces strict criteria that may reduce the number of foreigners working legally in Montenegro, as the state attempts to balance domestic labor protection with the need to attract investment.

Foreign nationals in Montenegro typically find employment through the Employment Agency, direct employer recruitment, or professional networks. The duration of stay is strictly governed by legal restrictions: temporary residence and work permits are issued for one year and may be extended for up to three. After this three-year period, the residency process must be reinitiated. Most workers in these categories do not bring their families; however, family integration, when it occurs, is conducted under the general legal framework with support from state institutions and international organizations.

Employers are legally mandated to report to the Ministry of Interior/Immigration Service whenever a foreign worker leaves their position, absconds from their registered address, or terminates employment without notice. Failure to comply can result in misdemeanor fines, future restrictions on hiring foreign labor, and rigorous inspection oversight. The police and immigration services maintain comprehensive records on all foreigners with approved stays, including cases of job abandonment. These records are vital for monitoring legal status and enforcing legal measures. Standard cases of workers leaving their jobs are not reported to their countries of origin, except in instances involving readmission, bilateral agreements, or the identification of undocumented persons.

There are no significant legal gaps in the current legislative framework regarding the management of job abandonment by foreign workers. Regulations governing residency registration, employer and worker obligations, permit cancellations, and immigration oversight are clearly defined. The legal mechanisms are functional: the reporting system is operational, responsibilities are clearly delineated, and sanctions exist for non-compliant employers. Current challenges are not normative but primarily operational, involving the need for more timely notifications, updated records, increased staffing, and improved digital infrastructure. These issues do not indicate a deficiency in regulations, but rather a need to strengthen the capacity for implementing existing laws.

The unauthorized departure of foreign workers does not significantly disrupt the overall framework for foreign employment, but it can have operational and reputational effects. These include disruptions to work continuity in labor-starved sectors such as construction and tourism, increased recruitment and training costs for employers, and occasional project delays during peak seasons. Montenegro addresses these challenges through existing mechanisms, viewing them as part of a broader regional and European trend of worker mobility. The country maintains its reputation as an attractive destination due to clear procedures, a transparent system, and the rapid issuance of permits (15 days). Furthermore, the ongoing digitalization of the system and its upcoming integration with EU databases will further enhance transparency.

From a practical employment perspective, it is essential to introduce mandatory language courses and intercultural training for civil servants. Officials communicating with foreign workers and employers must have the capacity to provide clear information and conduct procedures without language barriers. Simultaneously, female migrants should be empowered through education, vocational training, and increased awareness of their rights. Promoting gender equality is necessary to ensure equal access to rights, opportunities, and resources. This includes adopting policies that protect migrant women from discrimination and actively integrating them into all spheres of life through economic and financial empowerment. Inclusive social and economic policies should ensure that women in migration have the opportunity to

access diverse job roles and contribute meaningfully to society.

The increased labor mobility of the last decade has significantly boosted the number of foreign nationals working in Montenegro. In this context, the social security of foreign citizens—particularly regarding pension and disability insurance (PIO)—has become increasingly important. In accordance with current Montenegrin legislation, foreign nationals employed within the state are mandatorily included in the pension and disability insurance system under the same conditions as Montenegrin citizens. Employers are obligated to pay contributions for PIO, health insurance, and unemployment insurance on their behalf.

Consequently, foreign workers acquire the rights to old-age, disability, and survivor's pensions, as well as other benefits under the PIO system, in accordance with current regulations. While the normative framework is clear, certain practical challenges persist, such as insufficient information for foreign workers regarding their rights, administrative barriers in recognizing insurance periods completed abroad, and a limited number of bilateral social security agreements.

Within the European Union, the principle of equal treatment ensures that foreign nationals have the same social rights and obligations as domestic citizens, provided they are legally employed. A key advantage of the EU system is the portability of social security rights between member states. EU regulations facilitate the aggregation of years of service across different countries, the payment of proportional pensions from each state, and streamlined administrative procedures.

Unlike the EU, Montenegro relies heavily on bilateral agreements, which significantly limits labor mobility and the social security of foreign workers. While EU member states possess highly digitalized social security systems with centralized databases and rapid information exchange, Montenegro is still in the process of modernizing its infrastructure. Compared to the EU, procedures for third-country nationals in Montenegro are formally simpler but offer less long-term social security. Although Montenegro is normatively partially aligned with EU standards in pension and disability insurance, significant challenges remain in practical implementation and international coordination. There is an urgent need to expand the network of bilateral and multilateral social security agreements, improve information dissemination for foreign workers and students, accelerate the digitalization of the PIO system, and further harmonize regulations with the EU acquis. Consequently, the Chamber of Economy recommends that the Government of Montenegro:

- Adopt a new permit model featuring digital procedures and mandatory processing deadlines;
- Introduce 'permanent seasonal permits' valid for 1–3 years; Reduce the administrative burden on employers;
- Harmonize all procedures with EU directives;
- Launch a unified portal for permits, integrating the Ministry of Interior, the Tax Administration, and the Employment Agency;
- Assess sectoral demand to adjust quotas effectively;
- Strengthen inspection oversight to ensure that liberalization does not lead to an increase in the informal economy.

VI. III. ACCESS TO EDUCATION

Education is the foundation of social, economic, and cultural development, and its role is particularly vital in the context of increased migration and the growing number of children of foreign origin within the Montenegrin education system. Preschools and schools often represent the first institutional contact for foreign children with the host society, playing a

crucial role in their integration through language acquisition, the development of social and cultural competencies, and the prevention of social exclusion.

Beneficiaries of international protection have the right to access public education under the same conditions as Montenegrin citizens, in accordance with applicable legislation. This right encompasses compulsory and free primary education, accessible secondary education, and the opportunity to enroll in higher education institutions, supported by competent state bodies and international organizations.

In practice, however, students of foreign origin face numerous challenges, including administrative and documentation hurdles, language barriers, economic difficulties, and psychosocial issues. The influx of children from war-affected areas, such as Ukraine, has placed a significant strain on educational capacities, particularly in coastal municipalities. This rapid increase in the student population is overstressing resources and infrastructure, leading to overcrowded classrooms and limited learning opportunities for all students.

According to the Ministry of Education, Science, and Innovation, there are 8,499 foreign nationals currently enrolled in the Montenegrin education system. The majority are in primary schools (5,798 students), followed by secondary schools (1,543 students), and preschool institutions (1,158 children)³⁶. These students learn Montenegrin as a second language while studying alongside peers from dozens of countries. These trends underscore the urgent need for strengthened public policies, additional resources, and enhanced support for educational institutions to ensure the system effectively contributes to integration, social cohesion, and sustainable development.

MONSTAT data for the 2024/2025 school year shows that out of 25,932 children enrolled in preschools, 1,269 are of foreign origin (4.9%). These children primarily originate from Serbia, the Russian Federation, Turkey, Ukraine, and Bosnia and Herzegovina, with the highest concentrations in urban and coastal municipalities such as Podgorica, Budva, Herceg Novi, Bar, and Tivat. Stateless children represent a small share (1.1%) but remain in a particularly vulnerable position due to the risk of being denied fundamental rights³⁷.

Although the proportion of foreign children in kindergartens is relatively low, the system faces significant challenges, including overcrowded groups, a lack of space and personnel, and limited opportunities for individualized work³⁸. Additional obstacles include insufficient intercultural training for educators, language barriers in communication with parents, and a lack of adapted informational materials. Furthermore, statelessness remains a critical issue; approximately 430 individuals without established citizenship live in Montenegro³⁹, more than half of whom are children at risk, which complicates their access to essential rights, including education and healthcare.

Improving the inclusion of children of foreign nationals is key to quality and inclusive preschool education in Montenegro. This requires adapting spaces and activities, strengthening the learning of the Montenegrin language, encouraging intercultural interaction, promoting cultural diversity, monitoring children's adaptation, actively involving parents, and providing robust psychological and social support.

According to MONSTAT data, a total of 69,808 students were enrolled in primary and secondary schools in the 2024/2025 school year. Long-term trends indicate a decline in student numbers in northern municipalities, while Podgorica, Budva, and Tivat are recording growth, reflecting internal migration and demographic changes. This data shows that foreign students are concentrated in urban and coastal schools, which increases the cultural diversity and demands adapted pedagogical and linguistic strategies⁴⁰.

36 <https://www.vijesti.me/vijesti/drustvo/781340/sest-kontinenata-u-jednoj-ucionici>

37 Data from the Ministry of Education, Science and Innovation.

38 Ombudsman's Report;

39 According to UNHCR and MONSTAT data

40 CCE report for the purposes of the National Report;

The legal framework ensures equal access to education for foreign citizens, applicants for international protection, persons with granted protection, and stateless persons. The enrollment procedure does not differ from that for Montenegrin students⁴¹. Schools provide support in learning Montenegrin as a second language through additional classes, utilizing guidelines from the Montenegrin Institute for Education for the inclusion and assessment of students from other language areas, as well as offering additional curricular and extracurricular activities that encourage integration.

There are 4,894 students of foreign origin in primary schools, primarily from the Russian Federation, Serbia, Ukraine, and Turkey. These students are heavily concentrated in urban and coastal municipalities—Podgorica, Budva, Bar, Herceg Novi, and Tivat—which host nearly all foreign students. The share of stateless students remains low at 0.6%. A similar pattern is observed in secondary education, where foreign students also gravitate toward urban areas, comprising approximately 10–15% of the total secondary school population in these municipalities. The predominance of students from Eastern Europe and the Western Balkans directly reflects current migration trends.

The primary challenges in primary and secondary education include insufficient proficiency in the language of instruction among some students, a shortage of specialized staff in subjects such as mathematics and physics, and limited access to psychological and pedagogical services in smaller communities. Additionally, there is uneven practice regarding mandatory language class attendance. Despite existing support, there is a clear need to strengthen systemic monitoring, inclusive policies, and additional linguistic and psychosocial support.

Higher education enrollment for foreign students is governed by the Law on Higher Education, University of Montenegro regulations, and the Law on the Recognition of Foreign Educational Credentials. Foreign citizens are entitled to enroll under the same conditions as Montenegrin students, provided they submit the required documentation; conditional enrollment is permitted while the qualification recognition process is ongoing⁴². The University of Montenegro has recorded a moderate but steady growth in international students⁴³, predominantly from the region and Russia. While the Ministry does not maintain a centralized database, individual faculties track foreign students using the same protocols as for domestic students, including the monitoring of academic success and graduation rates.

Support for international students is primarily limited to basic administrative and advisory services provided by existing faculty offices. There are currently no specialized programs, mentoring systems, or study programs offered in foreign languages, with insufficient proficiency in the language of instruction remaining the greatest challenge. Further internationalization of higher education will require strengthening the University's systemic support, introducing additional services and programs for foreign students, and improving cooperation with state institutions and international partners.

Student accommodation in Montenegro is organized through dormitories, private housing, and rental apartments, depending on the student's age, location of study, and financial resources. Dormitories represent the most affordable option and are accessible through a public call⁴⁴ announced by the Ministry of Education, Science, and Innovation, based on criteria of academic success and social status. Registration is primarily conducted electronically, with exceptions made for students who completed their prior education outside of Montenegro.

41 <https://www.standard.co.me/drustvo/u-skolama-7-343-stranah-ucenika-najvise-rusa-i-ukrajinaca>;

42 *The Faculty of Law of Montenegro as one of the largest UCG units;*

43 *According to the Faculty of Law -...“five years ago there were four, two years later only one female student, while in the academic years 2023 and 2024 a total of seven foreign students were enrolled. In the current academic year, two more students were enrolled. The largest number of foreign students comes from Russia, while a smaller number comes from Serbia and Bosnia and Herzegovina. Over the past five years, there have been no significant changes in the structure of the countries from which students come...”*

44 *In addition to the Ministry's website, the competition is published on the dormitory's website www.studentskidom.com. The website has a link with content in English. The institution also has an Instagram page;*

The Public Institution Student Dormitory in Podgorica, with a capacity of 1,081 places, provides accommodation, meals, and educational support⁴⁵. In the previous academic year, 11 foreign students utilized these facilities, while six (6) foreign students were admitted for the 2025/2026 academic year. Additionally, the 'Plavi dvor' dormitory, operating under a public-private partnership model, offers 400 places and is partially designated for participants in international exchange programs. Last year, five (5) students and lecturers from Slovakia, North Macedonia, Poland, Bosnia and Herzegovina, and Croatia stayed there under the CEEPUS program. While foreign students are integrating through individual support plans and dorm life without major communication issues, all rulebooks and notices are currently available only in Montenegrin, highlighting the urgent need for translated materials.

Private accommodation is a common alternative due to the limited capacity of public dormitories, but it entails significantly higher costs, especially in Podgorica and coastal municipalities. For international students, an additional challenge is the process of obtaining a temporary residence permit, which involves extensive documentation and complex procedures. Currently, educational institutions lack dedicated services to provide systemic support for this process.

To improve the integration and quality of stay for foreign students in Montenegro, it is essential to introduce language courses and preparatory classes, establish specialized mentoring and advisory services, and provide multilingual versions of dormitory policies and information materials.

VI. IV. ACCESS TO HEALTH CARE

In accordance with Article 12 of the Law on Health Care⁴⁶, foreign nationals are entitled to health care in Montenegro as provided by this Law and applicable international agreements. Health institutions and medical professionals are obligated to provide emergency medical care to foreigners. The costs of emergency medical care or other provided health services are borne by the foreigner according to the health institution's price list, unless otherwise stipulated by an international agreement.

The criteria for acquiring insured status, as well as the rights under compulsory health insurance, are prescribed by the Law on Compulsory Health Insurance⁴⁷. According to this Law, insured persons include Montenegrin citizens with permanent residence and foreigners with approved permanent or temporary residence in Montenegro⁴⁸. Insured status is established on a single basis and is evidenced by a health card issued by the Fund or a national ID card, based on data maintained by the competent authority⁴⁹. Furthermore, Article 6, paragraph 4 of this Law stipulates that an individual cannot be an insured person if they already hold insured status in another country, unless an international social insurance agreement provides otherwise. This clause is essential to avoid cases of dual coverage, thereby preserving the integrity of the health insurance system and ensuring the equitable distribution of resources.

In addition to those with temporary or permanent residence, the status of an insured person under the Health Insurance Fund is also extended to asylum seekers and foreigners under subsidiary protection, as approved in accordance with international and temporary protection laws. Article 79 of the Law on International and Temporary Protection of Foreigners⁵⁰ stipulates that asylum seekers and individuals under subsidiary protection acquire insured status under

45 *PI Dormitory for Pupils and Students*

46 ("Official Gazette of Montenegro", no. 3/16, 39/16, 2/17, 044/18, 06.07.2018, 24/19, 24/19, 82/20, 8/21, 3/23, 48/24, 77/24, 84/24)

47 ("Official Gazette of Montenegro", No. 145/21 dated 31.12.2021, 048/24 dated 24.05.2024)

48 Article 6, paragraph 1 of the Law on Mandatory Health Insurance

49 Article 48, paragraph 2 of the Law on Compulsory Health Insurance and Article 2, paragraph 1 of the Decision on the Health Booklet ("Official Gazette of Montenegro", No. 019/19 of 29.03.2019, 111/20 of 18.11.2020)

50 Official Gazette of Montenegro", No. 002/17 from 10.01.2017, 003/19 from 15.01.2019, 077/24 from 05.08.2024

the same regulations governing health care and insurance as Montenegrin citizens. As a particularly vulnerable category, asylum seekers are entitled to healthcare funded through the state budget of Montenegro⁵¹. The Health Insurance Fund is obligated to establish their insured status based on their application and identification documents, ensuring access to necessary medical assistance and services⁵². Beneficiaries of temporary protection (e.g., in cases of mass influx) exercise their right to health services in accordance with specific regulations applicable to this category.

The Health Insurance Fund of Montenegro maintains records and data storage through a unified information system to facilitate the exercise of rights under mandatory health insurance. This system records the citizenship of the insured, as well as the number and type of health services provided. Regarding insurance information for foreigners, these data are integrated with the Tax Administration's system, ensuring a streamlined flow of information.

For individuals from countries with which Montenegro has no social security agreements, health institutions charge directly for services according to their current price list. This is particularly relevant for the significant number of Russian citizens residing in Montenegro. For a Russian national employed by a Montenegrin company to obtain insured status, they must submit proof of deregistration from the health insurance system in Russia (a certified certificate from the competent Russian institution). If such documentation cannot be provided, healthcare cannot be funded through the Health Insurance Fund of Montenegro; instead, the foreign citizen must bear the full cost of medical services.

Healthcare and support are the most utilized services for nearly all categories of foreign nationals, especially transit migrants, undocumented persons, and vulnerable groups. These services, provided daily by the Red Cross of Montenegro (RCMG) and the Directorate for Reception, include first aid, access to primary health centers, hospital care, and translation assistance. In practice, beneficiaries rely heavily on the RCMG, particularly for urgent access to medical appointments. Certain primary health centers (specifically PHC Pobrežje, PHC Konik, and PHC Danilovgrad) are more frequently utilized and have therefore become more familiar with—and demonstrate greater sensitivity toward—the procedures for treating foreigners. Furthermore, effective cooperation between the Reception Center in Spuž and psychiatric services has improved mental health support for beneficiaries. While the Protector of Human Rights and Freedoms notes that access to healthcare is formally provided, significant practical challenges remain, particularly regarding the financial accessibility of these services.

In practice, despite legal regulations, asylum seekers face significant barriers in accessing healthcare services. This is primarily due to their automatic deregistration from the health insurance system whenever data is updated in the Health Insurance Fund's information system⁵³. According to the Fund, this automatic deregistration occurs because the legal status of foreigners under international protection remains unresolved within the Central Population Register, which is maintained by the Ministry of Internal Affairs. As long as this persists, affected individuals must submit a new request to the Health Insurance Fund after every update by the Ministry, exposing them to a disproportionate administrative burden. A critical issue arises when an individual transitions from an approved temporary residence to international legal protection status. In such cases, difficulties stem from the fact that the IT systems of the Ministry of Internal Affairs and the Health Insurance Fund are not interoperable, nor are they fully integrated into the Central Population Register.

Furthermore, limited or difficult access to health services often results from a lack of information among healthcare workers regarding the specific rights of various categories of foreigners. This leads to inconsistent and often incorrect interpretations of the healthcare system's obligations. Consequently, foreigners are frequently incorrectly referred, refused for administrative reasons, improperly registered in health databases, or redirected between institutions. These limitations arise from systemic weaknesses rather than legal obstacles, as the normative framework formally guarantees healthcare to foreigners.

⁵¹ Law on Health Care ("Official Gazette of Montenegro", No. 091/25 dated 06.08.2025)

⁵² Article 6, paragraphs 2 and 3, Law on Compulsory Health Insurance ("Official Gazette of Montenegro", No. 145/21 of 31.12.2021, 048/24 of 24.05.2024)

⁵³ Opinion No. 01-254/25 Podgorica, November 17, 2025

Migrants without regular residence in Montenegro lack access to mandatory health insurance and are entitled only to emergency medical care. The Directorate confirms that healthcare access for this category remains limited, particularly during administrative transitions (e.g., document expiration or shifting from one residence basis to another). This has been identified as a primary risk requiring improved inter-agency procedures and coordination.

Common concerns among foreign patients relate to basic medical care, chronic disease management, psychological support, and pediatric healthcare. Many foreigners are uncertain about their eligibility for insurance, the registration process, and how a change in status might impact their rights. Frequent inquiries involve navigating the referral system, required documentation, and potential language barriers, including the availability of interpretation services. These uncertainties stem from language obstacles, a lack of systemic knowledge, and frequent status changes that create legal ambiguity.

In practice, various measures assist individuals within the international protection system in overcoming linguistic, cultural, and legal hurdles, although these are not yet fully institutionalized. Key measures include hiring interpreters, often through cooperation with international and non-governmental organizations; support from civil society and UNHCR, which mediates between foreigners and health institutions; and direct communication between agencies to verify insurance status. Additionally, individualized assistance is provided to vulnerable groups, such as children, pregnant women, and the elderly, through cooperation between health institutions and social work centers. However, as these measures are not part of a unified, formalized system, the quality of support remains operational and varies depending on location, language, and the availability of partners.

Healthcare facilities operate within the framework of standard services and procedures applicable to all patients. While there is no formalized 'service for foreigners' within the general healthcare system, a combination of institutional and non-institutional support allows for addressing most practical challenges, though the level of assistance may vary by case.

Within the reception system for foreigners under international protection, there are specialized, daily services organized specifically for their needs: the Reception Center's outpatient clinic, a network of health institutions collaborating with the Directorate, interpreters, and psychosocial services. These structures enable foreign nationals to receive healthcare without significant barriers. The outpatient clinic at the Reception Center is a key specialized service available exclusively to its residents, with a doctor and medical staff present daily to provide basic examinations, therapy, and consultations. In emergencies, staff immediately refer users to the appropriate healthcare institution. This clinic serves as the primary point of contact for healthcare.

However, the current situation highlights several challenges that foreigners—particularly those under international protection—face when accessing health services in Montenegro. Although they are formally entitled to healthcare, practical administrative obstacles, a lack of information, and poor inter-institutional coordination persist. Problems are often resolved ad hoc, without clearly defined procedures, which complicates consistent access to medical care.

VII. ROLE AND CAPACITIES OF CIVIL SOCIETY ORGANIZATIONS

Civil society organizations (CSOs) in Montenegro play a vital role in protecting the rights of vulnerable foreign nationals. Having the best insights into the situation on the ground, CSOs produce reports, advocate for policy improvements, and inform foreigners of their rights through direct engagement and targeted campaigns.

They are particularly essential as the first point of contact for individuals facing language and cultural barriers, acting as intermediaries between foreigners and state institutions. Without their intervention, many foreign nationals would remain invisible to the system and unable to

exercise their fundamental social, health, educational, and labor rights⁵⁴. Enhanced networking among CSOs is crucial for both direct support and more effective advocacy. These organizations provide legal representation, psychosocial support, and humanitarian aid. Specialized services for women and children—such as SOS hotlines, shelters, and accompanied support—are of paramount importance.

While coordination between CSOs and state institutions exists, it is not yet fully effective. Regular meetings do not always yield concrete institutional responses, leaving cooperation mostly at the operational level while systemic issues remain unaddressed. Nevertheless, CSO participation in consultative processes is indispensable, as state authorities rely heavily on their expertise. A notable example is the active role of the NGO 'Legal Center' in the Interdepartmental Working Group responsible for the Strategy on Migration and Reintegration of Returnees (2021–2025).

In practice, joint initiatives have bolstered institutional capacities, especially in migrant protection and integration. However, CSOs face challenges due to short-term project funding, which hinders the development of long-term sustainable services. A positive example of best practice is the SOS Hotline Nikšić, which has adapted its specialized services for foreign women. Support is available in English, Russian, Ukrainian, and Albanian, and the team includes women from the beneficiary communities, fostering greater trust and efficiency.

VIII. THE ROLE AND CAPACITY OF HUMAN RIGHTS PROTECTION BODIES

The protection of the human rights of foreign nationals is a vital segment of the broader human rights framework, as foreigners and migrants represent a particularly vulnerable category due to their legal status, language barriers, and limited access to institutions. In Montenegro, the Protector of Human Rights and Freedoms (Ombudsman)⁵⁵ plays a key role by exercising independent oversight of state authorities, processing complaints from foreigners, and providing recommendations for improving institutional practices. The institution also operates the National Preventive Mechanism (NPM)⁵⁶, which conducts visits to places where individuals are deprived of their liberty or subject to restricted movement⁵⁷.

The Ministry of Internal Affairs, specifically the Directorate for Foreigners and the Asylum Sector, is responsible for decisions regarding residency, international protection, and the deportation of foreign nationals. Meanwhile, the Border Police serves as the first point of contact and is legally mandated to respect the principle of non-refoulement. Courts provide judicial oversight of the Ministry's decisions. Furthermore, significant support is provided by the Red Cross, non-governmental organizations, and international bodies such as UNHCR and IOM, through legal aid, monitoring, and advisory services.

Foreigners can contact the Ombudsman via email, telephone, in person, or through social media. Complaints may also be filed by family members, NGOs, or lawyers, provided the applicant gives consent. If submitted in a foreign language, complaints are translated as necessary. The procedure is confidential and free of charge. Although there is no dedicated organizational unit for foreigners, the Ombudsman is recognized as an accessible and reliable institution for protecting their rights. The institution maintains both electronic and physical databases, classifying complaints by area. A new advanced database is currently being implemented to allow for more detailed classification, including complainants of foreign origin, categorized by responsible authority, gender, municipality, and the nature of the violation.

The Ombudsman Institution operates a hotline and provides advisors available to the public daily, alongside informational materials such as flyers and leaflets, many of which are translated

⁵⁴ Report SOS phone for women and children victims of violence Podgorica;

⁵⁵ Law on the Protector of Human Rights and Freedoms of Montenegro ("Official Gazette of Montenegro", No. 42/2011 and 32/2014, 021/17)

⁵⁶ Article 25 of the Law on the Protector of Human Rights and Freedoms of Montenegro ("Official Gazette of Montenegro", No. 42/2011 and 32/2014, 021/17),

⁵⁷ https://sh.wikipedia.org/wiki/Opcioni_protokol_uz_Konvenciju_UN_protiv_torture.

into foreign languages. Ombudsman Open Days are held at least twice a year, during which representatives visit various regions of Montenegro to inform the public about the institution's mandate and procedures for exercising their rights. Best practices include the use of confidential complaint boxes, daily institutional visits, and a proactive, preventive approach to resolving irregularities⁵⁸.

Staff at the Ombudsman Institution are trained to engage with diverse populations and cultural backgrounds; however, there is a constant need for specialized training due to staff turnover and the requirement for enhanced cultural sensitivity. Cooperation with the civil sector and international bodies is strong; the Ombudsman has signed several Memorandums of Understanding (e.g., with UNHCR) and regularly conducts visits to closed institutions, including NGOs in working meetings. To further protect the rights of foreign nationals, the Ombudsman monitors legislation, provides legal initiatives, and pressures state bodies to align their activities with human rights standards.

Foreigners have significant freedom to approach the Ombudsman. Complaints primarily involve citizenship issues⁵⁹, economic hardships, healthcare access, discrimination, and violations of the rights of persons deprived of their liberty (Articles 3 and 5 of the ECHR)⁶⁰. While foreigners have both formal and informal channels to submit complaints to the Ministry of Internal Affairs (MIA), a formalized mechanism for recording and analyzing these complaints is not yet fully developed. This remains a key area for improvement. The most frequent challenges include a lack of information regarding procedures, the lengthy duration of administrative processes, language barriers, limited access to interpreters, and the need for better coordination with health and social services.

The Directorate for Reception maintains records of complaints through complaint mechanisms and direct communication. These procedures are governed by the Regulation on Residence and House Rules, which defines officer competencies, response deadlines, and resolution mechanisms. Complaints remain rare—averaging 5% of beneficiaries between 2023 and 2025—and primarily relate to accommodation issues or challenges arising from sharing rooms with individuals from different cultural backgrounds. All applications are typically resolved within 48 hours through the mediation of UNHCR, the Red Cross, and various NGOs⁶¹.

The availability of staff and information in multiple languages significantly reduces the need for formal complaints. However, a small number of beneficiaries remain unfamiliar with the procedures or lack the necessary language proficiency to file formal grievances, while others avoid formal processes due to fear of potential impacts on their legal status. Foreigners granted international protection receive informational brochures containing contacts for relevant institutions, including the Department for Integration, the Ombudsman, UNHCR, and partner NGOs.

While a large number of foreign nationals know whom to contact (such as Department officials or UNHCR), only 30–40% are fully familiar with formal complaint procedures. In practice, issues are often resolved directly through Department officials before a formal complaint is ever filed. To improve this, the introduction of a standardized multilingual form and information workshops is planned. The Red Cross also records complaints from its beneficiaries, mainly concerning access to healthcare, social welfare, and education. Their staff undergoes training on cultural barriers and the rights of foreigners, with a designated contact person for monitoring grievances. Key challenges include discrepancies between practice and the legal framework, as well as the absence of specific regulations governing medical care for foreigners, which leads to administrative hurdles⁶².

58 From the report of the Protector of Human Rights and Freedoms of Montenegro;

59 https://www.ombudsman.co.me/docs/1764660511_211125_preporuka_xx.pdf,

60 https://www.ombudsman.co.me/docs/1675670840_preporuka_26122922_up.pdf,

61 From the Report of the Directorate for the Reception of Foreigners;

62 From the Red Cross report;

The most frequent complaints from foreigners, as noted by NGOs⁶³ (though often not formally recorded), relate to discrimination and stigmatization, particularly regarding sexual orientation and gender identity (SOGI). While Montenegro has adopted the Law on Same-Sex Life Partnerships⁶⁴, further harmonization of regulations and more consistent practical implementation are required, especially for binational couples.

A significant challenge is the limited involvement of the NGO sector in formal complaint processes. Although NGOs are active in data collection and statistical analysis, they rarely provide direct legal representation or individualized support throughout the proceedings. This creates a gap between identified grievances and the actual capacity to resolve them. Consequently, many foreigners who have valid grounds for a complaint often refrain from filing one due to insufficient support and the system's complexity.

Formal record-keeping regarding complaints from foreign nationals remains fragmented or non-existent. Most authorities lack a designated contact person responsible for grievances, and few foreigners utilize formal mechanisms due to linguistic, administrative, and informational barriers. Nevertheless, a majority (60–70%) are aware of their rights thanks to registration and information sessions conducted upon entering the protection system. Strong cooperation between human rights bodies, NGOs, and international organizations continues to facilitate integration and helps mitigate the number of formal complaints.

IX. POSITIVE PRACTICES AND INNOVATIONS

Under the recent amendments to the Law on Foreigners, institutions—including the Ministry of the Interior, the Police Directorate, and the Tax Administration—are mandated to increase oversight of the legal status and living conditions of foreign nationals. This requires intensified data exchange and stronger inter-institutional cooperation. Best practices identified include a deep understanding of the legal framework, rapid access to information, and the provision of translation and interpretation services, alongside comprehensive partner lists for legal aid, housing, healthcare, and social services. It is essential to establish mechanisms for anonymous reporting of discrimination and emergency protection procedures, while institutionally strengthening free legal aid and representation. A systemic approach is currently enhancing institutional capacities in areas such as Integrated Border Management (IBM) and surveillance in accordance with EU standards and EURODAC. Furthermore, regional coordination within the Western Balkans continues to improve cooperation between agencies and ministries.

Free legal aid, primarily through NGO-led projects, has proven to be an essential and non-discriminatory mechanism for protecting the rights of foreigners. These positive outcomes stem from institutional diligence, multisectoral cooperation, and active CSO engagement, all of which contribute to better service delivery and integration. Support for vulnerable groups—including children and victims of violence—is implemented through specialized organizations in accordance with international standards, which also cover assisted voluntary return and reintegration.

In Montenegro, numerous best practices have been identified in the treatment of applicants for international protection. Institutions improve the protection of these rights through daily interventions and coordination, such as the rapid resolution of grievances related to health and social rights, school enrollment, and support for family reunification through Standard Operating Procedures (SOPs). Additional positive impacts include information workshops in reception centers, the presence of IOM mobile teams for better identification of needs, and the direct referral of migrants to competent services, including free legal aid and reintegration support for those wishing to return to their countries of origin.

⁶³ From the NGO CA Report;

⁶⁴ <https://pravnicentar.co.me/wp-content/uploads/2024/10/Montenegro-Pravna-analiza.pdf>;

UNHCR states that preparatory steps are currently being taken, which precede the development of SOPs (standard operating procedures) for determining the age of minors (MUP together with the European Asylum Agency - EUAA). Employees of the Public Institution "Ljubović" believe that prevention is key, and emphasize that the day care service is an extremely important preventive measure in the child protection system. The process of registering unemployed foreigners and obtaining work permits is not complex. Also, the existing systems for informing foreigners about their rights are well developed. Foreigners are well informed about their rights, which is achieved already during the first initial interview.

Incentive measures aimed at foreigners are implemented through the Ombudsman's activities on a daily basis, primarily through immediate and direct communication with people. A constant increase in the number of complaints has been recorded, which indicates that citizens are becoming more aware of the role and competences of the Ombudsman, as well as actively using their right to report irregularities and seek protection of human rights.

The Employment Service, as one of the partners in the implementation of the Strategy on Migration and Reintegration of Returnees in Montenegro, actively participates in its implementation and the achievement of all strategic goals and activities outlined in the Strategy and action plans. Of the total number of foreigners who have been granted asylum, 65 of them have been introduced to the programs of the Employment Service of Montenegro (ZZZCG), have applied for non-refundable grants and have become entitled to them.

Reforms in the healthcare system in Montenegro are accompanied by the development of an integral healthcare information system through the improvement of the digital information system through informing foreigners about changes, deadlines and available services via email or SMS in the language of the user.

It is planned to establish an Analytical Service, which will have the task of continuously monitoring and analyzing the needs of the residents of the municipality of Podgorica, in order to develop new and improve existing services based on these analyses. A new Service Development Center will also be included under the jurisdiction of the Capital City, which can provide a larger number of support services to the residents of the municipality of Podgorica. The Secretariat for Social Welfare will, in accordance with its powers, perform a supervisory function over the work of this institution.

An inter-institutional approach and participation in state strategies enable more inclusive and coordinated work with migrants, while respecting human rights and protecting vulnerable categories. The Employment Service, local governments and NGOs provide additional support in the exercise of rights and integration of foreigners. Institutions have a real opportunity to influence the improvement of the protection of the rights of foreigners through everyday work, inter-sectoral cooperation and direct intervention in individual cases. In practice, it has been shown that timely reaction of officials often leads to concrete improvements. The Status Agreement between Montenegro and the EU on the activities carried out by Frontex in Montenegro is harmonized with the new EU regulations and provides for the possibility for Frontex to engage its officers with executive powers in any part of the territory of Montenegro, and not only on the border with the EU, as has been the case so far. The Border Police Sector has also initiated the implementation of the new Agreement on Police Border Cooperation between the Ministry of Internal Affairs of Montenegro and Frontex, through an expanded joint operation - Joint Operation Montenegro Land.

UNHCR reports that preparatory steps are currently underway, preceding the development of Standard Operating Procedures (SOPs) for the age assessment of minors, conducted by the Ministry of Interior in collaboration with the European Union Agency for Asylum (EUAA). Staff at the 'Ljubović' Public Institution emphasize that prevention is paramount, highlighting the day care service as a vital preventive measure within the child protection system. Furthermore, the registration process for unemployed foreigners and the issuance of work permits remain

streamlined, while systems for informing foreigners of their rights are well-established, often beginning with the initial interview.

Incentive measures directed toward foreign nationals are implemented daily through the Ombudsman's activities, primarily through direct communication. A steady increase in complaints suggests growing public awareness of the Ombudsman's mandate and an active use of the right to report irregularities. As a partner in the Strategy on Migration and Reintegration of Returnees, the Employment Agency (ZZZCG) actively contributes to strategic goals. Notably, 65 individuals granted asylum have participated in Agency programs, successfully applying for and receiving non-refundable grants.

Healthcare reforms in Montenegro include the development of an Integrated Healthcare Information System, enhancing digital communication by informing foreigners of changes, deadlines, and services via email or SMS in their native languages. Additionally, the Capital City plans to establish an Analytical Service to monitor and analyze the needs of Podgorica's residents, alongside a new Service Development Center under its jurisdiction. The Secretariat for Social Welfare will perform a supervisory role over these institutions.

An inter-institutional approach and participation in state strategies facilitate coordinated work with migrants while protecting vulnerable groups. Practical experience shows that timely interventions by officials often lead to concrete improvements. Finally, the Status Agreement between Montenegro and the EU regarding Frontex activities is now aligned with new EU regulations. This allows Frontex to deploy officers with executive powers across the entire territory of Montenegro, rather than solely at the EU border. The Border Police Sector has also initiated the expanded Joint Operation Montenegro Land⁶⁵ in cooperation with Frontex.

X. RECOMMENDATIONS

Availability and Structure of Data on Foreign Nationals

- Harmonize classifications (citizenship, country of birth, previous/next residence) with the Eurostat codebooks and conduct monthly data collection on international protection in accordance with Article 4 of Regulation (EC) No 862/2007. Given the importance of accurate and comprehensive population data, incorporating foreigners under international protection into a unified database such as the Central Population Register would contribute to improving statistics, enhancing public policy planning, and facilitating access to guaranteed rights and services, thereby supporting the full integration of these individuals into Montenegrin society.

Access to Social Protection

- Establish mechanisms for the continuous monitoring and evaluation of the impact of the growing foreign population on social services. This is essential for adapting the existing system and ensuring a timely response to shifting needs. Furthermore, mechanisms for the regular exchange of aggregated data between different institutions—particularly the Centers for Social Work across the country—must be established to provide a comprehensive insight into needs and prevent overlaps or gaps in support.
- Improve the availability of information on the social rights of foreign nationals through an integrated approach involving multilingual campaigns, printed brochures, and AI digital assistants. This guarantees that every individual receives timely, understandable, and easily accessible information about the social protection system in a language they comprehend.

65 <https://pravnicentar.co.me/wp-content/uploads/2024/10/Montenegro-Pravna-analiza.pdf>

Access to work and employment

- Create dedicated programs for the economic empowerment and inclusion of migrant women, which would enable their employment in highly qualified positions, not only in the service sector, through subsidies for retraining and recognition of foreign qualifications.
- Key bottlenecks have been identified in the segment of timely information to users about the up-to-dateness of digital records and limited human resources capacities. Therefore, the priority is not to change regulations, but to systematically strengthen institutional capacities through infrastructure improvements and digitalization of work processes. In this direction, it is necessary to integrate databases to ensure information is updated and eliminate administrative delays in processing requests, systematize new jobs or form specialized teams that will focus exclusively on working with foreigners and cross-border coordination, and improve the intercultural competencies of the administration by conducting training for employees in order to use new digital tools and modern software solutions more efficiently, in order to maximize the performance of existing staff.

Access to healthcare

- Establish interconnection and integration between the information systems of the Ministry of Internal Affairs and the Health Insurance Fund and other institutions in order to practically guarantee access to healthcare for foreigners under international protection.
- Improve legislation regarding the alignment of the content of identification documents of foreigners with the identity cards of domestic citizens so that they can be integrated into the Health Insurance Fund system.

Role and capacity of civil society organizations

- Establish efficient institutional coordination between state bodies, local governments and CSOs, with clear responsibilities and deadlines for action. Formalize cooperation with CSOs and recognize them as strategic partners in the protection and integration of foreigners, especially vulnerable groups, and ensure sustainable and multi-year financing of key assistance services (legal, psychosocial and humanitarian support).

Role and capacity of human rights protection bodies

- Foreigners in Montenegro should have a clear and standardized way of submitting complaints, with timely information, access to interpreters and guides in their languages. Priority should be given to vulnerable groups, with the coordination of institutions and NGOs, central registration of complaints and regular training of officials. All actions must respect human dignity and prevent discrimination, including on the basis of sexual orientation.

Access to Work and Employment

- Create dedicated programs for the economic empowerment and inclusion of migrant women. These should facilitate their employment in highly skilled positions—moving beyond the service sector—through subsidies for vocational retraining and the recognition of foreign qualifications.
- Key bottlenecks have been identified regarding the dissemination of timely information and limited human resource capacity. Therefore, the priority is not to alter regulations but to systematically strengthen institutional capacities through infrastructure improvements and the digitalization of work processes. Essential steps include: integrating databases to ensure real-time data accuracy; eliminating administrative delays; forming specialized teams focused on cross-border coordination; and enhancing the intercultural competencies of administrative staff to ensure the efficient use of new digital tools.

Access to Healthcare

- Establish full interoperability and integration between the information systems of the Ministry of Internal Affairs, the Health Insurance Fund, and other relevant bodies to practically guarantee healthcare access for beneficiaries of international protection. Furthermore, align the technical content of foreigners' identification documents with national ID cards to ensure their seamless integration into the Health Insurance Fund's electronic system.

Role and Capacity of Civil Society Organizations (CSOs)

- Establish efficient institutional coordination between state authorities, local governments, and CSOs, with clearly defined responsibilities and response deadlines. Formalize cooperation by recognizing CSOs as strategic partners in the protection and integration of foreigners, particularly vulnerable groups. Ensure the sustainability of key assistance services (legal, psychosocial, and humanitarian) through multi-year funding mechanisms.

Role and Capacity of Human Rights Protection Bodies

- Foreign nationals in Montenegro must have access to clear, standardized, and multilingual complaint procedures, including timely information and interpretation services. Priority should be given to vulnerable groups through enhanced coordination between institutions and NGOs, centralized registration of grievances, and regular staff training. All actions must uphold human dignity and proactively prevent discrimination, including on the basis of sexual orientation and gender identity (SOGI).

