



**Republic of Montenegro
Government of the Republic of Montenegro**

Law on Montenegrin Citizenship
(Unofficial translation)

Podgorica, March 2008

Published in Official Gazette no. 13/2008

On the basis of Article 95, point 3, of the Constitution of Montenegro, I hereby adopt an

ORDER
ON THE PROMULGATION OF THE LAW ON CITIZENSHIP

I hereby promulgate the Law on citizenship, which was enacted on 14 February 2008 by the Assembly of Montenegro on the second extraordinary session in 2008.

Number: 01-288/2
Podgorica, 21 February 2008

President of Montenegro
Filip Vujanovic, *propria manu*

Law on Montenegrin Citizenship

I GENERAL PROVISIONS

Article 1

This Law shall regulate the manner of and conditions for acquiring and cessation of Montenegrin citizenship, as well as the manner of keeping records of Montenegrin citizens.

Montenegrin citizenship represents a legal relationship between a physical person (hereinafter referred to as: person) and Montenegro (hereinafter referred to as: Montenegro) and it does not indicate his/her national or ethnicity origin.

Article 2

A Montenegrin citizen who has citizenship status in another state as well, shall be considered as a Montenegrin citizen in a procedure before Montenegrin bodies, unless otherwise is provided by international treaties.

Article 3

Montenegrin citizenship shall be proved by a certificate of Montenegrin citizenship, by valid travel document and by other public documents in accordance with the law.

II ACQUIRING MONTENEGRIN CITIZENSHIP

Article 4

Montenegrin citizenship shall be acquired:

- 1) by origin;
- 2) by birth on the territory of Montenegro;
- 3) by admittance;
- 4) based on international treaties and agreements.

1. Acquiring Montenegrin citizenship through origin

Article 5

Montenegrin citizenship through origin shall be acquired by a child:

- 1) whose both parents are Montenegrin citizens at the moment of the child's birth;
- 2) born on the territory of Montenegro, one of whose parents is a Montenegrin citizen at the moment of the child's birth;
- 3) born on the territory of another state, one of whose parents is a Montenegrin citizen at the moment of the child's birth, the other being unknown, of unknown citizenship or stateless;
- 4) born on the territory of another state, one of whose parents is a Montenegrin citizen at the moment of the child's birth, provided that otherwise will remain without citizenship.

Article 6

Montenegrin citizenship through origin may also be acquired:

- 1) by a child born on the territory of another state, whose one of parents is a Montenegrin citizen at the moment of the child's birth if, by the time the child turns 18 years of age, a request for entering in the Montenegrin birth record book and in the record of Montenegrin citizens is submitted, and if child is not citizen of another state;
- 2) by a person over 18 years of age whose one parent is a Montenegrin citizen, and the other one is a citizen of another state, if he or she submits a request for being entered in the register of Montenegrin citizens before he or she turns 23 years of age;
- 3) by an adopted child, in case of complete adoption, if one of the adopters is a Montenegrin citizen.

If a child as of paragraph 1, item 1 of this Article, is over 14 years of age, his or her consent shall be necessary for acquiring Montenegrin citizenship.

2. Acquiring Montenegrin citizenship through birth on the territory of Montenegro

Article 7

A child born or found on the territory of Montenegro shall acquire Montenegrin citizenship if his or her parents are unknown, if their citizenship is unknown or if they are stateless or if child will remain without citizenship.

The Montenegrin citizenship of a child referred to in paragraph 1 of this Article may cease if it should be established, before he or she turns 18 years of age, that his or her parents are citizens of another state.

The Montenegrin citizenship of a child referred to in paragraph 2 of this Article shall cease based upon the request of his or her parents on the day the decision is delivered to them; if the child is over 14 years of age, his or her consent shall be necessary.

3. Acquiring Montenegrin citizenship by admittance

Article 8

The Montenegrin citizenship may be granted to a person, in accordance with the interests of Montenegro, if he or she submits a request for acquiring Montenegrin citizenship and fulfils the following requirements:

- 1) that he or she is over 18 years of age;
- 2) that he or she was discharged from the citizenship of another state;
- 3) that he or she has lawful and uninterrupted residence in Montenegro over a period of 10 years, before submitting request for Montenegrin citizenship;
- 4) that he or she has accommodation and guaranteed source of income in Montenegro, in the amount that guarantees material and social security;
- 5) that he or she has not received a prison sentence, either in Montenegro or in another state, exceeding one year, for criminal offence which is subject of *ex officio* prosecution, or if the legal consequences of his or her conviction no longer apply;
- 6) that he or she has knowledge of Montenegrin language and can make basic communication in that language;
- 7) that there are no legal obstacles for the reasons of the public order and the security of the state;
- 8) that he or she has settled all tax and other legal obligations.

It shall be considered that the condition referred to in paragraph 1, item 2 of this Article, has been fulfilled if the request is submitted by a stateless person or a person who presents a proof that, in accordance with the law of the state whose citizenship he or she has, shall lose its citizenship by being granted Montenegrin citizenship.

If criminal law proceedings for an offence referred to in paragraph 1, item 5 of this Article, have been initiated, the authorised organ shall suspend the procedure until an enforceable decision is passed.

The Government of Montenegro (hereinafter: The Government) shall establish Competent organization for the verification of the fulfilment of conditions referred to in paragraph 1, item 6 of this Article.

Article 9

A person who has submitted a request for being granted Montenegrin citizenship, and does not have certificate on renunciation from another citizenship, may be issued a guarantee that he or she will acquire Montenegrin citizenship if the conditions referred to in Article 8, paragraph 1 of this Law are fulfilled. The guarantee is valid for period of 2 years with a condition that within this period the applicant still meets all requirements for granting Montenegrin citizenship.

The procedure shall be suspended if he or she fails to submit the evidence required in accordance with Article 8, paragraph 1, item 2 of this Law, within 2 years of having been issued a guarantee.

Article 10

Montenegrin emigrant and a member of his or her family up to the third degree of consanguinity in lineal terms, may be granted Montenegrin citizenship if he or she takes up lawful and uninterrupted residence in Montenegro for a minimum of two years, and if the conditions referred to in Article 8, paragraph 1, items 1, 4, 5, 7 and 8 of this Law are fulfilled.

Article 11

A person who has been married to a Montenegrin citizen for at least three years and who takes up lawful and uninterrupted residence in Montenegro for at least five years, may be granted Montenegrin citizenship if the conditions referred to in Article 8, paragraph 1, items 1, 4, 5, and 7 of this Law are fulfilled.

Article 12

An adult person may be granted Montenegrin citizenship if he or she does not fulfil the requirements referred to in Article 8 of this Law if it would be in the scientific, economic, cultural, sport, national or other interest to Montenegro.

The Ministry of Internal Affairs and Public Administration shall decide on granting Montenegrin citizenship for reasons referred to in paragraph 1 of this Article, with

opinion of the state administration body authorised to deal with matters referred to in paragraph 1 of this Article.

Article 13

A person who is a recognized refugee in Montenegro, by the procedure predicted with the Law on Asylum, may be granted Montenegrin citizenship if he or she fulfils requirements stipulated in Article 8, paragraph 1, items 1, 2, 3, 5, 7 and 8, of this law.

Article 14

A stateless person may be granted Montenegrin citizenship if he or she fulfils requirements stipulated in Article 8, paragraph 1, items 1, 3, 5, 7 and 8, of this law.

Article 15

A person born in Montenegro and a person who not being born in Montenegro, and before turning age of 18 have lawful and uninterrupted residence in Montenegro, may be granted Montenegrin citizenship if he or she fulfils requirements as of Article 8, paragraph 1, items 1, 2, 3, 5, 7 and 8, of this law.

Article 16

Montenegrin citizenship by admittance shall be granted to a child if:

- 1) both parents have been admitted into Montenegrin citizenship;
- 2) one of the parents has acquired Montenegrin citizenship by admittance and if the child lives lawfully and uninterrupted in Montenegro with that parent;
- 3) in case of partial adoption, a child lives lawfully and uninterrupted with an adopter who is a Montenegrin citizen.

The application referred to in paragraph 1 item 2 of this Article shall be submitted together with the consent of the other parent, unless that parent is stateless. If the other parent does not give his or her consent for the granting of Montenegrin citizenship to the child, the authorised guardianship body shall give its opinion.

If the child in question is over 14 years of age, for granting Montenegrin citizenship his or her consent shall be required, as well.

Article 17

The criteria for establishing the conditions in the cases of granting Montenegrin citizenship referred to in Article 8, paragraph 1 items 3, 4, and 7, Article 12 and Article 24, paragraph 1, item 5, 6, 7 and 8 of this Law shall be determined by the Government.

4. Acquiring Montenegrin citizenship based on international treaties

Article 18

Montenegrin citizenship may be acquired based on a ratified international treaties or agreements signed by Montenegro.

On the basis of the international treaties and agreements referred to in paragraph 1 of this Article, dual citizenship may be established, on the condition that it is reciprocal.

III CESSATION OF MONTENEGRIN CITIZENSHIP

Article 19

Montenegrin citizenship shall cease through:

- 1) his or her request,
- 2) by operation of law (*ex lege*),
- 3) based on an international treaties and agreements.

1. Cessation of Montenegrin citizenship by request

Article 20

Montenegrin citizen shall cease the Montenegrin citizenship upon his or her request by discharge.

A person's Montenegrin citizenship shall cease if he or she submits a request for discharge and if he or she fulfils the following conditions:

- 1) that he or she is over 18 years of age;
- 2) that he or she has the citizenship of another state or proof that will be granted the citizenship of another state;
- 3) that he or she factually resides outside the territory of Montenegro.

Article 21

A Montenegrin citizen who has submitted a request for a discharge from Montenegrin citizenship may be, upon his or her request, issued a guarantee of discharge if the conditions referred to in Article 20, paragraph 2 of this Law have been fulfilled.

The procedure for discharging shall be suspended if he or she fails, within two years of having been issued a guarantee of annulment, to provide proof that he or she has acquired the citizenship of another state.

Article 22

Discharge from Montenegrin citizenship shall be approved to a child, provided that it does not remain without citizenship, upon a request made by:

- 1) both parents who shall have their Montenegrin citizenship ceased through discharge;
- 2) one parent who shall cease Montenegrin citizenship through discharge, with the consent of the other parent who is Montenegrin citizen;
- 3) one parent who shall cease Montenegrin citizenship with discharge, and the other one is a citizen of another state, or with unknown citizenship, or without citizenship;
- 4) both adopters, citizens of another state, in case of complete adoption;
- 5) one parent, if the parents are divorced or separated, who shall cease Montenegrin citizenship and who has been given custody over the child, based on an enforceable court decision.

If the other parent does not give his or her consent for the discharge of the child from Montenegrin citizenship, or if his or her residence is unknown, or if he or she has lost his/her civic capacity or is deprived of his or her parental rights, the request for the discharge from Montenegrin citizenship shall be granted if, in the opinion of the authorised guardianship body, this is in the interests of the child.

If the child is over 14 years of age, for discharge from Montenegrin citizenship his consent shall be required, as well.

Article 23

If a Montenegrin citizen who has been granted a discharge from Montenegrin citizenship does not acquire the citizenship of another state within one year of having received the decision on annulment, state administration body (hereinafter: competent authority) will revoke the decision on the discharge passed upon the request of that person.

A request for the revocation of a decision on the discharge from Montenegrin citizenship may be submitted within three months of the expiry of the deadline referred to in paragraph 1 of this Article.

A decision on the discharge of Montenegrin citizenship may be revoked, upon request and the expiry of the deadline referred to in paragraph 2 of this Article, if the person remained stateless.

2. Cessation of Montenegrin citizenship by operation of law (*ex lege*)

Article 24

An adult Montenegrin citizen, who acquired a citizenship of another state, shall lose Montenegrin citizenship *ex lege*, if:

- 1) he or she has voluntarily acquired citizenship of another state, except in the situations stipulated with article 18, paragraph 2 of this Law;
- 2) it is established that decision on granting Montenegrin citizenship have been brought on the grounds of false statement or deliberate covering of the facts or circumstances crucial for making decision, except in the case that a person who obtained Montenegrin citizenship would therefore become stateless;
- 3) a person acquired Montenegrin citizenship on the grounds of guarantees given by another state, stating that he or she shall cease present citizenship if Montenegrin citizenship is obtained, and within the deadline stipulated in the decision on granting citizenship he or she fails to present a proof on cessation of citizenship of that state, except in the case that this person would therefore become stateless;
- 4) he or she is convicted for criminal offences against humanity and other values protected by international law;
- 5) he or she is convicted for planning, organizing, financing or in any other way assisting or executing terrorist actions or providing a shelter for organizers, executors or participants of terrorist actions;
- 6) he or she is a member of an organization whose activities are directed against public order and security of Montenegro;
- 7) he or she is in voluntary service in military forces of another state;
- 8) his or her behaviour seriously damages vital interests of Montenegro;

For a child Montenegrin citizen, holding another citizenship as well, will cease Montenegrin citizenship *ex lege* if it is established, while he or she is below 18, that conditions based on which he or she has been granted Montenegrin citizenship, does not exist any more.

If both parents have ceased Montenegrin citizenship under the conditions stipulated in paragraph 1, items 1, 2 and 3 of this Article, or only one parent while another is not Montenegrin citizen, their child shall have its Montenegrin citizenship ceased, as well, unless it leaves the child without citizenship.

Competent authority shall start procedure *ex officio* after cognition of facts from paragraphs 1 to 3 of this Article.

3. Cessation of Montenegrin citizenship based on international treaties and agreements

Article 25

Montenegrin citizenship may cease on the basis of international treaties or agreements signed by Montenegro.

IV RE-ACQUISITION OF MONTENEGRIN CITIZENSHIP

Article 26

A person whose Montenegrin citizenship has ceased in a way prescribed by this Law and who has acquired the citizenship of another country may re-acquire Montenegrin citizenship, if he or she submits a request for re-acquiring Montenegrin citizenship, and he or she has lawful and uninterrupted residence in Montenegro for at least a year in accordance with relevant legislation.

The request from paragraph 1 of this article shall be rejected if the conditions from article 8, paragraph 1 items 1, 2 and 7 are not fulfilled.

V PROCEDURE FOR ACQUIRING AND CESSATION OF MONTENEGRIN CITIZENSHIP

Article 27

The competent authority shall decide on requests for establishing, acquiring or cessation of Montenegrin citizenship.

Article 28

The requests referred to in Article 27 of this Law shall be submitted personally or through an authorised representative, on a prescribed form. In case of a person who has lost business capacity, such a request shall be submitted by his or her guardian.

As an exception of paragraph 1 of this Article, requests may be submitted through diplomatic-consular mission, if a person lives abroad.

The form of the request as of paragraph 1 of this Article shall be prescribed by competent authority.

Article 29

If the procedure for establishing, acquiring or the cessation of Montenegrin citizenship initiated by a person cannot proceed or ended without certain steps being taken by the said person, it shall be considered that he or she has given up on the request if, despite having received a warning from the authorised organ, he or she fails to take the steps necessary to continue the procedure or bring it to an end within the specified period of time, that is to say, if it can be concluded that, having failed to take the said steps, he or she is no longer interested in continuing the procedure.

The decision referred to in paragraph 1 of this Article shall be passed three months since the day of issuing a warning, or six months after if the said person lives abroad.

The authorised organ shall decide on the request for acquiring or cessation of Montenegrin citizenship within six months since the procedure started. A decision shall be brought in writing and shall contain a justification for doing so, as well as an advice on legal remedy.

Administrative proceedings may be initiated against the final decision referred to in paragraph 3 of this Article.

Article 30

When receiving a decision on being granted Montenegrin citizenship, an adult person shall deliver a solemn declaration.

The text of declaration and manner of delivery shall be determined by the Government.

Article 31

Montenegrin citizenship shall be considered as acquired or ceased on the day of delivery of the decision.

Montenegrin citizenship shall cease on the day when the facts from Article 24 causing it have began, and the competent authority shall ex-officio brings a decision.

In the process of decision making described in paragraph 2, the competent authority is obliged to enable the person to give his statement regarding the facts and circumstances, described in Article 24. The decision can be made even without the person's statement, if he or she received an invitation and does not submit a written statement in the requested period.

Article 32

Taxes for proceedings and documents shall be determined by a separate law, in an amount which shall not represent an obstacle for submitting requests.

VI RECORDS OF MONTENEGRIN CITIZENS

Article 33

The Record of Montenegrin citizens shall be kept.

The Record of Montenegrin citizens is a registry of Montenegrin citizens (hereinafter referred to as: the Registry).

The Registry shall be kept, *ex officio*, by the competent authority.

Montenegrin citizen born in Montenegro shall be entered in the Registry in a place of his or her birth and Montenegrin citizen whose birthplace is not in Montenegro shall be entered in the Register in the place where he or she is entered in the Registry of Citizens' Personal Data.

Article 34

The Registry referred to in Article 37 of this Law shall be a computer database on Montenegrin citizens into which shall be entered the following: ordinal number; surname, maiden surname and first name; personal citizen identification number; date of birth; place, municipality and state of birth; surname and name of father; surname, name and maiden surname of the mother; date of entry into the citizenship books; place and municipality of entry into the citizenship book; way and legal base for acquiring Montenegrin citizenship; data on entry into citizenship registry book; another citizenship; cessation of Montenegrin citizenship – way, legal base and date of cessation; number and date of legal act and the name of authority, date of deleting from registry and remark.

The Registry of Montenegrin citizens who have been granted Montenegrin citizenship or have acquired citizenship based on international treaties and agreements, apart to data from paragraph 1 of this Article, shall also contain the following information: professional qualifications (degree and type); profession; place of residence on the day of being granted Montenegrin citizenship; previous citizenship, if unknown, nationality shall be entered; date and number of decision, as well as the name of the authority that passed it; way and legal basis for acquiring citizenship.

The Registry of persons whose Montenegrin citizenship has ceased through discharge, renouncing, *ex lege* or based on international treaties, apart to data from paragraph 1 of this Article, shall also contain the following information: professional qualifications (degree and type); profession; place of residence prior to moving to another state; place of residence at the time of the cessation of Montenegrin citizenship; number and date of decision, as well as the name of the authority that passed it; citizenship of another state; date of emigration; way, legal base and date of cessation of Montenegrin citizenship.

The Registry shall be kept in a manner which allows compatibility and linking with official records of state administration authorities.

A set of documents forming the legal basis for entry in the Register shall be an integral part of it.

The bylaw regulating the updating of the Registry shall be adopted by the competent authority.

Article 35

The documents pertaining to entry in the Registry of Montenegrin Citizens shall be kept permanently.

The data contained in the Register shall be kept by the body in charge of the Registry for 50 years after the death or the cessation of Montenegrin citizenship of the person to whom the data pertains.

Upon the expiry of the deadline referred to in paragraph 1 of this Article, the data shall be transferred to the authorised state archive.

Article 36

The data for the Registry from Article 33 of this law shall be collected: from the existing citizen records; from other public records kept by state administrative bodies, local government bodies and other bodies; from public documents; from the persons to whom it directly pertains.

Article 37

Personal data from the Register shall be used by the competent authority while performing their duties in accordance with the law.

The competent authority shall forward the data from the Registry to other instances only if those are legally authorised to use the data, or upon the request or with the consent of the person to whom the data pertain.

The users referred to in paragraph 2 of this Article may use the data only for the purpose they have been requested for; they are not allowed to forward the said data to other users.

Article 38

The data from the Registry may, on the basis of reciprocity, be forwarded to the authorities of other states if:

- 1) they are forwarded to a body authorised to deal with matters pertaining to citizenship;
- 2) the recipient undertakes to use the data obtained in this way only in connection with the procedure for regulating matters pertaining to citizenship, or if it is necessary for undertaking criminal procedure, or if the person to whom the data pertains undoubtedly benefits from their forwarding;
- 3) the protection of personal data, in the state to which data is forwarded, is ensured also for citizens of another state.

The organ of state administration in charge of foreign affairs shall establish whether the conditions referred to in paragraph 1, item 3 of this Article have been fulfilled.

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 39

A person shall be considered as a Montenegrin citizen if he or she has Montenegrin citizenship in accordance with the current regulations, and if he or she is registered in the registry of Montenegrin citizens.

Montenegrin citizen who also had another citizenship on the day of 3 June 2006 can retain citizenship of Montenegro.

Montenegrin citizen granted with another citizenship after 3 June 2006 can retain citizenship of Montenegro until signing of bilateral agreement with the state whose citizenship he or she have, but no longer then one year from adoption of the Constitution of Montenegro.

Article 40

If a person who has acquired Montenegrin citizenship in accordance with the regulations has not been entered in the records of Montenegrin citizens kept according to the regulations in effect until now, the authorised organ shall establish the said person's citizenship upon his or her request.

Article 41

A citizen of the former Yugoslav republics, who had registered residence on Montenegro before 3 June 2006, can acquire Montenegrin citizenship by accession if he or she fulfils the following criteria:

1) does not hold another citizenship or if he or she has release from citizenship of other state;

2) meet conditions from Article 8, paragraph 1, items 4, 5, 7 and 8 of this law;

The request from paragraph 1 of this article and request from article 40 of this law can be submitted to the competent authority within 1 year from the date of entry in force of the Law.

Upon expire of deadline from paragraph 2 of this article, person may be admitted into Montenegrin citizenship, or citizenship may be established, only if he or she remain without citizenship and if he or she submit request within 3 year from the date of entry into force of the Law.

Rules from paragraph 2 and 3 of this law will be enacted by competent authority.

Article 42

The Registry referred to in Article 33 of this Law shall be established within two years of the day this Law comes into effect.

Records of citizens kept in accordance with the regulations in effect until the day this Law is passed shall be concluded and data shall be transfer to the Registry from

paragraph 1 of this article. Data from citizenship registries shall be transferred into the Registry in accordance with article 39 of this law.

Until establishing of the Registry from paragraph 1 of this article, the record on persons granted or ceased Montenegrin citizenship shall be maintained on the way prescribed by competent authority.

The data on cessation of Montenegrin citizenship shall be kept in the Citizenship records where the person has been signed in.

Article 43

The records of citizens kept until the day this Law comes into effect and the registries to be established in accordance with Article 42 paragraph 3 of this Law, as well as certificates issued based on citizenship records, shall have the character of public documents.

Public documents from paragraph 1 of this article contain the Montenegrin coat of arm.

Article 44

The decrees necessary for the implementation of this Law shall be passed within six months of the day of the coming into effect of this Law.

Within 30 days of the coming into effect of this Law, the authorised organ shall prescribe the form and content of the citizenship certificate from articles 42, paragraph 3 and article 43 of this law.

Rules from article 41 of this law shall be adopted within deadline from paragraph 2 of this article.

Article 45

Procedures initiated by the Law on Montenegrin citizenship ("Official Gazette of Montenegro" No 41/99) and Law on Yugoslav citizenship ("Official Gazette of FRY" No 33/96 and 9/01), shall be finalized according to the provisions of this Law.

Article 46

The records of citizens kept in accordance with the existing regulations which were valid until this Law comes into effect, shall be kept for a period of 100 years after the last entry, following the expiry of this period of time, they shall be deposited with the authorised state archive.

Article 47

On the day this Law comes into effect, the Law on Montenegrin citizenship (“The Official Gazette of the Republic of Montenegro” no. 41/99) shall no longer be in force.

Article 48

This Law shall come into effect eight days from the day of its publication in the “The Official Gazette of the Republic of Montenegro” and shall start with implementation 60 days after entering into force.

SU-SK No 01-352/19-06
Podgorica, 14 February 2008.

Assembly of Montenegro
President
Ranko Krivokapic, *propria manu*