

679.

On the basis of the article 17 of the Law on Montenegrin Citizenship (“The Official Gazette of Montenegro”, number 13/08) the Government of Montenegro, on the session held on 31 July 2008, made

## **THE DECISION ON THE CRITERIA ON ESTABLISHING CONDITIONS FOR ACQUIRING MONTENEGRIN CITIZENSHIP BY ADMITTANCE**

**(“Off. Gazette MNE” no 47/08 from 07.08.2008, 80/08 from 26.12.2008, 30/10 from  
26.05.2010, 56/12 from 09.11.2012)**

### **Article 1**

By this decision, the criteria for establishing conditions for acquiring Montenegrin citizenship by admittance are established, as stipulated by the article 8, paragraph 1, points 3, 4 and 7 of the Law on Montenegrin Citizenship (in the further text: the Law).

### **Article 2**

The lawful residence, in a sense stipulated by article 8 paragraph 1 point 3 of the Law, has a person who has been residing in Montenegro on the basis of the approval of the state body competent for issues of habitual residence (*prebivaliste*) and residence (*boraviste*) before he/she submits a request for the acceptance into Montenegrin citizenship and has:

- a habitual residence (*prebivaliste*) , based on the Law on habitual residence (*prebivaliste*) and residence (*boraviste*) (The Official Gazette of Republic of Montenegro, no 45/93) and earlier laws on habitual residence (*prebivaliste*) and residence (*boraviste*);
- a residence for indefinite time period (long-term residence(*stalno nastanjenje*));
- a residence based on the recognized refugee status in Montenegro and
- a residence based on the recognized status of displaced person from the republics of former SFRY in Montenegro, based on the Decree of Care for Displaced Persons (The Official Gazette of Republic of Montenegro, no 37/92)

Legal residence, in the spirit of article 8 paragraph 1 point 3 of the Law also has a person:

- whose parents are Montenegrin citizens with registered permanent residence in Montenegro on 3 June 2006, who had not deregistered that residence before submitting application for acquisition of the Montenegrin citizenship, if s/he uninterruptedly resides in Montenegro with them;
- whose one parent is Montenegrin citizen, and on 3 June 2006 both parents had registered permanent residence in Montenegro which they had not deregistered before submitting application for acquisition of the Montenegrin citizenship, if s/he uninterruptedly resides in Montenegro with them;

- whose parents are not Montenegrin citizens, but on 3 June 2006 they had registered permanent residence in Montenegro which they had not deregistered before submitting application for acquisition of the Montenegrin citizenship, if s/he uninterruptedly resides in Montenegro with them;
- whose parents are not alive, but had had registered permanent residence before 3 June 2006;
- who has been uninterruptedly residing in Montenegro before s/he turned 18 years of age, and acquired legal age after 3 June 2006;
- who, in 1991, fled from the People's Socialist Republic of Albania to the Socialist Republic of Montenegro, based on the international agreement between SFR Yugoslavia and PSR Albania and acquired the status of foreigner with permanent residence, at least one year before submitting the citizenship application.

### **Article 3**

As an uninterrupted residence, in a sense stipulated by article 8 paragraph 1 point 3 of the Law, is not understood:

- absence from Montenegro for a period longer than 90 days;
- multiple absences from Montenegro which pinpoint towards misuse of the right of residence for the acquiring the right on citizenship;
- when the person with a recognized refugee status, that is-person with recognized displaced person status in Montenegro, has obtained public identification documents (personal ID card, passport) from the competent body of the country of origin during the period of validity of his refugee or displaced person status in Montenegro.

Ministry of Interior Affairs and Public Administration may obtain evidences from the paragraphs 1 and 2 of this article on the basis of the official duty from the state body competent for police affairs.

Evidences from the paragraph 1 line 3 of this article may be obtained from the competent body of the country of origin of the person with a recognized refugee status or with a status of displaced person in Montenegro.

As a uninterrupted residence, in the sense of the paragraph 1 lines 1 and 2 of this article, is understood the absence of the person in the case when the person is directed by competent and authorized state bodies and public institutions from Montenegro to work, get educated or have medical treatment abroad or the absence of the person employed in a ship which port of origin is in Montenegro.

### **Article 4**

It is understood that a person has secured accommodation in the sense of the article 8 paragraph 1 point 4 of the Law if:

- he/she is the owner of apartment or residential building, or if member of his/her close family is the owner or the owner is his/her legal guardian;
- he/she is leaseholder of an apartment or residential building, or if the leaseholder is member of his/her close family or the leaseholder is his/her legal guardian, where the lease agreement must be made in the writing and certified in a competent court.

### **Article 5**

A person in Montenegro has a permanent source of income in the amount that enables him/her to have material and social security, in the sense of the article 8 paragraph 1 point 4 of the Law, if it is proved that:

- is employed for indefinite period of time;
- receives pension in Montenegro;
- has other sources of permanent income;
- is being supported by other person, who is legally obliged to do so.

### **Article 6**

Constrains for the reasons of security of Montenegro, in the sense of article 8 paragraph 1 point 7 of the Law, exist if a person:

- implements or used to implement the activities that could lead to execution of criminal acts against humanity and other goods protected by the international law;
- implements the activities that could lead to execution of criminal acts against constitutional system and security of Montenegro;
- belongs, or he/she has belonged, to organizations and groups that are in favor of violent change of the constitutional system or act in a manner through which they violate human rights and freedoms established by the Constitution;
- supports in public and disseminate the ideas through which national, religious and racial intolerance are spread;
- belongs, or he/she has belonged, to the organizations and organized criminal groups that prepare or execute criminal acts, and supports these organizations and groups in any other mean;
- maintains, or he/she has maintained, liaisons with persons who gather secrets and other data without authorization, with terrorists, with persons who perform sabotages, with members of organized criminal groups and with persons for whom there is well-founded suspect that they belong to that kind of groups;
- disrespects the state of Montenegro and its symbols, does not implement decisions made by the courts, administrative state bodies and other bodies, and
- other circumstances that pinpoint that person, after being granted Montenegrin citizenship, would not obey himself/herself to the legal system of Montenegro.

On the existence of constrains from the paragraph 1 of this article, the Ministry of Interior Affairs and Public Administration will decide upon it has obtained opinion from the body competent for the national security.

#### **Article 7**

Constraints for the reasons of defense of Montenegro, in the sense of article 8 paragraph 1 point 7 of the Law, exist if a person:

- belongs, or he/she has belonged, to the foreign military security or military information agencies;
- participates, or he/she has participated, in foreign military or paramilitary formations.

On the existence of constrains from the paragraph 1 of this article, the Ministry of Interior Affairs and Public Administration will decide upon it has obtained opinion from the body competent for the defense affairs.

#### **Article 8**

This decision shall takes effect on the eight day after it published in the “Official Gazette of Montenegro”

Number:

Podgorica, 31 July 2008

**Government of Montenegro**  
**Prime Minister**  
**Milo Djukanovic**