

Montenegro
The Government of Montenegro

LAW ON REGISTERS OF
TEMPORARY AND PERMANENT RESIDENCE

Podgorica, February 2008

Law on Registers of Temporary and Permanent Residents

I Basic Provisions

Scope of the Law

Article 1

The present law shall establish and define the procedure of keeping of the Register of permanent residence and Register of temporary residence of Montenegrin citizens and foreign citizens, as well as the procedure of supplementing, use and protection of data.

Procedure of Keeping the Register and Register`s Purpose

Article 2

Register of permanent residence and register of temporary residence (hereinafter referred to as: Registers) are computer managed data bases consolidated from individual records provided for by this Law.

Data contained in Registers shall be used for exercise of Montenegrin citizen's rights and performance of legally prescribed affairs of public authorities, local government bodies and other users and purposes provided for by this Law.

Integral part of the Register is a collection of documents which form the basis for entry of data in the Registers.

Authenticity of Data in Registers

Article 3

Data contained in Registers and facts proved by them shall be deemed true until, in a manner prescribed by law, the opposite has been proved.

Statements and other documents related to the facts which are issued in compliance with the data contained in Registers are public documents.

Data Protection

Article 4

Data on persons (hereinafter referred to as: personal data) shall be collected, processed, stored and used for purposes defined by this Law, whereas they may be used for other purposes solely on the basis of a written consent of a Natural person (hereinafter referred to as : Person).

Public authorities, local government bodies and other users of data contained in Registers shall guarantee protection of data which they use.

Meaning of Terms

Article 5

Terms used in this Law shall have the following meanings:

1. **Foreign citizen** is a citizen of the other state or a stateless person.
2. **Permanent residence** means a place where a person establishes his/her habitual place of living as a focal point of his/her life interests, professional, economic, social and other connections which indicate a direct and permanent link between the person and the place where he/she resides
3. **Established residence** means a place where a foreign citizen establishes his/her place of living with intention to live in that place during the residence period
4. **Temporary residence** is a place where a person resides temporarily without the intention to live in that place
5. **Place** is inhabited area, settlement or community , and for abroad it is the state
6. **Address** is inhabited place or neighborhood, the street name, house number and number of the apartment
7. **Household** means a community of persons who declare that they live together and use their incomes jointly for serving their needs, including a person who declares that he/she resides independently in a separate housing unit or part of the housing unit and generates revenue for serving basic human needs
8. **Facility for common dwelling** means a facility intended for dwelling (single-room occupancy, student and pupils hostels, social and child protection institutions, and each other facility designed for common dwelling or performance of activities which include 24 hour residence) which is not designed to be catering facility or some other facility or area
9. **Catering and other facilities** mean a facility or area designed for accommodation, relaxation, recreation, lodging for the night and other in accordance with tourism regulations (hotel, hotel area, apartments area, bed and breakfast, camp, room to rent, apartment, vacation house, youth hotel-hostel, resort, lodging over night, marina, spa resort and convalescent home, country tourism facility and other), as well as other facilities used for either accommodation or vacation purposes
10. **Accommodation provider** means a commercial entity, entrepreneur or a person who receives fee for accommodation of persons in shared accommodation facility, catering or other kind of facility, or a person who, within the scope of his/her activities, offers temporary dwelling or residence, i.e. provides accommodation to his/her employees or members, including accommodation in closed facilities

II Establishment and Supplement to the Register

Manner of Establishment and Supplement to the Register

Article 6

Registers shall be established on the basis of the existing records of permanent residence and temporary residence and other records kept under the law or some other regulations.

Register shall be supplemented on the basis of residence registration and cancellation, providers of accommodation, and other persons and data submitted by public authorities, local government bodies and other authorities and organizations.

Authorities and organizations referred to in Paragraph 2 of this Article shall notify of any change occurring in data kept in Registers after they learn of it in performance of their affairs.

The Ministry competent for foreign affairs and the Ministry competent for foreign citizens related affairs shall prescribe that certain foreign citizens are not obliged to register their temporary residence in Montenegro.

Notification

Article 7

In the procedure of registration and cancellation of permanent residence and temporary residence and change of address, a person shall be notified about the entry of data in the Register, purpose of the Register and public authority managing the Register.

There is no obligation to inform the person who these data refer to about data collected from accommodation provider and existing records entered into Registers.

Person shall provide accurate data in registration and cancellation procedure of temporary and permanent residence and registration of the change of address.

Register Management

Article 8

Register of permanent residence shall be managed by the public authority competent for permanent residence affairs (hereinafter referred to as: Public Authority).

Register of temporary residence shall be managed by the public authority competent for police affairs (hereinafter referred to as: Police).

Registers are managed with electronic assistance and electronic exchange of data and documents.

Transmission of data contained in Registers to the users in public network shall be cryptographically protected so as to meet the standards applicable to the area of electronic operations.

Data Storage in Registers

Article 9

Registers shall be kept permanently.

Data contained in the Register of permanent residence regarding deceased persons, persons who cancelled their permanent residence or whose data have been deleted shall be kept for a period of 20 years, after that they shall be assigned for storage to the management authority competent for archive affairs.

Personal data contained in the Register of temporary residence shall be kept for five years after the cancellation of residence.

III Register of Temporary Residence

I Individual records and their contents

Individual Records

Article 10

Register of Permanent Residence shall contain the following records of:

1. Permanent residence of a Montenegrin citizens
2. Households
3. Foreign citizens with temporary and habitual residence
4. Montenegrin citizens with habitual residence abroad
5. Users of data contained in the records referred to in sub-paragraphs 1 to 4 of this Paragraph

Contents of the Records

Article 11

The permanent residence records of Montenegrin citizens shall contain the following data: citizen`s unique ID number (hereinafter referred to as: Unique ID Number), first and last name, last name at birth, place of birth, father`s name, mother`s name, place of permanent residence, address, citizenship, occupation, level and type of school education, marital status, father`s unique ID number, mother`s unique ID number, or guardian`s unique ID number, unique ID number, last name and first name of the household holder and kinship with him/her and approval or prohibition to transmit data to users who do not have legal grounds for data use.

Records of households contain data about the household members and it is compiled on the basis of data about Montenegrin citizens found in the records referred to in Paragraph 1 of this Article.

Records of foreign citizens with permanent and habitual residence shall, in addition to the data referred to in Paragraph 1 of this Article, also contain: date since when foreign

citizen resides, number and date of decision on approved residence, and temporary residence period.

The records of Montenegrin citizens with habitual residence abroad shall contain the following data: citizen`s unique ID number, last name and first name, last name at birth, place of birth, place of habitual residence, father`s name, mother`s name, place and address in Montenegro.

Records of users of data referred to in Paragraphs 1 to 4 of this Article shall contain the following data: legal basis for the use of data contained in the records, name of the user, degree of access and purpose of data use, last name and first name of persons responsible for access to records and persons with the authority to use data.

2. Supplementing the Data in Records

1. Filing Application for Registration and Cancellation of Residence

Obligation to File Application for Registration and Cancellation

Article 12

Montenegrin Citizens and foreign citizens shall file application for the change of permanent residence or established residence and change of address within eight days from the day when the change occurred and file application for cancellation of permanent residence in the event of moving outside Montenegro.

Citizens of Montenegro without registered permanent residence in Montenegro, shall register their permanent residence if they reside in Montenegro within eight days from the day of establishing their residence.

Parent or guardian shall file application for registration and cancellation from Paragraphs 1 and 2 of this Article on behalf of persons without capacities to exercise their rights. If parents are separated, application for registration and cancellation shall be filed by a parent who has been assigned to take care of child`s education and personality development.

Filing Applications for Registration and Cancellation

Article 13

Applications for registration, cancellation and change of permanent residence and address shall be filed on standard form to the public administration body in the place where permanent residence or address are registered or where permanent residence has been cancelled and it shall contain data from Articles 11, paragraphs 1, 3 and 4 of the present law.

Applications for registration and cancellation of permanent residence or change of address shall be submitted either directly or electronically. Registration and cancellation in electronic form shall be deemed valid if they are signed by electronic signature with qualified certification.

The procedure of filing application for the registration and cancellation shall be facilitated for the elderly, sick or handicapped persons.

Public administration body shall prescribe the application form and procedure for the form submission and submission of electronic registration and cancellation.

Responsibilities and Authorizations of Public Administration Bodies

Article 14

Public administration body shall check the identity of a person filing application for registration, or cancellation and accuracy of the address he/she registers and issue statement about the registration and cancellation filed.

Public authority body shall check accuracy of data within 30 days in the event of reasonable suspicion in accuracy of the data.

2.2. Determination of Temporary Residence

Reasons for launching the procedure to determine temporary residence

Article 15

Public administration body shall launch the procedure for determining temporary residence in order to supplement records of the temporary residence register, if that person:

1. does not reside in the place and at the address indicated in the application for registration of residence
2. resides in Montenegro, but has not filed application for the registration of residence
3. has moved from Montenegro without having filed application for cancellation of residence

Public administration body shall launch the procedure in cases referred to in Paragraph 1 of this Article upon request of public authority or local government body.

Criteria to Determine Permanent Residence

Article 16

In cases referred to in Article 15 of the present law, public administration body shall issue decision which will determine permanent residence in place and at the address where person resides.

If permanent residence of the person may not be determined according to the Paragraph 1 of this Article, public administration body shall determine permanent residence according to:

1. the place of temporary residence

2. permanent residence of a spouse, if permanent residence may not be determined according to temporary residence,
3. registration with the registry of births or registry of Montenegrin citizens, if permanent residence may not be determined according to the temporary or permanent residence of a spouse,
4. headquarters of the authority or organization where relief is received, if permanent residence may not be determined according to sub-paragraphs 1 to 3 of this Article.

Permanent residence of underage person shall be determined according to the permanent residence of his/her parents. If parents do not have the same permanent residence or if they are not married, permanent residence shall be determined according to the permanent residence of a parent who has been assigned to take care of a child` s education and personality development.

Permanent residence of underage person without parent` s care or other person without capacity to exercise his/her rights shall be determined according to the permanent residence of guardians.

If under provisions of Paragraphs 2-4 of this Article permanent residence may not be determined or if person moved from Montenegro public administration body shall issue a decision on cancellation of permanent residence.

Changes in Records

Article 17

On the basis of final decision from Article 16 or notification from Article 6, paragraph 3 of this Law, public administration body shall insert changes in permanent residence records execute change of permanent residence or address, i.e. it shall cancel permanent residence.

IV Register of Temporary Residence

I Individual Records and their Contents

Individual Records

Article 18

Register of temporary residence shall be compiled of the following records:

1. temporary residence of Montenegrin citizens, and foreign citizens with temporary or habitual residence or temporary residence of 90 days
2. and user of data from subparagraph 1 of this Paragraph.

Contents of the Records

Article 19

Records of temporary residence of Montenegrin citizens and foreign citizens with temporary and habitual residence or temporary residence of 90 days shall contain the

following data: last name and first name, last name at birth, place of birth, citizenship, place of temporary residence and address, date of registration and duration of temporary residence, date of cancellation, type, number and validity period of public documents with a photograph (hereinafter referred to as: Public document): name of authority that issued public document with consent or prohibition to transmit data to the users who do not have legal grounds for data use.

For Montenegrin citizens the records shall, in addition to data contained in Paragraph 1 of this Article, also contain citizen`s unique ID number, place of permanent residence and address.

For foreign citizens with temporary and habitual residence the records shall, in addition to data from Paragraph 1 of this Article, also contain citizen`s unique ID number, permanent place of residence or established place of residence and the address.

The records of the data user shall contain data referred to in Article 11, Paragraph 5 of the present Law.

Supplementing Data in the Records

2.1. Filing Application for Registration and Cancellation

Obligation to File Application for Registration and Cancellation

Article 20

Provider of accommodation shall file application for registration or cancellation of temporary residence of a Montenegrin citizen, and foreign citizen whom he/she provides accommodation regardless of the length of temporary residence.

Applications for registration and cancellation from Paragraph 1 of this Article shall be filed to the Police in the place where temporary residence is registered within 12 hours from arrival i.e. departure of the person from Paragraph 1 of this Article. Police may set longer deadline for submission of the application for registration, i.e. cancellation.

Obligation to Disclose Data

Article 21

Person who uses accommodation services shall disclose the following data to the accommodation provider: last name and first name, last name at birth, citizen`s unique ID number, day, month and year of birth if he/she does not have unique ID number, place of permanent residence and the address, duration of temporary residence, the reference number of public document, and other data where necessary.

Parent, guardian or family member of a person without capacity to exercise his/her rights and who is accommodated with him/her shall disclose data from Paragraph 1 of this Article to the accommodation provider.

Exceptionally from the provision of Paragraphs 1 and 2 of this Article during registration or cancellation of temporary residence of organized group of at least 10 persons, where

their temporary residence duration does not exceed eight days, a list of group members may be submitted whereby the list contains data from Paragraph 1 of this Article for each particular person.

Provider of accommodation shall verify accuracy of data by insight with the public document and supply accurate data to the Police in the registration and cancellation of temporary residence procedure.

Records of Accommodation Providers

Article 22

Accommodation provider shall keep and accurately and timely update the records of persons whom he/she provides accommodation services. The records shall contain data referred to Article 19, Paragraphs 1 to 3 of the present Law.

Accommodation provider shall be responsible for the accuracy of data contained in the records referred to in Paragraph 1 of this Article.

Data contained in records from Paragraph 1 of this Article shall be stored for a period of one year after the day of entry.

Accommodation provider shall ensure that the Police has insight with the records from Paragraph 1 of this Article.

The contents and procedure of records keeping from Paragraph 1 of this Article and the procedure of data deletion shall be prescribed by the Public administration body.

2) Obligation to File Application for Registration and Cancellation of Person`s Residence

Article 23

The following persons shall file application to the Police for registration of temporary residence within 24 hours from coming to the place of temporary residence and file application for cancellation of temporary residence before their departure:

1. Montenegrin citizen with not registered permanent residence in Montenegro, if he /she intends to reside more than eight days in that place in the facility he/she owns
2. Montenegrin citizen with not registered permanent residence in Montenegro if he/she intends to reside in that place in the facility owned by another person longer than three days
3. foreign citizen with permanent or habitual residence if he/she intends to reside in that place longer than eight days
4. foreign citizen with up to 90 days temporary residence if he/she intends to reside in that place longer than three days

If the person fails to act in accordance with obligations referred to in Paragraph 1, sub-paragraph 2 of this Article, application for registration and cancellation of temporary residence shall be filed by the owner of the facility within 24 days from expiry of the terms referred to in Paragraph 1, sub-paragraph 2 of this Article.

3. Other Obligations of Filing Applications for Registration and Cancellation

Article 24

Commercial entity, entrepreneur and person visited by a foreign citizen with 90 days temporary residence and whom that person provides accommodation for more than 24 hours shall file to the Police the application for registration and cancellation of the temporary residence of the foreign citizen within 12 hours from the hour of foreign citizen`s arrival, i.e. departure.

Health Institution or practitioner with private practice who receive a foreign citizen onto treatment shall file to the Police the application for registration of the foreign citizen within 24 hours from the hour of foreign citizen`s placement, and and cancellation of the temporary residence upon departure.

4. Validity Period of the Registration

Article 25

Registration of temporary residence shall be valid until expiry of the period of stay indicated in the registration application.

Application for cancellation of temporary residence shall not be filed if the person leaves temporary residence upon expiry of the period of temporary residence indicated in the application for registration.

If the application for registration does not indicate the length of temporary residence, whereas application for cancellation has not been filed, registration of temporary residence shall be valid for six months, and for a foreign citizen with 90 days temporary residence registration of temporary residence shall be valid until expiry of the approved residence.

Temporary residence shall be cancelled at the expiry of the temporary residence period indicated in the registration application, i.e. upon expiry of 6 months or expiry of approved temporary residence.

5. Cases when Registration of Temporary Residence is not Obligatory

Article 26

Application for registration of temporary residence shall not be filed for a person who:

- resides in public authorities` facility
- is placed in hospital or other medical care institution for the purpose of treatment, save in the event referred to in Article 24, Paragraph 2 of the present Law
- placed in a public authority competent for serving imprisonment sentence or in corrections facility
- is accommodated in the shelter for the victims of violence

- member of the unit for protection, rescue and help if, at the call of public authorities, he/she has participated in the mitigation of consequences of natural disasters

Authority from Paragraph 1, Sub-paragraph 3 of this Article shall inform the public administration body in the place of permanent residence about the person`s serving of punishment or his/her release from the detention.

Medical care institution or some other specialized institution where a person is placed for the purpose of security measures shall fulfill the obligation referred to in Paragraph 2 of this Article.

6. Application Form for Registration and Cancellation and the Filing Procedure

Article 27

Applications for registration and cancellation of temporary residence shall be filed in prescribed application form and contain data from Article 19, Paragraphs 1 to 3 of the present Law.

Applications for registration and cancellation of temporary residence filed by the accommodation provider shall in addition to the data referred to in Paragraph 1 of this Article also contain: name and headquarters, i.e. last name and first name and address of accommodation provider, reference number of entry, i.e. accommodation provider`s unique ID number and address where the person registers or cancels his/her temporary residence. Accommodation provider may file applications for registration and cancellation in application form, by magnet media, by e-mail, direct computer connecting or in some other manner.

Provisions of Article 13, Paragraphs 2 and 3 of the present Law shall apply to the registration and cancellation of the temporary residence.

Public administration body shall prescribe application form and procedure of their submission, submission of applications for registration and cancellation by e-mail and the manner of data submission from Paragraph 2 of this Article.

V. Use and Protection of Data

Data Submission

Article 28

Data contained in the Register of Permanent Residence are submitted upon request to public authorities, local government bodies and other bodies and organizations by the public administration body in order for them to establish and keep legally prescribed records falling within their competence.

Data about the registration and cancellation of permanent residence are forwarded by public administration body to the public authorities, local government bodies and other bodies and organizations for the purpose of supplementing of records and deciding in the procedures within their competence if they are authorized by law to use that data.

Data referred to in Paragraphs 1 and 2 of this Article shall be submitted on forms by magnet media, e-mail, direct computer connection or in some other manner.

The procedure of submission of data referred to in Paragraphs 1 and 2 of this Article shall be prescribed by public administration body.

Use of Data by the Public Administration Body, Police, other Bodies and Persons

Article 29

Public administration body may use data contained in the Register of Permanent Residence for connecting and keeping of prescribed records and performance of other affairs falling within its competence.

Police may use data contained in the Register of permanent residence and Register of temporary residence in performance of legally prescribed police operations.

Data contained in the Registers may be used for statistical, scientific, research and other purposes without indication of the person who these data refer to.

Data contained in the Register may upon request used by the person these data refer to.

Right to Correction and Annulment of Data

Article 30

Person shall have the right to receive information about data processed about him/her, about who is processing them, for what purposes and on what grounds are they processed and who may use his/her personal data and on what grounds within 30 days from the day of filing the request.

Person shall have the right to require correction of inaccurate or outdated data referring to him/her and to require annulment of data which are kept against Law.

In cases referred to in Paragraphs 1 and 2 of this Article no fees or administrative charges shall be paid.

Data Protection

Article 31

Authorities referred to in Article 28, Paragraphs 1 and 2 and Article 29 of the present Law shall guarantee protection of used data against incidental or unauthorized access, use and processing.

Protection of data in Registers shall be prescribed by the Government of Montenegro.

VI SUPERVISION

Article 32

Supervision over implementation of the provisions of the present Law regarding registration and cancellation of temporary residence and permanent residence and records keeping by accommodation provider shall be conducted by the Police..

VII Penalties

Article 33

Legal entity or entrepreneur shall be fined ten to sixty times the amount of the minimum wage in Montenegro if he/she:

- fails to file application for registration and cancellation of temporary residence for a person whom he/she provides accommodation services (Article 20, Paragraphs 1 and 2)
- does not verify accuracy of data supplied by the person whom he/she provides accommodation services (Article 21, Paragraph 4)
- fails to keep and accurately and timely update the records of persons whom he/she provides accommodation services (Article 22, Paragraph 1)
- fails to store data contained in the records for a prescribed period of time (Article 22, Paragraph 3)
- does not ensure insight in the records to the Police (Article 22, Paragraph 4)
- does not file or does not file in prescribed period of time application for registration or cancellation of temporary residence of a foreign citizen who came for a visit or medical treatment (Article 24, Paragraphs 1 and 2)

For violation of Paragraph 1 of this Article responsible person in the legal person shall be fined two to six times the amount of the minimum wage in Montenegro.

For violation of Paragraph 1 of this Article natural person who provides accommodation services shall be fined five times to fifteen times the amount of the minimum wage in Montenegro.

Article 34

Natural person shall be fined one to six times the amount of the minimum wage in Montenegro for violation if:

- he/she fails to file application for registration of permanent residence or change of permanent residence or address or cancellation of permanent residence within prescribed period of time (Article 12, Paragraphs 1 and 2)
- he/she fails to file application for registration of permanent residence or change of permanent residence or change of address or cancellation of permanent residence of person without capacity to exercise his/her rights (Article 12, Paragraph 3)

- he/she fails to file application for registration or cancellation of temporary residence within prescribed period of time (Article 23)
- he/she fails to file application for registration or cancellation of temporary residence of a foreign citizen who has come for a visit or medical treatment (Article 24, Paragraphs 1 and 2)

VIII Final and Transitional Provisions

Article 35

Montenegrin Citizen and foreign citizen who has filed application for registration of permanent residence and address in line with the regulations applicable until entry into force of this Law shall not file applications for registration under provision of the present Law.

Montenegrin Citizen and foreign citizen who have changed their permanent residence or address without having filed application for registration shall file application for registration of the change of permanent residence or address under this Law within 60 days from the day of entry into force of this Law.

Montenegrin Citizen who have established residence in Montenegro without having applied for registered permanent residence shall file application for registration of permanent residence under provisions of the present Law, within 60 days from the day of entry into force of this Law.

Public administration body shall conduct the procedure referred to in Articles 15, 16 and 17 of the present Law, if the person fails to act in accordance with provisions of Paragraphs 2 and 3 of this Article.

Article 36

Montenegrin Citizen and foreign citizen who has moved from Montenegro shall be deleted from the records of permanent residence on the basis of decision issued by the public administration body.

If the citizen referred to in Paragraph 1 of this Article has Montenegrin citizenship then data are entered in the records referred to in Article 11, Paragraph 4 of the present Law.

In the procedure referred to in Paragraph 1 of this Article provisions of Articles 15, 16 and 17 of the present law shall be applied.

Article 37

Data contained in the records of temporary and permanent residence kept under regulations applicable until the entry into force of the present Law shall be transferred to the Registers by the public administration body and the Police within three years from entry of the present Law into force.

Accommodation providers shall harmonize records kept about the persons providing accommodation services and the procedure of data submission with provisions of the present Law within one year from the day of its entry into force.

Article 38

By entry into force of the present Law the Law on Citizens` Temporary and Permanent Residence (Official Gazette of the Republic of Montenegro, number 45/93) and application of the provisions of Articles 78 to 82 of the Law on Movement and Residence of Foreign Citizens (Official Gazette of the Socialist Federal Republic of Yugoslavia, number 56/80, 53/85, 30/89, 26/90, 53/91 and Official Gazette of the Federal Republic of Yugoslavia number 24/94, 28/96 and 68/02) shall cease to be valid.

Provisions of the Rulebook on Application Forms and their Contents for registering temporary and permanent residence, change of home address, departure abroad and on procedure of records keeping (Official Gazette of The Republic of Montenegro, number 16/94) and applications of the provisions of Articles 53 to 63 of the Rulebook on Manner of Issuance of Travel and other Documents and Visas to Foreign Citizens and on forms of those documents and visas (Official Gazette of the Socialist Federal Republic of Yugoslavia, number 44/81 and Official Gazette of the Federal Republic of Yugoslavia number 23/00, 24/00 and 67/01) shall remain in effect until adoption of by-laws on the basis of the present Law, if they are not contrary to the present Law.

Article 39

The present Law shall enter into force on the 8th day after it has been published in the Official Gazette of the Republic of Montenegro.