



# **INFORMATION GUIDE**

**for foreigners who seek international  
protection in Montenegro**





## **Disclaimer:**

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This brochure has been prepared and intended for providing information to you about the procedure for granting international protection in Montenegro, as well as on your rights and duties throughout the entire procedure.

You cannot expect to find all the answers in here. For further details, please contact the Ministry of Interior, UNHCR, Civic Alliance (Građanska alijansa) or the Red Cross of Montenegro (contact details are provided in the table at the end of this Brochure).

## **WHAT IS INTERNATIONAL PROTECTION?**

*The international protection of a foreigner seeking international protection includes asylum and subsidiary protection.*

**Asylum** is granted to a foreign national seeking international protection, who is outside their country of origin, and has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, and therefore is unable or unwilling to accept the protection granted by the home country. This person is called a refugee in the international law, whereas in Montenegro such a person has the status of an asylee.

**Subsidiary protection** is granted to a foreigner seeking international protection, who does not qualify for asylum, provided that substantial grounds have been shown indicating that the person, if returned to the country of origin, would face a real risk of suffering serious harm and is therefore unable, or, due to such risk, unwilling to avail himself or herself of the protection of that country.

## **LODGING AN APPLICATION FOR INTERNATIONAL PROTECTION**

*How can I express intention to apply for international protection?*

In order to start the procedure for obtaining international protection, you are first required to express intention to apply for international protection. The intention to apply for international protection is a personal verbal or written statement provided as a confirmation of will to claim for international protection in Montenegro. The intention can be expressed with the immigration officer/inspector at the nearest Police station, as well as at the Reception Centre in Božaj.



Once you have stated your intention, your personal data verifying your identity will be collected, including your biometrics, i.e. fingerprints (each finger printed) and a photo. You will also be issued a certificate proving that you have expressed intention to seek international protection. This certificate gives you the right to legally reside in Montenegro and exercise the right to accommodation in the facilities of the Government's Directorate for the Reception of Foreigners Seeking International Protection in the next 15 days.

During the 15-day certificate validity period, you have the right to lodge an application for international protection in Montenegro. If you fail to do so within the 15-day period, you will lose the right to reside legally in the country and thus you will no longer be able to submit the application for international protection.

### ***How can I lodge an application for international protection?***

An application for international protection is lodged at the Directorate for Asylum with the Ministry of Interior in Podgorica, within and not later than 15 days from the statement of intention. The Directorate for Asylum is open from Monday to Friday, from 7:00 a.m. to 3.00 p.m.

If you are placed in a health institution, the officers of the Directorate for Asylum will visit you in order to give you the opportunity to apply for international protection.

During the procedure at the Directorate for Asylum, you will be required to provide additional information on your identity, age, gender, country of origin, information on the journey/route to Montenegro, documents in your possession, family members and reasons for leaving the country of origin. Also, your fingerprints and a photograph will be taken again and you will be issued a new certificate proving that you have lodged an application for international protection, which replaces the previously issued certificate of declared intention.

You should have this certificate with you at all times, because it ensures the access to rights granted to persons of your status. You are also required to show it to the authorized person, at his/her request. You are entitled to hold this certificate until a final decision is made on your application for international protection, but you will be asked to renew it with the Directorate for Asylum every month.

During the procedure of lodging an application for international protection, you have the right to use the assistance of an interpreter or to ask to be interviewed by a person of the same gender.

### ***What will happen if I am detained at the State border crossing?***

If you find yourself at the border crossing point or in the transit area of an airport or a sea port and you do not meet the requirements for a legal entry to Montenegro, you may be detained at the border crossing where you will be allowed to lodge an application for international protection. In that case, the final decision on your application will be rendered within 28 days from the day you submitted the application.

In case it is assessed that you qualify for granting international protection or if no decision is made within 28 days, you will be allowed to enter Montenegro.

### ***How long may it take to complete the procedure of granting international protection?***

The Ministry of Interior will decide upon your application within 6 months from the day of submitting the application for international protection. This deadline can be extended by 9 months, for the reasons

set out in the law, or by additional 3 months, in order to fully examine your application.

When it is reasonable to expect that a decision cannot be made within 6 months, you will be notified in writing. Should it be requested, you will be notified of the circumstances which make it impossible to decide upon your application within the said period, as well as of the extended term within which you can expect a final decision to be made.

The Ministry of the Interior will render a final decision on your application no later than 21 months from the day your application for international protection was made.

## **RIGHTS AND DUTIES OF A FOREIGNER SEEKING INTERNATIONAL PROTECTION IN MONTENEGRO**

### *What rights do I have in Montenegro?*

With the status of a foreigner seeking international protection in Montenegro, you are entitled to:

1. stay in Montenegro;
2. move freely in the territory of Montenegro;
3. reception;
4. healthcare;
5. primary and secondary education;
6. information necessary for your stay and legal counselling in respect of the procedure upon your application for international protection and free legal assistance;
7. free legal aid;
8. apply for work, after a nine-month period following the claim for international protection upon which the Ministry – Directorate for Asylum have not rendered any decision;
9. documents in accordance with this Law
10. family reunification.

### *What are my duties in Montenegro?*

In addition to your rights, you also have obligations and duties. As a foreigner seeking international protection in Montenegro, you are obliged to:

1. comply with the Constitution, laws and other regulations of Montenegro;
2. cooperate with the state authorities of Montenegro and act upon



- their orders and instructions;
3. provide the information necessary for establishing the identity and facilitate the taking of photographs and fingerprints, as well as other checks needed to establish your identity;
  4. undergo a medical examination;
  5. comply with the rules of stay and the house rules of the Reception Centre;
  6. lodge an application for international protection within the set time-frame
  7. respond to the invitation of the Directorate for Asylum for a personal interview and cooperate in the procedure for granting international protection;
  8. remain within the territory of Montenegro during the course of the procedure for granting international protection;
  9. notify the Ministry of any change of address within three days; and
  10. comply with the Ministry's orders and measures on restriction of freedom of movement.

### ***What happens if I am a victim of trafficking?***

If you find yourself in a situation where someone has taken your personal documents by a threat, force or other means of compulsion, kidnapping, fraud or abuse of your position of a dependent or a vulnerable person, or if you are aware that this is happening to someone else, please call 116 666 - SOS helpline for victims of trafficking in human beings, i.e. 122 - Police Emergency Number; or, without any delay, inform the officers of the Directorate for the Reception of Foreigners Seeking International Protection or the Directorate for Asylum about the existence of any situation mentioned above.

As a recognized victim of trafficking, you are entitled to:

- Accommodation in a shelter designated for the victims of trafficking;
- Free legal aid;
- Psychological support;
- Social assistance;
- Other types of assistance through integration in Montenegro or voluntary return to the country of origin.

## **RECEPTION CENTRE**

### ***Where can I be accommodated?***

When you declare intention for claiming international protection, you are entitled to admission, which means accommodation in the Reception Centre in Spuž, Reception Centre in Božaj or any other facility funded by the Government of Montenegro.

You may decide to stay in a place of residence of your choice and to cover the accommodation costs. If you decide to leave the Reception Centre or another facility funded by the Government, you are required to notify the Directorate for Asylum of your new address, within three days from the date of your decision, i.e. from the date of changing the place of residence and address.

### ***What should I do if I want to leave the Reception Centre?***

You may decide to leave the Centre and choose another place for living. You must obtain approval from an authorized person at the Reception Centre if you leave the Centre for more than 24 hours. If you do not get approval from the Centre before you leave for more than 24 hours, you may lose your right to State-provided accommodation, or your right may be restricted.

If you change your address and leave the Reception Centre in order to move to a facility that you yourself will pay for, you are required to notify the Directorate for Asylum about the change of address within 3 days from the day of the address change. If you fail to notify the Directorate for Asylum, the Office will terminate the procedure at your request. In that case, you will lose the status of a foreigner seeking international protection in Montenegro, along with all the rights related to that status.

### ***What does reception mean?***

Reception includes the following: accommodation, food and clothing, provision of transportation – if needed to participate in the procedure upon the application for international protection or exercising other rights, as well as one-time financial support. The accommodation, food and clothing, public transportation allowance, as well as basic toiletries and mandatory medical examination will be provided by the Reception Centre.

If you decide to find accommodation yourself, you will still be entitled to

education, healthcare in the State institutions, one-time financial assistance as well as free legal aid.

### ***Can my right to reception be limited or denied?***

The right to reception may be limited or denied if you:

1. are not staying in the Reception Centre you have been assigned to;
2. leave the Reception Centre for more than 24 hours without notification;
3. have enough means to afford an adequate standard of living;
4. violate the rules of stay and house rules at the Reception Centre.

If your right to admission and accommodation is limited or denied, you will receive a decision made by the Ministry of Interior in writing. You have the right to file a lawsuit against that decision with the Administrative Court of Montenegro, within 8 days from the day the said decision have been delivered.

## **RIGHTS AND OBLIGATIONS DURING THE PROCEDURE FOR APPROVING INTERNATIONAL PROTECTION**

### ***Will I be able to provide more information about my case after I have submitted an application?***

Personal interview upon the application for international protection, Once you have applied for international protection, the Directorate for Asylum will, as soon as possible, schedule an interview during which you will be allowed to present and clarify all the facts and circumstances relevant to the procedure for approving international protection, with the assistance of an interpreter for the language for which it is justifiably assumed that you understand and in which you can communicate.

If possible and justified, the procedure upon your application for international protection will be conducted by an authorized official of the same gender.

From the moment you declare your intention to seek international protection in Montenegro until the final decision on your application has been made, you are entitled to free legal aid, including during the preparation for the interview and in the course of the interview. Should a negative decision be made and there are grounds for a lawsuit, you are entitled to free legal aid during the second instance procedure.

### ***How will I be informed about the date and time of the interview?***

An interview may take place once or several times. For each interview, you will receive a written invitation in a language you understand, with an indicated date and time of the interview. If you do not understand Montenegrin language, you are entitled to an interpreter. If you have a legal representative, you will be notified on the date and time of your interview through them. If you do not have a legal representative, you will be notified of the date and time of your interview through the Reception Centre administration, if you are accommodated in the Centre, or directly from the Directorate for Asylum.

You also have the right to go to the Directorate for Asylum and ask about your application status, including about the information on the date and time of your interview.

### ***What are my rights and duties in the course of an interview?***

You are required to attend and participate in your interview. During the interview you are required to tell the truth, which means that you must present the facts in the way you know and understand them. If you do not know the answer to any question, you should say so. It is also in your best interest to specify any evidence that you have at your disposal or are able to obtain.

Although you have already been briefly interviewed in the course of your application for international protection, the purpose of this interview is to collect information in order to gain a complete and objective understanding of your circumstances and to determine whether they meet the requirements and qualify for granting international protection. Usually the interview is focused on your experience in the country of origin, as well as to what you deem would happen to you if you were returned to that country and why it would happen to you.

Each person who attends the interview is obliged to keep all the information about your case confidential. It also means that people present in the room are forbidden to share, without your consent, the information collected during your interview, with the authorities of your country of origin or members of your family.

The role of an interpreter is to enable communication between you and the person who conducts the interview. Try to use short sentences to allow the interpreter to translate your words correctly. If, at any time, you

have difficulties in communication with your interviewer or with your interpreter, feel free to tell him/her and ask him/her to clarify or rephrase the question.



## **DECISION**

### *What kind of decision can I expect following my application for international protection?*

Once enough evidence have been collected , the Directorate for Asylum will make a decision. The Directorate for Asylum may:

- approve your application and grant you asylum or subsidiary protection; or
- refuse your application;

If you withdraw your application for international protection, avoid the invitation to interviews, do not appear at the interview for unjustified reasons or change your place of residence for more than 3 days without prior notification of the Directorate for Asylum or the Reception Centre, the procedure upon your application for international protection will be suspended.

### ***What if I think the decision is not legally grounded?***

If you believe that the Directorate for Asylum has not made a fair/legally grounded decision, you can file a lawsuit against such decision. The lawsuit is filed with the Administrative Court of Montenegro, within the time-frame specified in the decision of the Directorate for Asylum. In this case, it is recommended that you contact your legal representative.



## **INTERNATIONAL PROTECTION**

### ***What can I expect if I am granted international protection?***

If you are granted international protection in Montenegro, the Ministry of Interior will issue you with an appropriate identity and travel document. The travel document is used for travelling to other countries, in accordance with the specific terms and conditions of entry, specified by the country to which you are traveling. For other information on your rights, as well as how to exercise those rights, you can contact the Directorate for Integration of Foreigners Granted International Protection and Reintegration of Returnees upon Readmission of the Ministry of Interior.

### ***What will I be entitled to if I am granted protection in Montenegro?***

If you are approved international protection in Montenegro, you will be entitled to:

- 1) stay in Montenegro;
- 2) accommodation and financial support, for the period of two years after the decision on approval of international protection;
- 3) work;
- 4) healthcare;
- 5) education;
- 6) free legal aid;
- 7) social care and protection;
- 8) family reunification;
- 9) assistance with integration into society, in the period of up to three years after the decision on approval of international protection;
- 10) sign up for Montenegrin language courses, courses in Montenegrin history and culture;
- 11) own property;
- 12) documents in accordance with this law;
- 13) obtaining Montenegrin citizenship.

### ***What would be my duties?***

If you are approved international protection in Montenegro, you will be required to:

- 1) observe the Constitution, laws and other regulations of Montenegro;
- 2) report your residence address within 15 days of receipt of the decision granting international protection;
- 3) have your personal ID with you and present it for inspection to the authorized persons.

## **RETURN**

### ***How can I return home?***

You can initiate the procedure for voluntary return home at any stage of the procedure for granting international protection,.

If your application for international protection is rejected, you can also initiate a procedure for voluntary return home.

If you do not proceed accordingly, you will be forced to leave Montenegro, according to the provisions of the Law on Foreigners.

## USEFUL CONTACT INFORMATION

*What are useful contact information which may be helpful in Montenegro?*

Institution	Address	Telephone no.
Reception Centre in Božaj - intention, accommodation	Božaj, opština Tuzi	
Reception Center in Spuž - accommodation and other rights	Grbe bb, Spuž	+382 20 818 287
Directorate for Asylum - application /interview/decision	Serdara Jola Piletića bb, Podgorica (zgrada Limenka)	+382 20 247 218
Administrative Court of Montenegro – lawsuit	Bul. Sv. Petra Cetinjskog 130, Kula-Poslovni centar NCO, Podgorica	+382 20 219 481
Directorate for Integration of Foreigners Granted International Protection and Reintegration of Returnees upon Readmission - coordination of assistance in integration of persons who are granted protection	Jovana Tomaševića, broj 4, Podgorica	+382 20 241 075
UNHCR Montenegro Office	Slobode 2, Podgorica – Hilton Business Centre	+382 20 447 400
	Hotline available on weekdays, 8:00 a.m. – 4:00 p.m., including Viber and WhatsApp	+382 69 123 102
	UNHCR Montenegro - Help for refugees and asylum-seekers	<a href="http://www.help.unhcr.org/montenegro">www.help.unhcr.org/montenegro</a>
Civic Alliance – free legal aid	Petra Dedića 26, Građanska kuća building, Stari aerodrom, Podgorica	+382 69 134 454 +382 20 513 687
Red Cross of Montenegro – psychological and social support to foreigners seeking international protection	Jovana Tomaševića 6, Podgorica	+382 69 768 648



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## **Other important phone numbers:**

Police Emergency: 122

Fire Service: 123

Medical Emergency: 124

SOS help line for victims of human trafficking: 116 666

