

MONTENEGRO | PROFILE 2022

MIGRATION
GOVERNANCE
INDICATORS



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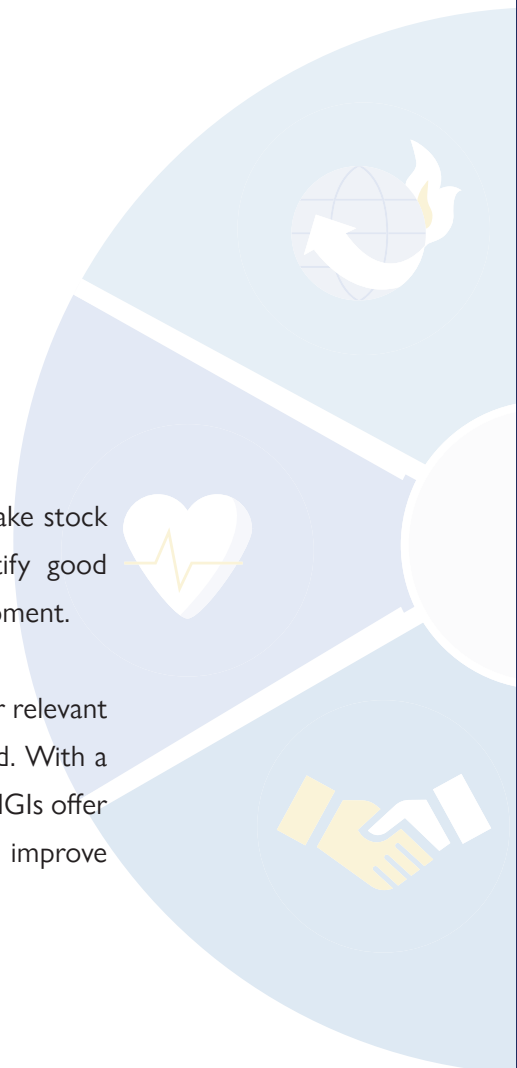
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OBJECTIVES

The MGIs aim to help governments, upon request, take stock of their migration policies and strategies to identify good practices and areas with potential for further development.

The MGIs open dialogues with governments and other relevant stakeholders to identify priorities on the way forward. With a focus on government ownership of the process, the MGIs offer support at the national and local levels to gradually improve migration management systems.



INTRODUCTION

“ Migration has been part of the human experience throughout history, and we recognize that it is a source of prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance.¹

The need to maximize the opportunities and to face the challenges that mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, and with the adoption of the Global Compact for Safe, Orderly and Regular Migration. The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance² Framework (MiGOF). This Framework³ offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances. That same year, IOM in collaboration with Economist Impact developed the Migration Governance Indicators (MGIs), a standard set of almost 100 indicators that help States assess the comprehensiveness of their migration governance structures.

The indicators constitute a starting point to engage governments in a consultative process that allows them to identify areas that are well developed and others that would benefit from further development, and most importantly priorities that are in line with the specific challenges and opportunities that a given country is facing.

The MGIs are characterized by three main fundamental attributes:

1. The MGI process is a **voluntary** exercise: The MGIs are conducted in countries that have requested to be part of the process.
2. The MGIs are **sensitive to national specificities**: The MGIs recognize the different challenges and opportunities of each context, and therefore, do not propose a one-size-fits-all solution, but rather aim to spark a discussion on what well-governed migration can mean.
3. The MGIs constitute a **process**: The MGI process is not a static tool to collect data on countries' migration frameworks. It is rather the first step of a dynamic exercise that can enable governments to identify areas of their migration policy in need of further development, or that could benefit from capacity-building.

The MGIs recognize that all countries have different realities, challenges and opportunities in relation to migration. Therefore, the MGIs do not rank countries on the design or implementation of their migration policies.

Finally, the MGIs do not measure migration policy outcomes or institutional effectiveness. Instead, they take stock of the migration-related policies in place and operate as a benchmarking framework that provides insights on policy measures that countries can consider as they further progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of Montenegro, as well as the areas with potential for further development, as assessed by the MGIs.⁴

¹ United Nations, *Global Compact for Safe, Orderly and Regular Migration* (A/RES/73/195 of 11 January 2019), paragraph 8.

² “Migration governance” refers to the system of institutions, legal frameworks, mechanisms, and practices aimed at regulating migration and protecting migrants. It is used almost synonymously with the term “migration management”, although the latter is also sometimes used to refer to the narrow act of regulating cross-border movement at the State level.

³ IOM Council, *Migration Governance Framework*, 106th Session, C/106/40 (4 November 2015), page 1, footnote 1.

⁴ The MGI initiative is a policy benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM's Member States.

CONCEPTUAL FRAMEWORK

MiGOF

IOM's MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane and orderly, and benefits migrants and society.

At the basis of

PRINCIPLES

1. **Adhere** to international standards and fulfil migrants' rights.
2. **Formulate** policy using evidence and a whole-of-government approach.
3. **Engage** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively address** the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.



MGIs

WHAT THEY ARE

-  A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures
-  A tool that identifies good practices and areas that could be further developed
-  A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7 and the Global Compact for Migration implementation*

Which support the measurement of

WHAT THEY ARE NOT

-  Not a ranking of countries
-  Not an assessment of policy impacts
-  Not prescriptive



Note: "The Global Compact for Migration is framed in a way consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which Member States committed to cooperate internationally to facilitate safe, orderly and regular migration."



KEY

FINDINGS

The MGIs consist of almost 100 indicators grouped under the six different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 12

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. They look at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 16

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 19

This category focuses on countries' efforts to cooperate on migration-related issues with other States and relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 21

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 24

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals in relation to disasters and climate change, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY AND
REGULAR MIGRATION
PAGE 26

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



1

ADHERE TO INTERNATIONAL STANDARDS AND FULFIL MIGRANTS' RIGHTS

1.1. International conventions ratified

Table 1. Signature and ratification of international conventions

Convention name	Ratified (Year)
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (2006)
Convention relating to the Status of Refugees (also known as the Refugee Convention), 1951	Yes (2006)
United Nations conventions on statelessness, 1954 and 1961	Yes (2006, 2013)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	Yes (2006)
Convention on the Rights of the Child (CRC), 1989	Yes (2006)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No*
ILO Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)	Yes (2006)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000	Yes (2006)
Council of Europe Convention on Action against Trafficking in Human Beings, 2005	Yes (2008)
Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	Yes (2010)
European Convention on Nationality, 1997	Yes (2010)

* Montenegro has signed the ICRMW in 2006 but is yet to ratify it as of December 2022.

1.2. Migration governance: Examples of well-developed areas

Migrant workers have equal access to Government-funded health services as citizens. The Constitution of Montenegro (2007) states that “[e]veryone has the right to health care” and does not distinguish between citizens and migrants. Furthermore, according to the Law on International and Temporary Protection of Foreigners (2016, last amended in 2019), “[a] foreigner seeking international protection⁵ shall be entitled to ... healthcare”, including emergency medical care and treatment of illness and serious mental disorder.

⁵ Under Montenegro legislation, asylum-seekers are referred to as “aliens seeking international protection”.

The health care and health insurance systems in Montenegro are governed by the Law on Health Care (2005, last amended in 2019) (to ensure the provision of mandatory health insurance) and the Law on Health Insurance (2016, last amended 2019). According to the Law on Health Insurance, migrant workers have access to primary, secondary and tertiary health services through the Republic Health Insurance Fund.⁶

Montenegro provides Government-funded education services to all migrants, regardless of their migratory status. The Constitution states that “[t]he right to education under equal conditions is guaranteed” and does not distinguish between citizens and migrants. According to the General Law on Education and Upbringing (2008, last amended in 2021) and the Law on Vocational Education (2002, last amended in 2013), primary, secondary and vocational education are provided by the Government free of charge for all students, including migrants. The Law on Primary Education (2001, last amended in 2011) makes primary education compulsory for all children between the ages of 6 and 15.

Migrants in Montenegro have equal access to social protection as citizens. According to the Law on Social and Child Protection (2017), migrants with “temporary residence or permanent residence” have access to all basic material benefits⁷ and social and child protection services. According to the Law on Foreign Nationals (2018, last amended in 2019), after the issuance of a permit for temporary residence and work, the employer is obliged to register the migrant worker for compulsory social insurance, in accordance with labour regulations. The Law on Mediation and Rights during Unemployment (2019) grants some categories of foreign nationals⁸ the right to be on the register of unemployed persons at the Employment Agency of Montenegro, use its services for the labour market and exercise their rights during unemployment, under the same conditions as nationals.

Montenegro has concluded bilateral international agreements on the portability of social security and insurance with 25 countries, including 16 member States of the European Union.⁹ Social insurance, in the framework of these agreements, includes pension and disability insurance, health insurance, health care and maternity, insurance for work injury and occupational disease, unemployment insurance and family benefits. These agreements enable the harmonized application of the national legislation of the contracting States in the field of social insurance to guarantee equal treatment of nationals from participating countries, determine the applicable legislation, ensure the preservation of acquired rights and guarantee payment (transfer) of benefits in case of a change of residence to another contracting State.

Migrants have access to family reunification. According to the Law on Foreign Nationals, a temporary residence permit for family reunification is issued to the immediate family of a migrant who has been granted permanent or temporary residence in Montenegro, and it is valid for a period of up to one year, with the possibility of extension.^{10,11} Furthermore, according to the Law on International and Temporary Protection of Foreigners, a foreigner seeking international protection, an asylum-seeker, a foreigner under subsidiary protection and a foreigner under temporary protection have the right to family unity. In order to ensure the application of the principle of family unity, in the process of reuniting family members,

⁶ Primary health care covers 80 to 85 per cent of health-care needs. Secondary and tertiary health care is provided through specialist outpatient clinics and hospital wards.

⁷ Basic material benefits in social protection include material security, personal disability allowance, care and assistance allowance, health care, funeral expenses, and one-time financial assistance and compensation to the parent or guardian of the beneficiary of the right to personal disability allowance.

⁸ This includes persons who hold a (a) permit for permanent residence; (b) a temporary residence permit for a stateless person; (c) a temporary residence permit for family reunification with a Montenegrin citizen or with a foreigner who has a permanent residence permit; and (d) a temporary residence permit for humanitarian reasons, recognized refugee status or approved additional protection; and those (e) granted asylum or subsidiary protection, or seeking international protection, within nine months from the date of submission of the request for international protection.

⁹ The countries with which Montenegro has concluded bilateral agreements on the portability of social security and insurance are Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czechia, Denmark, Egypt, France, Germany, Hungary, Italy, Libya, Luxembourg, the Kingdom of the Netherlands, North Macedonia, Norway, Poland, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Türkiye and the United Kingdom.

¹⁰ The immediate family is considered to include spouses; minor children born in or out of wedlock; children of one of the spouses and adopted children, up to 18 years of age; and parents or adoptive parents of minor children. Other relatives may be considered members of the immediate family if there are special, personal or humanitarian reasons for family reunification in Montenegro. As per Article 44, a temporary residence permit shall not be issued to a family member of a foreign national who has been issued a residence and work permit for seasonal employment.

¹¹ The temporary residence permit for the purpose of family reunification can be extended when a Montenegrin citizen has died, as well as in the case of the termination of a marriage that lasted at least three years in Montenegro. This can also be the case for a child who has reached the age of majority, and if they had an approved temporary stay for the purpose of family reunification for a continuous period of three years.

the diplomatic or consular representation of Montenegro abroad will, on the proposal of the Ministry of Foreign Affairs, issue a visa to the family members of that person or, if there are no conditions for issuing a visa, a travel document for a foreigner.

The Law on Foreign Nationals establishes that “[w]ithout a temporary residence and work permit or work registration certificate, [a foreigner can work in Montenegro if they have] a temporary residence permit for family reunification with a Montenegrin national or with a foreign national who holds a permanent residence permit, temporary residence permit for scientific and research work, or temporary residence and work permit for movement of person[s] within a foreign company”.¹² Regarding self-employment, the Foreign Investment Law (2011) states that a “foreign investor may establish an enterprise and invest in the enterprise, under the same terms and conditions provided for nationals when establishing enterprises”. The procedure for registering a new company is the same for nationals and migrants, except for enterprises in the manufacturing and trade of armament and military equipment. According to the Law on International and Temporary Protection of Foreigners, a foreigner seeking international protection acquires the right to work within a period of nine months from the date of submission of the application for international protection, even if the Ministry of the Interior has not yet made a decision on the case. A foreigner seeking international protection exercises the right to work without a residence and work permit or work registration certificate until the decision regarding the application for international protection becomes final.

All migrants can apply for a permanent residence permit under equal conditions, if the conditions prescribed by law are met. According to the Law on Foreign Nationals, to be eligible to apply for permanent residency, foreigners must have legally resided in Montenegro for at least five consecutive years on the basis of approved temporary residence, recognized refugee status or approved additional protection, or have been granted asylum or subsidiary protection. The Law also states that the five-year residency requirement can be waived “if required by humanitarian reasons or if that is in the interest of Montenegro”.

1.3. Areas with potential for further development

Migrants who have been issued a residence and work permit for seasonal employment do not have access to family reunification. Any migrant who is not eligible for a temporary residence permit on the basis of family reunification with a Montenegrin citizen or a permanent resident, a temporary residence permit for scientific research, or a temporary residence and work permit for the purpose of movement of persons within a foreign company is required to obtain a permit for temporary residence and work or – in cases of short work engagements under 90 days – a work registration certificate in order to work in the country.

The Law on Foreign Nationals, Article 66, stipulates that a foreigner can work in Montenegro on the basis of a permit for temporary residence and work or a certificate of labour registration. Foreigners can work in Montenegro only in jobs for which they have been issued a permit for temporary residence and work or a certificate of employment registration – and only with the indicated employer. Exceptionally, a foreigner may be issued a permit for temporary residence and work to perform the duties of an executive director for several employers, in accordance with the regulations governing the field of employment. The procedures for issuing permits for temporary residence and work and confirmation of work registration are carried out by the Ministry of the Interior. Only Montenegrin citizens are able to accept public-sector employment, as established by the Law on Civil Servants and State Employees (2021). However, a foreign national can be employed in a State body under the conditions prescribed by a special law and an international agreement.

¹² Namely, the Law on Foreign Nationals, Article 67, stipulates that without a permit for temporary residence and work or a certificate of work registration, a foreigner can work in Montenegro if there is a (a) temporary residence permit for family reunification with a Montenegrin citizen or a foreigner who has a permanent residence permit, a temporary residence permit for the purpose of scientific and research work, or a permit for temporary residence and work for the purpose of movement of persons within a foreign company; (b) temporary residence permit for the purpose of studying; (c) temporary residence permit for humanitarian reasons; and (d) temporary residence permit for a stateless person.

Montenegro does not have a specific policy or strategy to combat hate crimes, violence, xenophobia or discrimination against migrants. However, the Constitution of Montenegro prohibits “direct or indirect discrimination, on any ground” and “violent assimilation of members of minority nations and other minority national communities”. The Law on the Prohibition of Discrimination (2010, last amended in 2011) equally prohibits “any form of discrimination, on any ground”, including national affiliation.



2

FORMULATE POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Ministry of the Interior is responsible for designing and coordinating the implementation of Montenegro's migration policy. The Ministry's Directorate for Administrative Affairs, Citizenship and Foreigners and its units – the Directorate for Foreigners, Migration and Readmissions; the Directorate for Asylum; the Directorate for the Reception of Foreigners Seeking International Protection; and the Directorate for Integration of Foreigners with Approved International Protection and Reintegration of Returnees upon Readmission – are responsible for migration issues falling under their respective mandates.

In 2020, Montenegro merged its migration and returnee reintegration policies into an overall programmatic document: the Strategy on Migration and Reintegration of Returnees in Montenegro for 2021–2025 (2020).¹³ The Strategy lays out strategic goals and operational objectives in relation to regular and irregular migration, asylum, readmission, permanent resolution of the status of displaced persons and internally displaced persons, and statelessness. It aims to “harmonize and improve the existing legal framework in line with international standards and further strengthen the institutional and administrative capacity for integrated management of mixed migration” and to improve “the system of readmission and return of Montenegrin and foreign citizens with an efficient assistance process, in accordance with the concluded agreements and protocols on readmission and in cooperation with other countries and international organizations”.

Montenegro is making efforts to enhance vertical policy coherence. The Interdepartmental Working Group, established in 2021 and chaired by the Ministry of the Interior, is responsible for monitoring the implementation of the Government's Strategy on Migration and Reintegration of Returnees in Montenegro through its Action Plan for 2021–2022.¹⁴ The Interdepartmental Working Group held its first session on 4 October 2021 to present the key objectives of the Strategy. It includes multi-stakeholder representatives from the Ministry of Labour and Social Welfare, the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Health, the Police Administration, the Administration for Inspection Affairs, the Revenue and Customs Administration, the Employment Agency of Montenegro, the Union of Municipalities of Montenegro, the Red Cross of Montenegro, the Office of the United Nations High Commissioner for Refugees, IOM, and two non-governmental organizations – Legal Centre and Civic Alliance. In 2021, the Working Group developed the Report on the implementation of the Strategy on Migration and Reintegration of Returnees in Montenegro for 2021–2025 (2022).

The Directorate for Administrative Affairs, Citizenship and Foreigners and the Ministry of Foreign Affairs are responsible for enacting immigration policy. According to the Law on Internal Affairs (2021), the Ministry of the Interior is responsible for “issuing identity cards and documents for travel and other purposes; deciding on the acquisition and loss of Montenegrin citizenship and other rights in the field of civil status; the rights of foreigners and stateless persons; mixed migration management; police affairs and affairs directly related to the police; affairs related to the prevention of money laundering and terrorist financing; integrated border management and coordination of the Schengen Action Plan”. The Ministry of Foreign Affairs, through its diplomatic and consular representations, is responsible for the issuance of visas. The Law on Foreign Nationals (2018, last amended in 2019) regulates “the conditions of entry into, exit from, movement throughout,

¹³ The Strategy on Migration and Reintegration of Returnees in Montenegro for 2021–2025 is the third strategic document in this area. Previous strategies were adopted separately by policy area, namely the Strategy for Reintegration of Persons Returned on the Basis of the Readmission Agreement for 2016–2020 and the Strategy for Integrated Migration Management in Montenegro for 2017–2020.

¹⁴ The Working Group meets at least four times a year, and the first meeting was held in October 2021. In the two-year Action Plan for the implementation of the Strategy, a total of 100 activities are planned for implementation. Given that the Strategy was adopted at the end of September 2021, the implementation deadline for most of the activities is scheduled for 2022, namely a total of 91 activities, while the implementation of 9 activities is scheduled for 2021.

stay and work of foreign nationals in Montenegro” as well as the types of visas that can be issued in the country – namely an airport-transit visa (Visa A), a visa for a short stay (Visa C) and a visa for long-term stay (Visa D).¹⁵ The Law on International and Temporary Protection of Foreigners (2016, last amended in 2019) prescribes the principles, conditions and procedure for granting international and temporary protection for a foreigner seeking it; the rights and obligations of a foreigner seeking international protection, asylum, subsidiary protection or temporary protection; as well as the conditions and procedures for the annulment and termination of asylum, subsidiary protection and temporary protection. The procedures and conditions for acquiring and losing Montenegrin citizenship are regulated by the Law on Montenegrin Citizenship (2008, last amended in 2014).

The Administration for Cooperation with the Diaspora–Expatriates, an independent public body, is responsible for enacting emigration policy and engaging with its diaspora population. Its responsibilities include cooperating with the diaspora and emigrants from Montenegro and their organizations to preserve and strengthen their State identity and affiliation with the country and protect their rights abroad. According to the Law on Foreign Affairs (2017), the Ministry of Foreign Affairs protects the interests of Montenegro and its citizens and legal entities abroad and develops cooperation with its emigrants and their organizations. The Law on Cooperation between Montenegro and the Diaspora–Emigrants (last amended in 2021) aims to strengthen ties with the diaspora and states that “Montenegro is committed to creating and improving the conditions necessary for the inclusion of members of the diaspora and emigrants in the social, economic and political life of Montenegro”. The Decree on the Organization and Manner of Work of the State Administration (2021) specifies the means of cooperation with the diaspora.

The Strategy on Migration and Reintegration of Returnees in Montenegro for 2021–2025 includes measures to promote the reintegration of returnees, as well as the integration of migrants in need of international protection. It states that “it is necessary to prepare appropriate programmes for the integration of foreigners seeking international protection, asylum-seekers and foreigners with approved subsidiary protection into Montenegrin society, primarily through their employment, as well as to continue and strengthen cooperation with the private sector and provide these persons with education and training for the acquisition of craft skills, in order to get a job as easily as possible”.

The Strategy is also aligned with the National Strategy for Sustainable Development until 2030 (2016), namely with Goals 8 (provide decent work and economic growth) and 10 (reduction of inequality) of the latter. To contribute to the fulfilment of Goal 8, the Strategy on Migration and Reintegration of Returnees in Montenegro aims to improve adherence to migrant workers’ rights. It aims to promote the implementation of holistic migration policies to fulfil Goal 10 as well. Furthermore, the National Strategy for Sustainable Development includes a goal of decreasing the incidence rates of fatal and non-fatal injuries at work, especially for migrant women, in adherence to labour rights for all, including migrant workers. Additionally, the National Strategy for Sustainable Development highlights migration as a resource and the historical waves of migration into and out of Montenegro.

Montenegro has a clear and transparent set of rules and regulations pertaining to migration. The Law on Foreign Nationals and the Law on International and Temporary Protection of Foreigners are available in both Montenegrin and English on the website of the Ministry of the Interior. The website also includes a web page on “citizenship and residency”, which outlines the application formalities for stays of up to 90 days, temporary residence, permanent residence and citizenship, all of which are available in English.

¹⁵ Visa A allows for single or multiple transits through an international transit terminal of an airport during a layover or a transfer between two international flight legs, without actually entering the territory of Montenegro. Visa C can be obtained for the purpose of transiting through Montenegro or for entering as well as staying in the territory of the country for up to 90 days within a time period of 180 days counted as of the first day of entry. Visa D is intended for foreigners who wish to stay longer than 90 days – for performing business activities or work or serving in accredited foreign diplomatic and consular missions and representative offices of international organizations in Montenegro – but not more than 180 days, counted as of the first day of entry.

2.2. Areas with potential for further development

The Strategy on Migration and Reintegration of Returnees in Montenegro is not gender responsive. It refers only to the Refugee Centre in Spuž, which provides “appropriate accommodation”, with separate accommodation available for men, women, families and vulnerable groups (e.g. unaccompanied women, unaccompanied minors, and persons with disabilities).

Montenegro collects data on migration, but not all the data are publicly available. The Ministry of the Interior and the Statistical Office of Montenegro (MONSTAT) concluded a Cooperation Agreement (2015) to regulate the method and deadlines for submitting data on migration and international protection. The Ministry, through its Central Population Register, collects and submits data on the number of foreigners holding temporary and permanent residence permits as well as those with work permits to MONSTAT, but these are not publicly available. MONSTAT collects data via its annual Labour Force Survey, which contains statistics on the economically active population or labour force in Montenegro, but it does not include data related to labour migration. In addition, MONSTAT cooperates closely with the Statistical Office of the European Union (Eurostat) by sharing national statistical data. Nonetheless, the Ministry of the Interior, through its Directorate for Administrative Affairs, Citizenship and Foreigners, prepares regular reports on migration on a monthly, quarterly and annual basis, with each directorate of the Ministry contributing information on its area of competence. These reports are submitted to the Interdepartmental Working Group to monitor the implementation of the Action Plan for the Strategy on Migration and Reintegration of Returnees. The Action Plan and the report on the implementation of the Strategy are available online.



3

ENGAGE WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Montenegro participates in the Budapest Process, a consultative forum uniting over 50 States¹⁶ to promote orderly migration through dialogue, information-sharing and cooperation. The country also participates in the Prague Process, a regional consultative process that aims to strengthen cooperation in migration management and foster migration partnerships between participating countries.¹⁷

Furthermore, Montenegro became a candidate for membership of the European Union – a political and economic union promoting labour mobility between member States – in 2010 and started its negotiations to join in 2012. In accordance with European Union Directive No. 98 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a member State (2011), a single procedure for both residence and work permits was established. Namely, since 2018, the Law on Foreign Nationals (2018, last amended in 2019) abolished work permits as a condition for European Union nationals and their family members to undertake work in Montenegro. In September 2022, the European Commission and the Ministry of the Interior signed the Administrative Arrangement to collaborate in the European Migration Network (EMN), where Montenegro received observer status.¹⁸ The EMN is a network of migration and asylum experts, which provide the latest objective, reliable and comparable information in the field of migration and asylum for making political decisions in the countries of the European Union.

The country is also a member of the Migration, Asylum, Refugees Regional Initiative (MARRI),¹⁹ which aims to enhance regional cooperation for an integrated approach to the issues of migration, asylum, border management, visa policies and consular cooperation, and refugee return and settlement in order to meet international and European standards. Montenegro participates in the MARRI Regional Forum, which provides political and framework support to the Initiative. The forum has a representative at the MARRI Regional Centre in Skopje, which carries out practical cooperation and activities.

In 2018, Montenegro signed a memorandum of understanding with Italy on strengthening cooperation in the fields of border management and migration and the fight against irregular migration and migrant smuggling, especially at sea.

Montenegro formally engages civil society organizations in agenda-setting and addressing migration-related issues. For instance, in May 2020, the Ministry of the Interior and the Legal Centre, a non-governmental organization (NGO), signed a memorandum of cooperation for the implementation of the project “My lawyer – free and professional legal aid for an effective access to rights for migrants”, supported by the European Commission.²⁰ In 2021, the Ministry of the Interior signed a memorandum of cooperation with the Red Cross of Montenegro through which the latter started the implementation of a project aimed at strengthening and providing support and protection services to “aliens seeking international protection” in the country.²¹ Additionally, the Government of Montenegro has a memorandum of cooperation with the Association of Psychologists of Montenegro, whose representatives provide free psychological assistance and support to foreigners seeking international protection.

¹⁶ The list of participating countries is available on this [page from the Budapest Process](#).

¹⁷ The list of participating countries is available on this [page from the Prague Process](#).

¹⁸ More information is available in this [article from the European Commission](#).

¹⁹ The six participating members are Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo. (References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).)

²⁰ More information on the project is available in this [article from the European Union Delegation to Montenegro](#).

²¹ As of December 2022, the project is still active. More information is available in this [article from the Red Cross of Montenegro](#).

The country also engages with the private sector and social partners in agenda-setting and addressing migration-related issues. For instance, the Union of Employers of Montenegro was consulted by the Government during the development of the Strategy on Migration and Reintegration of Returnees in Montenegro for 2021–2025 (2020). Finally, the NGOs Legal Centre and Civic Alliance – private social partners – are members of the Interdepartmental Working Group for monitoring the implementation of the Strategy.

Montenegro formally engages members of its diaspora and expatriate communities in agenda-setting and the implementation of development policy. For instance, in 2017, associations and organizations of emigrants, individual members of the diaspora, State administration bodies, and diplomatic and consular missions of the country provided feedback and suggestions during public consultations on amendments to the Law on Cooperation between Montenegro and the Diaspora–Emigrants (last amended in 2021). Finally, the Administration for Cooperation with the Diaspora–Expatriates is responsible for cooperation and engagement with its diaspora. For example, the Directorate General for Consular and Diaspora Affairs connects investors from the diaspora with Montenegrin institutions and organizes high-level events on diaspora and economic development, with senior officials, including the Prime Minister. The Administration for Cooperation with the Diaspora–Expatriates regularly organizes the Days of Diaspora. The last one was organized in July 2021, in cooperation with the Bijelo Polje Municipality, where a round table on “The role of the Montenegrin diaspora in the process of European integration” was held.²²

3.2. Areas with potential for further development

The country’s participation in regular bilateral negotiations, discussions or consultations on migration issues with other countries is an area with potential for further development. In 2016, Montenegro participated in a conference with fellow Balkan States – Managing Migration Together²³ – in which the countries agreed to cooperate on migration management along the Balkan route. Furthermore, one of the operational objectives of the Strategy on Migration and Reintegration of Returnees in Montenegro is to “consider the possibility of concluding [migration] agreement[s] with other countries through a memorandum, protocol on cooperation, or declaration” and to initiate and hold meetings of the Joint Committees for Monitoring the Implementation of the Agreement on the Readmission of Persons Residing without Authorisation with the European Union (2008) and bilateral agreements on readmission with Albania, Bosnia and Herzegovina, Croatia, Serbia and Kosovo.^{24,25} Meetings of the Joint Committees for Readmission are held if one of the parties initiates them. For example, in 2021, bilateral meetings were held with representatives of the competent authorities of North Macedonia and Serbia, and with Bosnia and Herzegovina in 2022, regarding the implementation of the readmission agreements. The Border Police Department also organizes and attends meetings on migration issues with the border police of bordering countries.

²² Days of Diaspora has been organized five times since 2017 in five different Montenegrin municipalities (Petnjica, Gusinje, Bar, Bijelo Polje and Rožaje). The municipalities are selected based on their high number of expatriates, and the event – which gathers different actors, including public administration representatives as well as expatriates – is organized during summer when they are usually visiting Montenegro.

²³ The participating members are Austria, Croatia, Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Serbia and Kosovo. (References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).)

²⁴ References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

²⁵ See: European Union, 2008.



4

ADVANCE THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

Montenegro has a defined programme for managing labour immigration into the country based on quotas. According to the Law on Foreign Nationals (2018, last amended in 2019), the annual quota for the number of permits for temporary residence and work for foreign nationals is determined in accordance with the migration policy and the status of and movements in the labour market in Montenegro no later than November 30 of the current year, for the following year. In accordance with Article 77 of the same Law, the annual quota is determined based on the proposal of the Ministry of Labour and Social Welfare, which is informed by the Employment Agency, other State administration bodies responsible for certain activities for which the annual quota is determined, and the Social Council. The Government may limit the annual quota, increase the number or redistribute it according to its purposes if this is conditioned by changes in the ratio of supply and demand of the labour market or due to special conditions in certain industries. The annual quota determines the activities in which foreigners can be employed.

Montenegro accounts for migrants' qualifications and skills when deciding whether to admit them. According to the Law on Foreign Nationals, to obtain a temporary residence and work permit, a foreigner migrant must show "evidence of the acquired level of education and qualifications" required for the role.

Montenegro participates in the European Qualifications Framework, which enables comparisons of education qualifications across European Union member States. Additionally, the Montenegrin Qualifications Framework (2010) is aligned with the European Credit Transfer and Accumulation System. The Ministry of Education is responsible for the implementation of this framework and for the recognition of foreign qualifications.

International students have equal access to university education as nationals, as established by the Law on Higher Education (2014, last amended in 2019), and pay the same tuition fees as nationals. They are also able to work in Montenegro after graduation. According to the Law on Foreign Nationals, "After the completion of studies, the foreign national ... who meets the requirements ... may be issued a temporary residence permit in Montenegro for a validity period of nine months in order to seek employment."²⁶ Upon finding employment, they are required to submit an application for a new temporary residence permit based on employment.

International students are allowed to work during the course of their study. According to the Law on Foreign Nationals, a student who has been issued a permit to participate in international exchange programmes or other youth programmes may work in Montenegro, and a student who has been issued a temporary residence permit may work in Montenegro for no longer than 15 hours per week.

Montenegro has developed mechanisms to protect the rights of Montenegrin nationals working abroad. The new Law on the Protection of Employed Citizens of Montenegro Sent to Work Abroad (2021) prescribes the protection of the rights of citizens of Montenegro who are sent to work abroad for the needs of the employer, as well as equal rights in accordance with the regulations of the country to which they are sent.

²⁶ The requirements are that the foreigner has a means of subsistence, accommodation, health insurance, and a valid foreign travel document or identity card issued by another State, which is valid for at least three months longer than the period for which the residence or travel document for a stateless person is granted; has not been banned from entering and staying in Montenegro; has not been legally sentenced in Montenegro to unconditional imprisonment for a term exceeding six months for a criminal offence for which they are prosecuted ex officio or the legal consequences of the conviction have ceased; and has not been legally sentenced in the country of origin to unconditional imprisonment for more than six months for a criminal offence for which they are prosecuted ex officio or the legal consequences of the conviction have ceased.

These rights refer to the maximum working hours and minimum vacation duration; minimum paid vacation; earnings, including overtime pay increases; conditions for assignment of employees through agencies; health protection and hygiene at work; transportation to and from work or reimbursement of expenses for those purposes; accommodation and food according to the standards valid in the country where the employee is sent to work; protective measures for pregnant women, women on maternity or parental leave, children and young people; equal treatment of men and women; and prohibition of discrimination on all grounds. The Directorate General for Consular and Diaspora Affairs, within the Ministry of Foreign Affairs, is responsible for the implementation of this framework. Moreover, the Law on Cooperation between Montenegro and the Diaspora–Emigrants (last amended in 2021) states that the Ministry of Foreign Affairs and the Parliamentary Committee on International Relations and Emigrants are to monitor the application of the human rights of the diaspora and emigrants in receiving countries; analyse the regulations of the receiving countries that are of interest to members of the diaspora and emigrants; and initiate the conclusion of international agreements and other international instruments protecting their interests and rights in the receiving countries.

4.2. Areas with potential for further development

Montenegro has a national assessment for monitoring the labour market demand, but it does not monitor the effects of emigrants on the domestic labour market. The Employment Agency collects, analyses and publishes data on labour market supply and demand as well as employment on a regular basis, but this is based only on the number of people registered with the Agency.²⁷ The latest publication in 2021 covered trends in the labour market based on the volume and structure of the supply, reported demand, and recorded employment and their interrelationships. It does not include data on migrant workers. The Statistical Office of Montenegro collects labour market data annually through its Labour Force Survey, which includes data on the working-age population, disaggregated by status of activity, sex, age group and educational attainment, as well as information on employed persons, disaggregated by status of employment and sector, but it does not collect any data related to migration. The Employment Agency publishes a statistical monthly report containing data on unemployment, disaggregated by sex, qualification level and age, but not by migration status or nationality.

Montenegro has limited measures in place to promote gender equality for migrants in the labour force. The National Strategy for Sustainable Development until 2030 (2016) includes an aim to “[p]rotect workers’ rights and promote a safe and secure working environment for all workers, including migrant/refugee workers, especially migrant/refugee women and people with precarious employment”. Montenegro’s National Strategy for Gender Equality for 2021–2025 (2021) includes the aim of “empowering women and people of different gender and gender identities as well as marginalized and vulnerable individuals and groups to participate in the economy and economic decision-making”, but it does not specifically mention migrants. Similarly, Montenegro’s Law on Gender Equality (2015) states that “[g]ender equality implies equal participation of women and men in all areas of the public and private sectors, equal position, and equal opportunities for the exercise of all rights and freedoms and the use of personal knowledge and skills for the development of society, as well as the realization of equal benefits from the results of work”, but it does not address migrants in particular.

Montenegro has different types of visas in place, but these do not serve to attract specific labour skills. According to the Law on Foreign Nationals, there are three different types of visas: airport-transit visa (Visa A), a visa for a short stay (Visa C) and a visa for a long stay (Visa D). In 2021, the Government of Montenegro adopted the Programme for Attracting Digital Nomads in Montenegro until 2025, which aims to increase the number of digital nomads²⁸ residing in the country and promote its reputation as an attractive tourist destination.

²⁷ Reports are available for 2021, 2020, 2016 and 2014. More information is available on the [Employment Agency of Montenegro's online library](#).

²⁸ A digital nomad can be defined as a person who works remotely, either full-time or part-time, while travelling to new places.

Montenegro is not actively involved in promoting the creation of formal remittance schemes, and neither does it have any programmes in place to facilitate the financial inclusion of migrants and their families. The Fiscal Strategy of Montenegro for 2021–2024 (2021) seeks to “stabilize public finances in the post-COVID period and create conditions for long-term sustainability so that sound public finances are the basis for dynamic and sustainable economic growth, which will improve the living standards of all Montenegrin citizens”. However, it makes no specific reference to migrants.



5

EFFECTIVELY ADDRESS THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The Ministry of the Interior, through its Directorate for Emergency Management, is in charge of disaster risk reduction and management. Montenegro has a contingency plan in place to manage large-scale population movements in times of crisis. The operational team established by the Government and coordinated by the Police Directorate developed an Action Plan in the event of a mass influx of migrants and refugees in transit through the territory of Montenegro (2015). This Action Plan sets out preparatory activities for authorities to carry out, including leasing land or facilities in places planned for checkpoints and the accommodation of migrants and refugees; connecting the location intended for the reception of migrants and refugees to the electricity network; and providing a sufficient number of prefabricated houses, containers, sanitary facilities and non-food items.

Montenegro has measures in place to make exceptions to the immigration procedures for migrants whose country of origin is experiencing crisis. According to the Law on Foreign Nationals (2018, last amended in 2019), “A foreign national whom Montenegro is under an obligation to admit pursuant to an international treaty and where it is required for humanitarian, or internal security or public health reasons may enter Montenegro without a valid foreign travel document.” This was notably implemented for Ukrainian citizens due to the 2022 conflict.²⁹

5.2. Areas with potential for further development

Montenegro does not have a strategy with specific measures to provide assistance to migrants before, during or after a crisis. The Disaster Risk Reduction Strategy for 2018–2023 (2017) aims to raise awareness among stakeholders of the need for disaster risk management, contribute to integrating disaster risk reduction into development policies and plans, achieve the Sustainable Development Goals and capacity-building, and strengthen community resilience to disasters, among other objectives. Furthermore, the Strategy states that in disaster risk reduction, “additional attention should be paid to the most vulnerable groups: women, children, persons with disabilities and their organizations, the elderly, indigenous peoples and migrants”, but it does not contain specific provisions on how to achieve this.

Montenegro’s Disaster Risk Reduction Strategy does not have specific provisions for preventing and addressing the displacement impacts of disasters.

Montenegro has measures in place to assist nationals living abroad in times of crises, on an ad hoc basis. According to the Decree on the Organization and Manner of Work of the State Administration (2021), the Directorate General for Consular and Diaspora Affairs is responsible for the protection of the rights and interests of the diaspora. The Ministry of Foreign Affairs, through its diplomatic representations, protects the interests of Montenegrin citizens abroad and cooperates with other State bodies to provide international legal assistance.

Montenegro has communication systems in place for the public to receive information on the evolving nature of crises and how to access assistance, as well to communicate their needs to the Government. However, these systems do not take into consideration the specific vulnerabilities that migrants face. The Law on

²⁹ Humanitarian reasons include the following: a foreigner who is presumed to be a victim of trafficking or violence in the family or community; a foreigner who is a minor that has been abandoned, is a victim of organized crime, has been left without parental care, is unaccompanied or has been illegally employed in terms of labour regulations; and a foreigner needing aid for particularly justified reasons of a humanitarian nature (cases caused by force majeure, serious illness, permanent disability and others justified by the circumstances).

Protection and Rescue (2007, last amended in 2016) states that in emergency situations, the Ministry of the Interior, through its Operational Communication Centre, receives calls regarding immediate threats or risks, urgently informs the competent authorities of the state of the emergency and its scope, and communicates and coordinates the rescue actions to be undertaken. The Operational Communication Centre also collects information on crises, publishes announcements and has an emergency hotline. In addition, Montenegro's Directorate for Emergency Management receives information on the occurrence of a hazard from the Operational Communication Centre, informs the competent authorities and other participants in protection and rescue, and makes official statements on the state of the emergency. Furthermore, the Operational Communication Centre has a mobile application – 112 MNE – for receiving emergency calls in Montenegro and providing rapid help to those who find themselves in trouble. However, emergency announcements on government websites, social media channels and the 112 MNE mobile application are available only in Montenegrin; sometimes they are in English too, but there are limitations regarding translations.

The National Strategy for Sustainable Development until 2030 (2016), the Disaster Risk Reduction Strategy, the Law on Foreign Nationals, and the Law on Protection and Rescue do not contain measures regarding the reintegration of migrants who have fled the country during crises. However, the Strategy on Migration and Reintegration of Returnees in Montenegro for 2021–2025 (2020) aims to improve the conditions for adequate access to the process of return and reintegration of former internally displaced persons and refugees from Bosnia and Herzegovina, Croatia, and Kosovo.²⁴



6

ENSURE THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

Montenegro's Border Police Department within the Police Directorate is responsible for integrated border control and security, as established by the Law on Border Control (2009, last amended in 2013). According to the Law, border control includes “surveillance of the State border; border checks, and assessment of threats to the security of the State border and is performed for: securing the State border; the protection of human life and health and the environment; detecting and preventing the commission of criminal offences and misdemeanours, and finding and apprehending their perpetrators; the prevention of illegal migration; [and] the detection and prevention of other activities and actions that endanger the security of the State border, public order and public health”.

Montenegro's Border Police officers are regularly trained by the Police Academy Danilovgrad. The Academy hosts a large number of educational programmes and specialist and security training, primarily for members of law enforcement agencies. The Border Police receive regular training that is aligned with the annual training plan and programme offered at the Police Academy, as well as training on migration issues by international organizations, including IOM and the Office of the United Nations High Commissioner for Refugees.

Montenegro has legislation in place to ensure that migrant detention is used only as a measure of last resort. The Law on Foreign Nationals (2018, last amended in 2019) establishes “milder measures” for the police to implement to ensure the return of a foreigner – which include the deposit of travel documents and travel tickets, the deposit of certain financial assets, a ban on leaving the accommodation at a certain address, and reporting to the police at a certain time – as alternatives to holding them in the Reception Centre for Foreigners.³⁰ According to the Law, “The police shall restrict the freedom of movement for a foreign national for whom it is not possible to be removed forcibly or whose return may not be ensured by the enforcement of milder measures.” According to the Law on International and Temporary Protection of Foreigners (2016, last amended in 2019), “A foreigner seeking international protection may have limited freedom of movement, if, based on the facts and circumstances of his case, it is considered necessary for the following: 1) determining facts and circumstances on which the application for international protection is based, and which cannot be established without limitation of movement.”³¹ Measures to limit freedom of movement include the prohibition of movement outside the Reception Centre, prohibition of movement outside a certain area, prohibition of leaving the accommodation at the registered address, mandatory accommodation in the Reception Centre, as well as temporary confiscation of travel permits and other documents.

Information on visa types and entry requirements, a guide on visa issuance procedures, and information on how to obtain temporary residence and work permits are easily available in Montenegrin and English on the Ministry of the Interior's website.

Montenegro has a paper system for visa application prior to arrival. The visa application form is available on the website of the Government of Montenegro in English, French and Montenegrin. Foreigners are required to submit visa applications in person.

³⁰ This can include measures restricting freedom of movement.

³¹ This is the case especially if it is assessed that there is a risk of flight in view of previous attempts to leave Montenegro on their own; previous refusal to have their identity checked and established; concealment of facts or provision of false information about their identity, i.e. citizenship; and gross violation of residence rules and house rules in the Reception Centre. The results of the European Asylum Dactyloscopy Database (Eurodac) system for comparing fingerprints using Regulation (EU) No. 603/2013, the determination and verification of identity or citizenship, the protection of the national security and public order of Montenegro, and preventing the abuse of the procedure, when there is reasonable suspicion that a person expressed their intention to submit an application for international protection during the procedure in order to prevent forced removal, also need to be considered.

The Strategy of Cooperation with the Diaspora–Emigrants for 2020–2023 (2020) contains measures to attract nationals who have migrated from the country. The Strategy states that government departments must work on “creating preconditions, benefits and facilities for the return of emigrants to Montenegro and their reintegration into society” through an efficient assistance process, in accordance with the concluded agreements and protocols on readmission and in cooperation with other countries and international organizations. It further states, “Emigrants are also advocating for organizing meetings of businessmen from the diaspora and the home country, preparing a complete offer of projects for the development of local self-government units to present to investors from the diaspora, [and] introducing incentives for every newly created job, for example in the form of a tax exemption on personal income tax and for returning entrepreneurs, or a tax exemption on the company’s profits for a period of five years from the day when it registers its company or business.”

The Department for Combating Trafficking in Human Beings of the Ministry of the Interior is responsible for implementing the Strategy for Combating Trafficking in Human Beings 2019–2024 (2019). The Strategy focuses on four key areas: prevention of human trafficking; protection of victims of trafficking; criminal justice response/prosecution; and partnership, coordination and international cooperation. It stresses the need for training on gender sensitivity and to strive for the proportional representation of women. The Department for Combating Trafficking in Human Beings creates effective mechanisms to combat human trafficking and presents the achieved results of counter-trafficking activities in Montenegro through participation in various domestic and international conferences.

Montenegro publishes annual reports regarding the Action Plan for the Implementation of the Strategy for Combating Trafficking in Human Beings for 2019–2024 (2021). For example, the 2021 report stated that a number of training courses were conducted in order to “strengthen the professional capacities of representatives of competent State bodies for proactive identification, referral, protection and reintegration of potential victims of trafficking, as well as quality prosecution of perpetrators”.

6.2. Areas with potential for further development

The Montenegro Border Police monitor entry and exit points by conducting checks at border crossings, but they do not have an overall visa information system to monitor overstays. The Law on Border Control (2009, last amended in 2013) includes legal preconditions for the establishment of an efficient and comprehensive system of protection and control of the State border, in accordance with European Union standards and the Schengen Borders Code, which will provide adequate control over the movement and residence of foreign nationals and prevent “all forms of cross-border crime”.

Montenegro has measures in place to combat labour exploitation, but they are not specific to migrants. Under the Constitution (2007), “everyone has the right to free choice of occupation and employment, to just and humane working conditions” and “forced labour is prohibited”, while the Criminal Code (2017, last amended in 2020) defines the punishment for forced labour. According to the Labour Law (2019, last amended in 2021), “direct and indirect discrimination is prohibited against jobseekers as well as employees”.

Montenegro does not have specific procedures in place for the timely identification of migrants in vulnerable situations, or to provide them with adequate referral and protection services. However, the Ministry of the Interior and the Ministry of Labour and Social Welfare signed an agreement in 2017 on the procedures for the return of unaccompanied minors, to identify, deal with and assist them. In 2018, the Ministry of the Interior issued an internal instruction note on the interaction of police officers towards migrants with irregular status. Furthermore, the Law on International and Temporary Protection of Foreigners (2016, last amended in 2019) considers special procedures for those seeking international protection, given their special circumstances, including knowing their age, gender, sexual orientation, gender identity, serious illness, mental health, or the consequences of torture, rape, or other severe forms of psychological, physical or gender-based violence. Lastly, the establishment of a system to trace and identify missing migrants within the national territory is an area with potential for development.

After the MGI assessment

IOM would like to thank the Government of Montenegro for their engagement in this process. IOM hopes that the results of this assessment can feed into the Government's strengthening of their migration governance. After an MGI assessment, the following are recommended:



The MGI report can be used to inform policy work with the support of IOM (if desired).



The findings can feed into capacity-building activities, which may connect to other IOM initiatives.



A follow-up assessment can be conducted after three years to verify progress.



Governments can exchange best practices and innovative solutions with other governments that have conducted the MGI process.



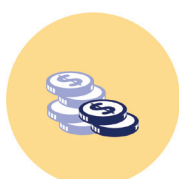
PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This annex summarizes key national COVID-19 policy responses in Montenegro from a migration governance perspective. It is based on 12 questions that were added to the standard Migration Governance Indicators (MGIs) assessment in the country in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



All migrants, regardless of their migratory status, have the same access as nationals to COVID-19-related health services. According to the Government of Montenegro's dedicated COVID-19 information website, which lists all COVID-19 response measures, the Government provides free testing and treatment to the whole population, including migrants.¹

All migrants have the same access to free vaccination against COVID-19 as nationals.² The Government's National Strategy for the Introduction, Distribution and Administration of COVID-19 Vaccines (2020) refers to the need to address the high COVID-19 mortality rate of vulnerable or marginalized groups, including those living in informal settlements, low-income migrant workers, refugees, internally displaced or nomadic persons, and asylum-seekers, among other groups, by making them a priority for immunization.³



In the context of COVID-19, Montenegro provided financial support and social security benefits to the population, but these were not extended to migrants. For example, in January 2021 the Government announced a support package worth EUR 163 million (USD 186 million), including (a) wage subsidies (with an expanded list of eligible sectors); (b) one-off support to the vulnerable population; (c) tax deferrals; (d) support for new employment; (e) one-off support for firms to implement e-fiscalization; (f) domestic travel vouchers for health and education workers; and (g) additional measures for the tourism, catering, and agriculture and fisheries sectors.^{4,5}

¹ Government of Montenegro, *Together, responsible, informed and healthy*.

² PCNEN – *Prve crnogorske nezavisne elektronske novine*, Migrants and COVID: It is not always easy to get help. 20 December 2021.

³ Government of Montenegro, *National Strategy for the Introduction, Distribution and Administration of COVID-19 Vaccines (2020)*.

⁴ Government of Montenegro, *Measures to support the economy and citizens for the first quarter of 2021 (2021)*.

⁵ In April 2021, Montenegro adopted another package of support measures for businesses and citizens, estimated at EUR 160 million (USD 183 million), including a reduction in electricity bills for the most vulnerable groups and a salary subsidies plan.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



The Montenegrin Government takes into consideration the needs of migrants in key policy measures in response to COVID-19. For instance, the Institute of Public Health's Communication Strategy: COVID-19 Phase II, which presents its recommendations for the prevention of COVID-19, lists migrants and refugees as key target groups.⁶ Additionally, when the ban on movement and work was introduced at the beginning of the pandemic, the Government opened a hotline for the first three months of the COVID-19 outbreak in 2020, which migrants could call to inquire about their applications for temporary or permanent residence permits and work permits.



There were no measures in place to facilitate the continued flow of remittances during the pandemic. In December 2022, the Central Bank of Montenegro adopted a "Decision on temporary measures to mitigate the negative impact of the epidemic of the infectious disease COVID-19 and the situation in Ukraine on the financial system", which covered different ways for financial institutions to reconstruct personal loans and prohibited credit institutions from paying dividends to shareholders. However, the decision did not contain remittance-related provisions.⁷



In response to COVID-19, the Government of Montenegro's Special Operations Team⁸ organized flights for the return of Montenegrin nationals and temporary and permanent residents who were stranded abroad and ensured their safe return to their homes, in compliance with the prescribed COVID-19 measures.⁹

⁶ Institute of Public Health of Montenegro, *Communication Strategy: COVID-19 Phase II*.

⁷ Central Bank of Montenegro, *Decision on temporary measures to mitigate the negative impact of the epidemic of the infectious disease COVID-19 and the situation in Ukraine on the financial system* (2022).

⁸ The Special Operations Team consists of representatives from the Ministries of the Interior, Economic Development and Tourism, and Foreign Affairs, and the Transport Directorate; the Institute of Public Health; Montenegro Airlines; the airports of Montenegro; the Armed Forces of Montenegro; and the Police Administration.

⁹ Flights were organized from, among other locations, Belgrade, Berlin, Bratislava, Brussels, Frankfurt, Istanbul, Ljubljana, London, Luxembourg, Madrid, Paris, Rome, Stockholm, Vienna and Zurich. See: Government of Montenegro, *Response to the COVID-19 pandemic* (2020).





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2020	Strategy of Cooperation with the Diaspora–Emigrants for the period 2020–2023 with the Action Plan of Implementation for the period 2020–2021.
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2021e	Law on Internal Affairs.
2021f	Law on Cooperation between Montenegro and the Diaspora–Emigrants.
2021g	National Strategy for Gender Equality for 2021–2025 with the Action Plan 2021–2022.
2021h	Programme for attracting digital nomads in Montenegro adopted. 28 December.
2021i	Law on the Protection of Employed Citizens of Montenegro Sent to Work Abroad.
2021j	Strategy on Migration and Reintegration of Returnees in Montenegro, for the period 2021–2025, with an Action Plan for 2021 and 2022.
2022	Report on the implementation of the Strategy on Migration and Reintegration of Returnees in Montenegro, for the period 2021–2025, for the year 2021.
n.d.	Annual reports regarding the Action Plan for the Implementation of the Strategy for Combating Trafficking in Human Beings 2019–2024.
Health Insurance Fund of Montenegro	
2018	Ordinance on Detailed Conditions and Manner of Exercising Certain Rights from Compulsory Health Insurance.
Red Cross of Montenegro	
2022	Providing health care to migrants and asylum-seekers in Montenegro.



ANNEXES

Key recommendations as proposed by the Government

Whole-of-government approach	<ul style="list-style-type: none"> • Consider developing a migration profile for Montenegro. • Further enhance migration data collection and analysis (including data on international students).
Partnerships	<ul style="list-style-type: none"> • Further develop intraregional and international cooperation on the readmission of persons residing without authorization.
Well-being of migrants	<ul style="list-style-type: none"> • Improve the return and reintegration procedures and conditions for Montenegrin nationals through strengthened institutional cooperation, increased capacity of local governments and better monitoring. • Strengthen measures to attract nationals who have migrated from the country, in addition to those in the Strategy of Cooperation with the Diaspora–Emigrants for 2020–2023 (2020). • Facilitate labour mobility within the Western Balkan region, considering that seasonal migrant workers come from neighbouring countries mainly through specific labour-related agreements.
Safe, orderly and regular migration	<ul style="list-style-type: none"> • Establish an integrated border management system for the effective identification, registration and monitoring of mixed migration flows, in line with European Union and international standards and best practices. • Further consolidate the border and migration management capacities of stakeholders to better monitor mixed migration flows. • Build the capacity of stakeholders to prosecute migrant smuggling/trafficking networks. • Continue efforts to improve the asylum status determination process and further strengthen the country's reception capacity. • Promote the social inclusion of the Roma community. • Establish clear procedures regarding unaccompanied minors, including the role of guardians, the determination of the best interest of a child, accommodation for unaccompanied minors and age determination.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGIs entail to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the six dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the [Migration Data Portal](#) and the [IOM Publications Platform](#).



www.migrationdataportal.org/mgi

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