

Government of Montenegro

Ministry of European Integration

Questionnaire

Information requested by the European Commission to the Government of Montenegro for the preparation of the Opinion on the application of Montenegro for membership of the European Union

– ADDITIONAL QUESTIONS –

III Regional issues and international obligations

Minister:

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POLITICAL CRITERIA

III Regional issues and international obligations

77. (Ref to Q. 108) Please provide further information on measures taken to implement the AP and the amended Law on foreigners

With a view to defining a sustainable and permanent solution to resolving the status of refugees and internally displaced persons, including the access to the identification documents thereof, the Law on Amendments to the Law on Foreigners (Official Gazette of Montenegro 72/09) has been adopted, vesting the refugees from the former Yugoslav republics and internally displaced persons from Kosovo who reside in Montenegro with the status of foreigners with permanent residence in Montenegro, resulting in eligibility to the right herein for all refugees and internally displaced persons, irrelevant of their ethnic or religious affiliation.

Resolution to the status of refugees is also possible through granting them the Montenegrin nationality, in line with the existing legislation. **To that regard, in line with Article 8 of the Law on Citizenship, related to obtaining the Montenegrin nationality, the following requirements have been provided for:** 1) that a person has turned the age of 18; 2) **has the certificate of loss of nationality of another state;** 3) **resides legally and uninterruptedly in Montenegro for 10 years prior to applying for the Montenegrin nationality;** 4) is provided with accommodation in Montenegro and a permanent source of income in the amount sufficient as to the financial and social security thereof; 5) has not been finally sentenced, in Montenegro or another state, to imprisonment without parole for the term exceeding one year for the offence which is subject to prosecution by virtue of office, or if the legal consequences of such sentence have ceased to be in effect. 6) speaks Montenegrin language on the level necessary for basic communication; 7) there are no obstacles related to the security and defence of Montenegro; 8) has paid all due taxes and other legal obligations.

The Law on Amendments of the Law on Foreigners has vested refugees and internally displaced persons with obtaining a permanent residence and acquiring the right to Montenegrin nationality by having resided 10 years in Montenegro and received a certificate of loss of nationality of another state.

For refugees who are ineligible to obtaining the Montenegrin nationality or who are not interested therein, especially since obtaining the Montenegrin nationality requires the renouncement of the previous one, or for other reasons, the Action plan has been set to permanently resolve their status and their integration in Montenegro, as well as the right to a return to the country of origin.

The status of a foreigner with permanent residence ensures the right to work and employment, education, professional training, diploma and certificate recognition, social assistance, health and pension insurance, tax facilities, access to labour and service market, freedom of association, linking and membership in the organisations representing the interest of workers or employees, and the rights provided for by special laws. The rights herein are exercised in line with the laws regulating the exercise of those rights, thus enabling integration of those persons in the Montenegrin society.

A foreigner with permanent residence is entitled to a personal identification document – foreigner ID, but is not entitled to a passport, due to having another state's nationality.

Refugees and internally displaced persons who have no valid travel document necessary to exercise the right to permanent residence but who meet the other requirements of the Law shall be granted temporary residence until the provision of a valid travel document, and for the maximum of three years from the date of granting the temporary residence thereto.

In addition, the Government of Montenegro adopted on 29 October 2009 the Action plan for resolving the status of refugees from the former Yugoslav republics and internally displaced persons from Kosovo who reside in Montenegro.

In order to monitor the implementation of the Action plan, the Government of Montenegro has established the Coordination board for monitoring the implementation of the Action plan for resolving the status of refugees from former Yugoslav republics and internally displaced persons from Kosovo residing in Montenegro. The task of the Coordination board is to organise and coordinate the activities of the state administration and other competent institutions in the course of the Action plan's implementation, to set and monitor priorities, dynamics and timescales of the implementation and to assess the results of the Action plan's implementation.

Aimed at more successful implementation of the Action plan, the Coordination board will continue its coordination and cooperation with the UNHCR and other international organisations, diplomatic and consular offices in Montenegro (of the states of origin of the refugees and internally displaced persons, and the EU member states). The Coordination board comprises the representatives of the Ministry of Labour and Social Welfare, Ministry of Interior and Public Administration, Ministry of Foreign Affairs, Ministry of Finance, Ministry of Education and Science, Ministry of Health, Refugee Care and Support Office, and Employment Office.

With a view to a proper and timely informing of the refugees and internally displaced persons, the Ministry of Interior and Public Administration has carried out the information campaign through printed and electronic media, aimed at advising those persons on the manner and procedure of application for permanent residence and temporary residence, in accordance with the Law on Amendments to the Law on Foreigners.

We think that the information campaign has been implemented successfully, and that the refugees and internally displaced persons have thus been provided with all the information necessary for them to regulate their status in compliance with the Law on Amendments to the Law on Foreigners.

In addition, it should be pointed out that resolving the status of refugees and internally displaced persons should also be the concern of the states of origin thereof; this implies Bosnia and Herzegovina and the Republic of Croatia in the case of refugees, the Republic of Kosovo in the case of internally displaced persons, and other states they reached Montenegro from.

The item 2.3.1 of the innovated Action plan for resolving the status of refugees from the former Yugoslav republics and internally displaced persons from Kosovo residing in Montenegro has envisaged signing of an act between the Government of Montenegro and the Government of the Republic of Kosovo on the return of internally displaced persons from Montenegro to Kosovo, and on their post-registration with the relevant vital registers and registers of nationals of the Republic of Kosovo.

The Ministry of Interior and Public Administration has advised the Ministry of Foreign Affairs of its readiness to prepare a working text of the Act on the post-registration of internally displaced persons residing in Montenegro with the relevant vital registers and registers of nationals of the Republic of Kosovo; however, it is necessary that launching the work on the document text be preceded by activities aimed at organising a working meeting with the representatives of the competent state authorities of Kosovo, with a view to reaching the agreement on the essence and form of the matter. **In the note no. 09/10-373-9 of 23 February 2010, the Ministry of Foreign Affairs of Montenegro informed the Ministry of Foreign Affairs of Kosovo on the initiative by the competent Montenegrin authorities to start the negotiations, at some point in the nearest future as suggested by the Kosovo party, in order for the Governments of Montenegro and Republic of Kosovo to enter into agreement by which they would regulate the issue of the return of internally displaced persons from Montenegro to Kosovo and their post-registration with relevant vital registers and registers of nationals of the Republic of Kosovo.** The Montenegrin party has thus expressed readiness to organise a meeting in Podgorica for the representatives of the competent authorities of Montenegro (the Ministries of Labour and Social Welfare / Interior and Public Administration / Foreign Affairs, and the Refugee Care and Support Office) and the Republic of Kosovo, aimed at reaching an agreement on the contents of the abovementioned act, under condition that the Kosovo party accepts the initiative herein. There has been no feedback yet by the Ministry of Foreign Affairs of Kosovo.

As for the statistical data, it should be emphasized that, until 10 March 2010, the Ministry of Interior and Public Administration has been submitted requests for granting permanent residence thereby, in line with the Law on Amendments to the Law on Foreigners, by total of 22 refugees and 14 internally displaced persons. The requests for granting temporary residence, also in line with the Law on Amendments to the Law on Foreigners, have been submitted by three refugees.

78. (Ref to Q. 110) Please explain conflicting data between the re-registration and the BCR survey on how many people expressed the wish to return to KS

In the information provided by the Refugee Care and Support Office on 16 November 2009 it was stated that “the activity is underway of surveying the internally displaced persons from Kosovo, with a view to identifying the number of persons interested in returning to Kosovo. 1300 persons have so far expressed wish to return to their place of origin. Of that number, 72 families (402 persons) have already entered into formal procedure and filled in the questionnaire on the return, while the rest of 244 families (894 persons) are on the lists of those interested in the return.”

The above data are the result of a survey carried out by the Refugee Care and Support Office in June 2009. The survey covered the internally displaced persons’ families and was aimed at **identifying the number of families interested** in returning to Kosovo.

A couple of months later, during the re-registration of internally displaced persons from Kosovo, carried out in the period from 14 September to 14 November 2009, each and every internally displaced person was, *inter alia*, asked the following question:

“*What would be your wishes or intentions for the future, to return, go, or stay...?*”

The question herein was followed by the options hereunder which the interviewed could select as their answer:

- “ - *return to Kosovo;*
- *go to Serbia;*
- *go to a former YU republic;*
- *go abroad;*
- *stay in Montenegro...* “

Each and every interviewed person answered the question individually, **expressing his/her intention**. The results obtained from the specific question were:

- 244 persons expressed their wish to return to Kosovo,
- 61 persons expressed their wish to go to Serbia,
- 9 persons expressed their wish to go to former YU republics,
- 467 persons expressed their wish to go abroad,
- 9953 persons expressed their wish to stay in Montenegro,
- 217 persons have been indecisive.

Differing data on the number of *persons interested* in returning to Kosovo have been obtained from a survey by the Refugee Care and Support Office on one hand and from another survey during the re-registration of those persons on the other. The surveys herein have been carried out at different points of time and by a different methodology. In one survey, the subject unit was a family (survey on the interest of persons in returning to Kosovo); in the other one it was an individual. The survey carried out by the Office in June 2009 was aimed at identifying the number of persons interested in returning to Kosovo, which does not necessarily represent the person’s intention to actually return to Kosovo.

Having in mind that all the interviewed during the re-registration have given their statements in person and signed them, the data thus obtained are considered relevant. In the case of re-registration, the interviewed have been expressing their *intention* to return to Kosovo, or stay in Montenegro, or travel to a third country.

Socio-psychological dimension of the interviewed should also be kept in mind, since they are indecisive and often change their opinion, which is especially typical of the elderly, which also affects the change in data during a survey.

In the session of 25 March 2010, the Government of Montenegro considered the Information on the performed re-registration of internally displaced persons from Kosovo residing in Montenegro. According to the Information, there are 10 951 internally displaced persons from Kosovo.

The records on the number of those persons are kept by the Refugee Care and Support Office. All the changes, such as deaths, returns to Kosovo, departures to a third country, child births (where the parents have this status), cases of obtaining Montenegrin nationality, etc., are entered into records by the Office.

For the reasons herein, the number of internally displaced persons is not a permanent figure but exposed to changes.

Note: The statistics on the re-registration of internally displaced persons have been annexed to the answer to the question no. 73.

79. (Ref to Q. 112) Please provide further an update on further meetings of Commission dealing with the Prevlaka issue? If yes, what is the current state of play?

After the Montenegrin party offered its text version of the bilateral agreement (on 8 July 2009), there have been no meetings of the Intergovernmental Commission at the highest level nor the Croatian party has, up to the present, submitted any official reply to the Montenegrin proposal.

Therefore, the Montenegrin party initiated an expert meeting in Zagreb on 26 February 2010, where the text of the Montenegrin proposal was discussed. The two parties agreed to continue consultations in the spirit of cooperation and respect of specific interests of the parties, related to the matter.

The two parties pointed out the need to organise a meeting of Intergovernmental Commission at the highest level. In principle, the meeting was agreed to take place in Montenegro.