



Montenegro
The Ministry of Interior Affairs and Public Administration

ACTION PLAN

**FOR RESOLVING THE STATUS OF DISPLACED PERSONS FROM
EX-YUGOSLAVIAN COUNTRIES AND INTERNALLY DISPLACED
PERSONS FROM KOSOVO RESIDING IN MONTENEGRO**

PODGORICA, SEPTEMBER 2009

Pursuant to the Decree on Care for Displaced Persons (the Official Gazette of Montenegro, no 37/92), a status of displaced persons has been recognized to the citizens of ex-Yugoslavian republics in Montenegro. Pursuant to the Rulebook on legitimation of displaced persons (the Official Gazette of Montenegro, no 41/92) these persons have been issued the documents of displaced persons. Decisions on status recognition, as well as issued documents have not been timely restricted.

Article 75 paragraph 2 of the Asylum Law (the Official Gazette of Montenegro, no 45/06) defines that the status of a refugee shall be recognized to persons who have been recognized the status of a displaced person pursuant to the Decree on the Care for Displaced Persons (the Official Gazette of Montenegro, no 37/92), if in the course of the procedure it is determined that a displaced person has permanent residence in Montenegro on a day of the beginning of the application of this law, and that there are no reasons for termination or abolition of the status of a refugee defined by this law.

Having regard to the meantime change in the circumstances and reasons of their arrival and residence in Montenegro, the largest number of displaced persons do not meet the requirements for the recognition of a refugee status pursuant to the provisions of the Asylum Law.

It is also possible to resolve the status of displaced persons through the acceptance into Montenegrin citizenship, pursuant to the existing regulation.

For displaced persons who do not meet the requirements for the acceptance into Montenegrin citizenship or who are not interested in that, especially because it is necessary to give up previous citizenship in order to get Montenegrin, or for other reasons, the Action plan provides permanent solution to their status in Montenegro, as well as the right to return to the countries of origin.

It is possible to resolve the status of displaced persons by providing acknowledgements of the rights to permanent place of residence, which could be exercised by amendments to the Law on Foreigners, because the existing Law on Foreigners (the Official Gazette of Montenegro, no 82/08) does not provide the possibility that a displaced person, after the termination

or abolition of the status of a displaced person, may get a status of a foreigner with a permanent place of residence.

A status of a foreigner with a permanent place of residence provides the right to work and employment, education, vocational education, acknowledgment of diplomas and certificates, social assistance, health and retirement insurance, tax concessions, access to labor market and service market, freedom of association, connection and membership into organizations representing employees' or employers' interests, as well as rights prescribed by special laws. These rights are exercised in accordance with the laws defining the exercising of these rights.

By recognizing this status, in exercising rights and obligations these persons are equal with other foreigners who are granted the status of a foreigner with a permanent place of residence in Montenegro, in accordance with the existing law.

The right to permanent place of residence could be exercised by a displaced person within the procedure which will be prescribed by the Law on Amendments of the Law on Foreigners.

A foreigner with a permanent place of residence has a right to a personal identification document – an ID card for foreigners, but they have not a right to passport, because they possess another country's citizenship.

For internally displaced persons from Kosovo, who reside in Montenegro, the Action plan also provides granting the status of a foreigner with a permanent place of residence, with all the rights and obligations as for displaced persons.

A right to gaining a status of a foreigner with a permanent place of residence could be exercised, within the procedure which will be prescribed by the Law on Amendments of the Law on Foreigners, by an internally displaced person who applies for preregistration, which will be carried out by Refugee Care and Support Office.

Persons who are not in the possession of a travel document in force, which is necessary for exercising the right to permanent place of residence, but who meet other requirements from the Law, shall be granted temporary residence until the provision of a travel document in force, within the period

defined by the Law, whereas the Ministry of Interior Affairs and Public Administration, the Ministry of Labor and Social Welfare, Refugee Care and Support Office, in cooperation with UNHCR will review and suggest solutions for these persons who were not able to provide a travel document in force, which is one of the requirements for the approval of a permanent place of residence, within six months before the expiry of the date determined by the Law.

Competent bodies (the Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education and Science, etc.) shall estimate the necessary funds for exercising the rights of displaced and internally displaced persons on the basis of the status of a foreigner with a permanent place of residence in Montenegro.

At the same time, the Action plan provides the right to voluntary return, which will also be determined by the conclusion of a Protocol between the Government of Montenegro and the Government of the Republic of Kosovo on plans for the return of internally displaced persons from Montenegro to Kosovo. The Protocol should enable the provision of documents and subsequent entry of these persons into appropriate registers and citizens' registers of the Republic of Kosovo.

The Ministry of Foreign Affairs, the Ministry of Interior Affairs and Public Administration, the Ministry of Labor and Social Welfare and Refugee Care and Support Office shall be engaged in creating conditions for the right to voluntary return of displaced and internally displaced persons into their countries of origin, in cooperation with competent bodies of the domicile countries, UNHCR and other relevant organizations.

The Ministry of Labor and Social Welfare, the Ministry of Interior Affairs and Public Administration and Refugee Care and Support Office shall estimate the number of displaced and internally displaced persons whose return into the countries of origin could be real.

In the session held on 17 September 2009, the Government of Montenegro has examined a Proposal to the Action plan for resolving the status of displaced persons from ex-Yugoslavian republics and internally displaced persons from Kosovo residing in Montenegro, which is made by the Ministry of Internal Affairs and Public Administration.

In this respect, the Government adopts the following

C O N C L U S I O N S

1. The Action plan for resolving the status of displaced persons from ex-Yugoslavian republics and internally displaced persons from Kosovo residing in Montenegro is adopted.

2. The Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education and Science and Refugee Care and Support Office commit to estimate, in cooperation with the Ministry of Finance, the necessary financial assets for exercising the rights of displaced persons and internally displaced persons on the basis of the status of a foreigner with a permanent place of residence in Montenegro.

Deadline: 31 December 2009

3. The Ministry of Labor and Social Welfare, the Ministry of Internal Affairs and Public Administration and Refugee Care and Support Office commit to estimate the number of displaced persons and internally displaced persons whose voluntary return to the countries of origin is real, and to inform the Government of Montenegro about that on a regular basis.

Deadline: 31 December 2009

4. The Ministry of Foreign Affairs, the Ministry of Internal Affairs and Public Administration and Refugee Care and Support Office commit to implement active policy and promote the right to voluntary return of displaced persons and internally displaced persons to the countries of origin, in cooperation with competent bodies of the domicile countries, UNHCR and other relevant organizations.

Deadline: permanent obligation

5. The Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare and Refugee Care and Support Office, in cooperation with UNHCR, will review and propose solutions to displaced persons and internally displaced persons who have been granted temporary residence pursuant to Article 105 Item a of the Proposal for a Law on Amending the Law on Foreigners, and who were not able to provide valid travel document for gaining the status of a foreigner with a permanent place of residence within the period stated in the Proposal for a Law.

Action plan for resolving the status of displaced persons from ex-Yugoslavian republics and internally displaced persons from Kosovo residing in Montenegro

Displaced and internally displaced persons	Objectives	Activities	Activity bearer	Time limit	Funds
1. Displaced persons from ex-Yugoslavian republics	1.1 Resolving the legal status in Montenegro	<p>1.1.1 To continue with resolving the requests for admission into Montenegrin citizenship of displaced persons who meet the requirements pursuant to the Law on Montenegrin citizenship (Official Gazette of Montenegro, no 13/08) and existing positive secondary legislation.</p> <p>1.1.2 To adopt the Law on amending the Law on foreigners which will provide giving the status of a foreigner with a permanent place of residence to displaced persons from ex-Yugoslavian republics, except for those for who it is determined that they are still in need of protection pursuant to the Article 75 Paragraph 2 of the Asylum Law (Official Gazette of Montenegro, no 45/06)</p>	<p>- the Ministry of Internal Affairs and Public Administration</p> <p>- The Government of Montenegro, the Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare, in cooperation with UNHCR</p>	<p>Ongoing activities</p> <p>Until the end of November 2009</p>	<p>/</p> <p>The Government of Montenegro</p>

		<p>1.1.3. To exercise rights – issuing ID card for foreigners with a permanent place of residence and ID card for refugees for those who are granted the status of a refugee pursuant to the Article 75 Paragraph 2 of the Asylum Law</p>	<p>- the Ministry of Internal Affairs and Public Administration,</p>	<p>Legal deadline</p>	<p>The Government of Montenegro</p>
		<p>1.1.4. To harmonize existing laws and secondary legislations with the provisions of the Law amending the Law on Foreigners, if certain issues have not been regulated.</p>	<p>- The Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education and Science, the Ministry of Finance, the Ministry of Economy</p>	<p>31 December 2009</p>	<p>The Government of Montenegro</p>
		<p>1.1.5 To estimate necessary financial assets for exercising the rights of displaced persons on the basis of a granted status of a foreigner with a permanent place of residence or a status of a refugee</p>	<p>- The Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education and Science, the Ministry of Finance, Refugee Care and Support Office</p>	<p>31 December 2009</p>	<p>The Government of Montenegro</p>
		<p>1.1.6 To review the situation and proposing the solutions for displaced persons who have been admitted to a temporary residence and who were not able to provide a valid travel document for gaining a status of a foreigner</p>	<p>- The Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare, Refugee Care and Support Office, in cooperation with UNHCR</p>	<p>Six months before the expiry of the period defined by the Proposal of a Law amending the Law on</p>	<p>The Government of Montenegro</p>

		with a permanent place of residence within the period defined by Law		foreigners	
	1.2 Ensuring the right to voluntary return to the country of origin	1.2.1 To estimate the number of displaced persons whose return to the country of origin is real	- the Ministry of Labor and Social Welfare, the Ministry of Internal Affairs and Public Administration, Refugee Care and Support Office, in cooperation with UNHCR	31 December 2009 Permanent task	The Government of Montenegro
		1.2.2 To continue the activities related to voluntary return to the country of origin	- The Ministry of Foreign Affairs, the Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare, Refugee Care and Support Office, in cooperation with the country of origin, UNHCR and other relevant organizations	Permanently	The Government of Montenegro, the country of origin, UNHCR, international donors
2. Internally displaced persons from Kosovo	2.1 Resolving the legal status in Montenegro	2.1.1 To adopt the Law on amending the Law on foreigners which will provide giving the status of a foreigner with a permanent place of residence to internally displaced persons from Kosovo	- The Government of Montenegro, the Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare, in cooperation with UNHCR	Until the end of November 2009	The Government of Montenegro
		2.1.2 Preregistration of the persons having the status of internally displaced persons	- Refugee Care and Support Office in cooperation with the Ministry of Internal Affairs and Public Administration and UNHCR	Until the end of November 2009	The Government of Montenegro

		<p>2.1.3. To exercise rights – issuing ID card for foreigners with a permanent place of residence</p>	<p>- the Ministry of Internal Affairs and Public Administration</p>	<p>Legal deadline</p>	<p>The Government of Montenegro</p>
		<p>2.1.4 To harmonize existing laws and secondary legislations with the provisions of the Law amending the Law on Foreigners, if certain issues have not been regulated</p>	<p>- The Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education and Science, the Ministry of Finance, the Ministry of Economy, in cooperation with UNHCR</p>	<p>31 December 2009</p>	<p>The Government of Montenegro</p>
		<p>2.1.5 To estimate necessary financial assets for exercising the rights of internally displaced persons on the basis of a granted status of a foreigner with a permanent place of residence</p>	<p>- The Ministry of Labor and Social Welfare, the Ministry of Health, the Ministry of Education and Science, the Ministry of Finance, Refugee Care and Support Office</p>	<p>31 December 2009</p>	<p>The Government of Montenegro</p>
		<p>2.1.6 To review the situation and proposing the solutions for internally displaced persons who have been admitted to a temporary residence and who were not able to provide a valid travel document for gaining a status of a foreigner with a permanent place of residence</p>	<p>- the Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare, Refugee Care and Support Office, in cooperation with UNHCR</p>	<p>Six months before the expiry of the period defined by the Proposal of a Law amending the Law on foreigners</p>	<p>The Government of Montenegro</p>

	<p>2.2 Ensuring the right to voluntary return to the country of origin</p>	<p>within the period defined by Law</p> <p>2.2.1 To conclude 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 subsequent entry in relevant registers and citizens' registers of the Republic of Kosovo</p> <p>2.2.2 To estimate the number of internally displaced persons whose return to the country of origin is real</p> <p>2.2.3 To continue the activities related to voluntary return to the country of origin</p>	<p>- the Ministry of Foreign Affairs, the Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare, Refugee Care and Support Office</p> <p>- the Ministry of Labor and Social Welfare, the Ministry of Internal Affairs and Public Administration, Refugee Care and Support Office, in cooperation with UNHCR</p> <p>- the Ministry of Foreign Affairs, the Ministry of Internal Affairs and Public Administration, the Ministry of Labor and Social Welfare, Refugee Care and Support Office, in cooperation with the country of origin, UNHCR, Danish Refugee Council and other relevant organizations</p>	<p>Until the end of November 2009</p> <p>31 December 2009 Permanent task</p> <p>Permanently</p>	<p>The Government of Montenegro, the Government of the Republic of Kosovo</p> <p>The Government of Montenegro</p> <p>The Government of Montenegro, a country of origin, UNHCR, international donors</p>
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