

Pursuant to Article 19, paragraph 6, Article 20, paragraph 3, Article 22 paragraph 8, Article 24 paragraph 5, Article 28 paragraph 2 and Article 97 paragraph 4 of the Law on Foreigners (“Official Gazette of Montenegro” No 82/08), Ministry of Foreign Affairs, hereby adopted the following:

RULEBOOK ON VISAS AND VISA FORMS

I INTRODUCTORY PROVISION

Article 1

This Rulebook shall regulate requirements for issuing short-stay visas (C visa) and long-stay visas (visa D), visa issuance procedure, visa application form, cases subject to the prior consent of the authority in charge of police affairs (hereinafter: the Police Directorate), visa form, manner of affixing visa into the travel document of the foreigner, as well as the form for affixing visa, requirements for extension of the validity period of short-stay visa (C visa) and application form for extension of that visa, manner of annulment of the visas issued, as well as the content and manner of keeping records of visas that have been issued and of visa applications that have been annulled and rejected.

Terms hereby used to denote the masculine gender for the physical persons shall imply feminine gender as well.

II DETAILED REQUIREMENTS FOR ISSUANCE AND EXTENSION OF THE VALIDITY PERIOD OF SHORT-STAY VISA (VISA C) AND LONG- STAY VISA (VISA D)

Article 2

A short-stay visa (C visa) can be issued to a foreigner if he is in a possession of a letter of guarantee by a physical person or letter of invitation by a legal entity, state authority in Montenegro or organizer of an international conference or event, ensured accommodation, ensured means for sustenance and health insurance.

As a rule, a letter of guarantee, i.e. letter of invitation referred to in paragraph 1 of this Article shall be submitted in original.

A letter of guarantee shall include: name and surname, date and place of birth, address of temporary or permanent residence, personal identification number of the Montenegrin citizen inviting the foreigner, i.e. number of the residence permit (temporary or permanent residence) of the foreigner residing in Montenegro who

invites the said foreigner to Montenegro, address and telephone number, occupation, employer and employer's address, family and other ties with the foreigner that is invited, name and surname, date and place of birth, nationality, passport number of the invited foreigner, as well as information if the foreigner would arrive accompanied by his spouse or his children, duration of a stay of the foreigner in Montenegro, and address and place of residence during the stay in Montenegro, number of stays, place and date of drawing up the letter, and signature of a person inviting a foreigner. The letter of guarantee must be certified by a competent authority or public notary.

A letter of invitation shall include: name, seat and registry number of the legal entity, state authority in Montenegro or organizer of international conference or event inviting the said foreigner, name and surname of the said foreigner, date and place of birth, nationality, passport number, address and occupation of the invited foreigner, as well as the purpose of inviting the foreigner, duration of stay of the foreigner in Montenegro, number of stays, address and place of residence during the stay in Montenegro, place and date of drawing up the letter, signature of a person authorised to act on behalf of the legal entity in question and official stamp.

The letter of guarantee, i.e. letter of invitation may be accepted as a proof of the purpose of stay, ensured accommodation or proof of a possession of means for sustenance during the stay in Montenegro, if it indicates that a physical person or legal entity in Montenegro undertakes to cover costs of accommodation and means of sustenance during the stay of a foreigner in Montenegro.

Article 3

Reasons for the extension of the validity period of the short-stay visa (visa C) referred to in Article 24 paragraph 2 of the Law on Foreigners (hereinafter: the Law) include urgent medical attention, donation of human organs, natural and other disasters, unforeseen events related to the members of the immediate family of the foreigner (serious illness, death etc.), necessity to complete official or other business activities for which the visa had been issued, as well as other cases due to the humanitarian, professional and personal reasons, or force majeure.

Extension of visa referred to in paragraph 1 of this Article may be granted to a foreigner upon submission of appropriate medical, official or other documentation justifying reasons for the visa extension.

The Police Directorate shall submit to the Ministry of Foreign Affairs (hereinafter: the Ministry) the notification including: name and surname of the foreigner, date of birth of the foreigner, place and country of birth of the foreigner, nationality, type and number of the travel document of the foreigner, type and number of previously visa issued, reasons for the visa extension, type and number of the new visa, and place and date of the visa extension.

Article 4

Long-stay (visa D) visa may be granted to a foreigner:

- intending to stay in Montenegro in order to perform business or other activities, provide advisory expert activities as agreed by the Agreement on business

and technical cooperation, on a long-term production cooperation, and on transfer technologies and foreign investments;

- coming to serve to Montenegro as a member of foreign diplomatic representative office to Montenegro or an international organizations accredited to Montenegro, member of economic and cultural representative office, as well as to the members of his family, i.e. members of his household holding diplomatic or official passports.

III VISA ISSUANCE PROCEDURE

Article 5

The foreigner shall submit the visa application form (hereinafter: the application) to the consular and diplomatic representative office of Montenegro (hereinafter: DCRO) in the country whose national the foreigner is, or in the country where he is staying based on a temporary residence permit or permanent residence permit.

Application form and application form for the extension of short-stay visa (visa C) shall be printed on white paper, dimensions 21 x 29.7 cm, and there shall be note saying "This application form is free of charge", the Coat of arms of Montenegro shall be printed on, under which there shall be title: "VISA APPLICATION", and subtitles "issuance" and "extension", space for the photo of the applicant and space for the stamp of receipt of the DCRO or Police Directorate, space for entering data on applicant (surname, (surname(s) at birth/earlier family name(s)), first name, names of father and mother, date of birth, place and country of birth, current nationality/nationalities, original nationality (nationality at birth), sex, marital status, type of passport, passport number, issuing authority, date of issuance and validity period of the travel document, number of the identification card, whether the applicant has the permission to return to the country If he resides in a country other than his country of origin, occupation) space for name entry, address and telephone number of the employer, main destination, data of other visas issued during the past three years and their period of validity, data whether the applicant has an entry permit for the final country of destination in the case of transit, space for entering type of visa granted, number of entries, duration of stay, purpose of travel, name, address and telephone number of the physical person or legal person being visited, address of stay in Montenegro, who is covering the traveling or living costs means for sustenance, entry space for date of arrival in and date of departure from Montenegro, means of transport, spouse's first name, spouse's family name, spouse's family name at birth, spouse's date and place of birth, names and surnames and dates of birth of children, declaration by applicant on the truthfulness of the given information, consent that all his personal data can be verified by the authorities in charge of those issues in Montenegro, and declaration that he will leave the territory of Montenegro upon the expiry of the visa, home address and telephone number of the applicant, date and place of submission of application and applicant's signature, as well the spaces to be filled out by the authorized officer of DCRO or Police Directorate: date when the

application was processed, supporting documents, decision upon request, type of the visa issued, number of entries, period of validity, duration of stay, remarks, as well the spaces for the signature the authorized officer person (form number 1).

Application form shall be written in Montenegrin, English and French and as required, in the official language of the country where the application is submitted.

A foreigner shall fill out the application in legible print.

Article 6

The application may be submitted through an official, other physical person or legal entity, in case of issuing visa:

- to the holder of diplomatic or official passport,
- required by a diplomatic note issued by the authority in charge of foreign affairs or of a foreign diplomatic and consular representative office or international organization,
- to the members of a group who travel for the purpose of participation in cultural, sport, scientific or economic events;
- to the organized group tours, if the organizers of such tours are accredited by a diplomatic and consular representative office;
- to a foreigner who is a person with a disability or foreigner who intends to stay in Montenegro due to the medical treatment, supported by the appropriate proxy and medical documents;
- to a prominent individual involved in business, scientific, cultural or public affairs.

Article 7

For a foreigner who is minor, i.e. legally incapable, application shall be filed by a parent or his legal representative.

For the foreigner referred to in paragraph 1 of this Article who travels unaccompanied by a legal representative, a certified consent of the legal representative containing personal data of the legal representative, purpose and period of stay, period for which the consent is issued and signature of the legal representative, are submitted with the application.

Consent referred to in paragraph 2 of this Article shall be translated into Montenegrin or English language and certified by an authorized court translator.

Article 8

In addition to the application, the foreigner shall submit a valid travel document and copy of the page with personal data, one photography, a proof of the purpose of stay in Montenegro, a proof of ensured accommodation, a proof of possession of means for sustenance during his stay in Montenegro, as well as for return into the country where he comes from or for travel into a third state, a proof of health insurance and a proof that the consular fee has been charged.

When a foreigner, holder of diplomatic or official passport, travels officially to Montenegro with a relevant invitation from a state authority or institution in Montenegro, an international organization with a seat in Montenegro, a foreign diplomatic, i.e. consular representative office accredited to Montenegro, he does not have to submit proofs referred to in paragraph 1 of this Article, save for the travel document with a copy of the page with personal data and photography.

Article 9

Photography of the applicant shall be in color, dimensions 35 x 45 mm, faithfully showing his face, with uncovered forehead, without a hat, so that 70-80% of vertical side of the photography shows head from chin to the top.

As an exception to paragraph 1 of this Article, a foreigner who wears a hat or a scarf as an integral part of his attire i.e. clothes for reasons related to his nationality, religion or customs, may submit a photography showing him with a hat or a scarf.

Photography must not be tempered with or retouched.

Photography shall be made on a thin, glossy white photo paper.

Article 10

The following shall be considered a proof of the purpose of stay and ensured accommodation: a letter of guarantee, i.e. a letter of invitation, request from a foreign diplomatic and consular representative office in Montenegro, receipt from a tourist arrangement, hotel or other type of accommodation reservation that has been paid in, from an organized tourist travel, lease or ownership of a real estate in Montenegro, receipt from a reservation i.e. from a charged berth for a vessel in Montenegro, a certificate from the Register of vessels i.e. yachts or a receipt from a charged charter, as well as other corresponding documents based on which the purpose and ensured accommodation in Montenegro can be determined.

Exceptionally, a foreigner does not have to submit documents on ensured accommodation if he submits a proof that he disposes of enough funds for the costs of accommodation and sustenance during the stay in Montenegro.

Article 11

The following shall be considered a proof of possession of means for sustenance during the stay in Montenegro: a bank account statement i.e. another proof of the state of a bank account of a foreigner in a Montenegrin or foreign bank or any other corresponding proof of possession of means or regular income, as well as cash or cashless payment funds (traveler's checks, credit cards etc.)

Article 12

A return airplane or other transportation ticket, a driving license, and in cases a transportation vehicle is used, a certificate on employment, education or other proof of

social or professional status shall be considered a proof of the means of travel and intention to return into the state where a foreigner comes from or into a third state.

Article 13

The following shall be considered a proof of health insurance: travel health insurance ensured by an authorized insurance company in another state, health insurance ensured in accordance with international agreements or health insurance obtained under conditions and in a manner determined by a special law.

In cases when a physical person or legal entity in Montenegro undertakes the obligation to ensure travel insurance to a foreigner he invites, it is proved by an insurance policy issued by an insurance company in the place of his residence i.e. seat.

Article 14

Documents proving that a foreigner fulfills all requirements for issuing a visa are submitted, as a rule, in original.

Article 15

On the occasion of reception of the application, an officer for diplomatic and consular affairs (hereinafter: the authorized officer) shall establish identity of a foreigner, and whether a travel or other document proving identity is regular and valid, whether the application has been correctly and legibly fulfilled and whether the relevant proofs have been submitted with the application.

If an authorized officer is not able to establish authenticity of the submitted documents, or is not able to determine its contents due to the language or alphabet used in the document, he may request its additional certification and certified translation.

Article 16

On the occasion of reception of an application, a stamp mark of the DCRO shall be put on the application form.

Stamp referred to in paragraph 1 of this Article is of rectangular shape, dimensions 40 x 15 mm, containing the inscription "Montenegro", name of the DCRO and space for entry of the date of reception of the application in both Montenegrin and English languages.

Article 17

On the occasion of deciding upon the request, the authorized officer shall check whether there are any legal impediments for issuing a visa, i.e. whether the foreigner fulfills requirements for entry, movement and stay in Montenegro.

The authorized officer may request from the foreigner additional information concerning the facts stated in the application.

Article 18

Prior consent for issuing a visa from the Police Directorate is necessary when there are grounds for doubt that the applicant might represent danger for public order, national security and public health of Montenegro, and especially in cases when:

- he is listed in records kept by the Police Directorate, a public administration authority in charge of home affairs, other state authorities, as well as international organizations;
- he is a national of a state under visa regime;
- visa issuing is requested for multiple entries for short stay with a period of validity of one year;
- it is established according to the available records, that the applicant has exceeded the allowed stay determined in the visa during his previous stay in Montenegro;
- there are unsettled family relations if the applicant was married to a Montenegrin national, and especially if he has minor children from that marriage living in Montenegro.

In case of circumstances referred to in paragraph 1 of this Article, the authorized official shall submit to the Police Directorate information on the applicant, his travel document, reasons and purpose of travel and other information necessary to perform the check including his own opinion.

Article 19

The authorized officer may invite the applicant for an interview.

Foreigner shall personally respond to the invitation referred to in paragraph 1 of this Article.

If the applicant does not appear personally at the interview, the authorized officer shall not issue a visa.

Article 20

If there is doubt in the purpose of stay or the intention of the applicant to return into the country he comes from, the applicant may be invited for an additional interview for purpose of provision of additional information.

Article 21

The authorized officer may, if he finds it necessary, request other documents by which a foreigner will additionally corroborate his application, such as: verification from employer on travel to Montenegro for business purposes, verification from employer on taking holidays, pension certificate, certificate of enrollment in studies and others.

Article 22

Short-stay visa (visa C) may be issued to holder of diplomatic or official passport, if he/she submits documents based on which he proves the purpose of stay in Montenegro and if he/she receives prior consent from the Ministry.

Article 23

Visa form is a sticker of rectangular shape, dimensions 10, 5 x 7, 4 cm, made on special protective paper, chemically sensitized to react against chlorine bleaching agents, acids, alkalis and other organic solvents, which contains visible and non-visible UV fibers, in three derived pastel colors of red, blue and yellow, with embedded protective features, kinegram, optical ink, as well as special protective stamping technique.

Visa form referred to in paragraph 1 of this Article, shall be made in accordance with the ICAO 9303 ID-2 standards for the dimensions and physical characteristics and shall contain: in the upper left corner the Coat of arms of Montenegro, in the middle upper part the inscription »VISA«, and in the upper right corner the serial number of visa. In the background the inscription »MNE« is written in microprint. On the left side of the visa form, under the Coat of arms of Montenegro is the space for photograph, dimensions 32 x 41 mm, and on the right side of the photograph is the space for machine-readable area in which the following data are entered: name and surname, period of validity of visa, type of visa, number of entries, duration of stay, number of days, place and date of issuing, number of travel document, remarks, an authorized officer's signature, stamp and fee for the issued visa. On the bottom part is the space for the entry of the encoded data for the automatic reading (Form number 2).

Visa form shall be printed in the Montenegrin, English and French languages.

Article 24

Data referred to in Article 23 of this Rulebook shall be entered in the visa form prior to the affixation of visa to the travel document.

Data on the visa form shall be imprinted with the optical ink.

Exceptionally, in the case of technical problems caused by force majeure, visa form may be filled in hand writing.

Article 25

Visa shall be issued by affixing a visa sticker on the first blank page of the travel document of a foreigner, envisaged for the affixation of visa, which must not contain a stamp or any other mark, so that the machine-readable imprint on the visa form is turned toward outer page edge of the travel document.

Article 26

Form for affixing a visa referred to in Article 21 paragraph 7 of the Law is of rectangular shape, dimensions 15 x 21 cm and it contains: Coat of arms of Montenegro, inscription "MONTENEGRO", inscription »FORM FOR AFFIXING A VISA«, serial number, space for the entry of the name of the issuing authority, name and surname, date of birth and number of travel document, date of issuing, stamp and signature of the authorized officer, as well as the space for affixing a visa (Form number 3).

Form for affixing a visa shall be printed in the Montenegrin, English and French languages.

Article 27

The fulfilled visa form must not be changed. If an error occurred during the fulfilling of the visa form, the visa must be annulled.

Annulment of visa shall be conducted by placing a stamp mark «ANNULLED» on the visa form, which is of rectangular shape, dimensions 70 x 30 mm, in the Montenegrin and English languages, and the optically variable feature is crossed with a sharp object.

If the visa has been already affixed to the travel document, it will be annulled in a manner referred to in paragraph 2 of this Article, and a new visa shall be affixed to the travel document.

The authorized officer shall submit to the Ministry a notification of the annulment of the visa containing: name and surname of the applicant, date, place and the country of birth, nationality, type and number of travel document, DCRO that issued the visa, place and date of visa issuance, type and number of annulled visa, reasons for annulment of the visa, place and date of annulment of the visa.

Article 28

Annulment of the visa in case of circumstances referred to in Article 28 of the Law shall be conducted in a manner referred to in Article 27, paragraph 2 of this Rulebook.

IV RECORDS

Article 29

Records kept by the Ministry shall contain the following:

1) Records of visas issued: name and surname of a foreigner, date, place and the country of birth, nationality, type and number of travel document, name of the authority that issued a travel document, date and place of the application, type of the issued visa, visa issuing authority, date and place of visa issuance, period of validity of

the visa, extension and the shortening of the validity of the visa, total duration of stay of a foreigner in Montenegro which is a basis for visa issuance and amount of consular fee charged.

2) Records of visa applications rejected: name and surname of the applicant, date, place and the country of birth, nationality, type and number of travel document, name of the authority that issued a travel document, date and place of the application and reasons for which the visa was not issued.

3) Records of visas annulled: name and surname of a foreigner, date, place and the country of birth of a foreigner, nationality, type and number of travel document, authority that annulled visa, type and number of visa annulled, reasons for annulment of the visa, place and date of annulment of the visa.

Article 30

Records referred to in Article 29 of this Rulebook shall be kept in electronic form.

Exceptionally, when there is a lack of technical requirements for records keeping in a manner referred to in paragraph 1 of this Article, the records shall be kept as a book which has to be certified, stitched, with pages marked with numbers and which is concluded at the end of the calendar year, at the page of the last recorded foreigner or after all the pages are fulfilled.

Article 31

Forms no. 1, 2 and 3 shall be printed together with this Rulebook and shall represent its integral part.

V FINAL PROVISION

Article 32

This Rulebook shall enter into force on the eight day from the day of publishing in the "Official Gazette of Montenegro".

Number: 09/8-60/61-8
Podgorica, September 18, 2009

MINISTER

Milan Roćen

