



Employment Agency of Montenegro

Employment of Foreigners in Montenegro





LEGAL FRAMEWORK

Law on Foreigners' Labour and Employment (»Official Gazette of Montenegro«, no. 22/08)

Law on Foreigners (»Off. Gazette of Mne«, no. 82/08)

Law on Changes and Amendments to the Law on Administrative Taxes (»Off. Gazette of Mne«, no. 77/08 i 3/09)

Directive on the Criteria and Procedure for Determining the Number of Work Permits for Foreigners (»Off. Gazette of Mne«, br. 69/08)

Decision on Determining the Number of Work Permits for Foreigners in 2009 (»Off. Gazette of Mne«, no. 70/08)

Rules of Procedure on the Manner of Issuing Work Permits for Foreigners (»Off. Gazette of Mne«, br. 81/08)

Rules of Procedure on the Application for Registration of the Starting and Termination of the Work of a Foreigner (»Off. Gazette of Mne«, no. 81/08)



TERMS FOR EMPLOYMENT AND LABOUR OF FOREIGNERS

A foreigner may be employed, ie. work in Montenegro, provided that:

1. he/she has a work permit,
2. he/she has an authorisation for permanent residence, or authorisation for temporary residence,
3. he/she has concluded a work contract, ie. civil-legal contract and the obliged person for registering the work has registered the work of the foreigner pursuant to the Law.



TYPES OF WORK PERMITS

- 1. Personal work permit;**
- 2. Employment permit;**
- 3. Work permit, which is divided into following types according to the purpose:**
 - 3.1. Permit for seasonal work of foreigners;**
 - 3.2. Permit for work with referred foreigners, comprising issuing permits for the following:**
 - 3.2.1. Work permit for cross-border services;**
 - 3.2.2. Work permit for additional training and specialization;**
 - 3.2.3. Work permit for movement of persons within a foreign company.**
 - 3.3. Work permit for training and specialization of foreigners;**
 - 3.4. Work permit for provision of contractual services.**



FOREIGNERS' EMPLOYMENT AND LABOUR PROCEDURE

(on the example of seasonal work of foreigners)

1. The employer submits a request for issuing of a permit for seasonal work of a foreigner (Form Z3) to the Employment Agency of Montenegro – organizational unit according to the seat of the employer.

With the request, it is necessary to submit the following evidence:

- **for the registration of the employer (Commercial Court and Monstat);**
- **• for a valid travel document for the foreigner;**
- **for the acknowledged education document of the foreigner, in accordance with the Law on recognition and assessment of education documents (»Off. Gazette of Mne«, no. 4/08)**
- **registration of the vacancy (Form E1).**

Evidence is submitted in original, ie. in certified transcript, and evidence issued in another country, in certified translation into Montenegrin.



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- **2. Employment agency of Montenegro – Labour Bureau (a part of which is the organizational unit where the request is submitted), issues the permit for seasonal work, if all the required evidence is submitted.**
- **Permit for seasonal work is issued for the period of 8 months and it is valid from the day of receiving the authorisation for temporary residence for the purpose of seasonal work.**
- **3. Prior to issuing the work permit, the employer is obliged to submit evidence for executed payment of administrative tax in the amount of 90.00€, per work permit.**



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- **4. A foreigner, upon receiving the permit for seasonal work, submits to the Ministry of interior a request for authorisation of temporary residence for the purpose of seasonal work, if the foreiner is in Montenegro, or to the diplomatic-consular representative office of Montenegro, if the foreigner is in the territory of his/her own country.**

Authorisation for temporary residence for the purpose of seasonal work is issued within 7 days.



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- 5. Upon authorised temporary residence, the employer concludes a work contract with the foreigner and registers him/her for social security;**
- 6. The employer is obliged to file an application for registration, or cancellation of the work of the foreigner within 15 days from the day of starting or terminating the work of the foreigner. The registration, or cancellation of the work of a foreigner is submitted to the Labour Bureau issuing the work permit.**



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With the application for the registration of the work of a foreigner, it is necessary to submit the following:

- • **Evidence of authorised temporary residence of the foreigner;**
- • **Work contract, concluded with the foreigner;**
- • **Evidence of social security for the foreigner with whom the work contract is concluded (Form M-1 and Form MZ-1).**

- **With the application for cancellation of the work of a foreigner, it is necessary to submit the cancellation of social security for the foreigner with whom the work contract was concluded (Form M-2 and Form MZ-2).**

- **7. The Agency, on the basis of the registration of the starting, or termination, of the work of a foreigner and the submitted evidence issues a corresponding certificate.**



PERSONAL WORK PERMIT

Personal work permit may be issued to a foreigner: who has an authorised permanent residence, a refugee, or a person who is granted additional protection.

Personal work permit is issued for an indefinite period. Exceptionally, for a foreigner who is granted additional protection this permit is issued for a period up to one year.



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The following evidence is submitted with the request:

- • **For permanent residence, recognition of the refugee status, or recognition of the status of a person who is granted additional protection;**
- • **For identity (identity card of the foreigner, refugee identification, or identification of a person who is granted additional protection) and.**
- • **For acknowledged education document of the foreigner, in accordance with a special law.**



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The procedure for issuing the personal work permit is conducted upon previously received authorisation for permanent residence of the foreigner, recognized refugee status, or status of a person who is granted additional protection, while this procedure is reverse for issuing the other types of work permits.



EMPLOYMENT PERMIT

Employment permit is issued to the employer who concludes a work contract with a foreigner, for performing jobs determined by the act on sistematization of working posts (posts which represent a constant need for the employer).

This permit is issued on a request of an employer.

Employment permit is issued for the period up to one year. After the expiry of validity, the employment permit may be renewed for a period up to two years.

The employer is obliged to submit a request for renewal of this permit within 30 days before the expiry of validity period of the issued permit.

Request for issuing an employment permit (Form Z2) is submitted to the Employment Agency – organizational unit according to the seat of the employer.



WORK PERMIT FOR CROSS-BORDER SERVICES

Work permit for cross-border services is issued on the basis of a contract concluded between the foreign company and legal person with the seat in Montenegro, for whom the services are provided.

Work permit is issued on a request from the legal person with the seat in Montenegro.

This permit may be issued several times, but not longer than three months in a calendar year.

Exceptionally, when the performance of the services is of special interest for Montenegro, the permit may be issued for a longer period, but not more than one year.



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Request for issuing the work permit for cross-border services (Form Z4) is submitted to the Employment Agency – Department for legal and general affairs.

With the request, it is necessary to submit the following:

the contract for performing cross-border services, concluded between a foreign company and a legal person with the seat in Montenegro;

- 1. evidence for registration of the legal person with the seat in Montenegro;**
- 2. valid travel document for the foreigner;**
- 3. evidence that the directed foreigner has been employed with the foreign company for at least one year and a certificate of social security from the competent body.**

For issuing the permit for performing the services of special interest for Montenegro, it is necessary to submit a consent from the ministry in charge of the labour affairs.



WORK PERMIT FOR ADDITIONAL TRAINING AND SPECIALIZATION

Work permit for additional training and specialization is issued on the basis of a contract for additional training and specialization, concluded between a legal person with the seat in Montenegro and a foreign company which are connected by ownership or business.

Work permit for additional training and specialization for a foreigner may be issued on a request from a legal person with the seat in Montenegro. This permit is issued for a period which may not be longer than one year.

Request for issuing a work permit for additional training and specialization (Form Z5) is submitted to the Employment Agency – Department for legal and general affairs.



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With a request, it is necessary to submit the following:

- 1. contract for additional training and specialization, concluded between a legal person with the seat in Montenegro and a foreign company which are connected by ownership or business;**
- 2. evidence of registration of the legal person with the seat in Montenegro;**
- 3. valid travel document for the foreigner;**
- 4. evidence that the referred foreigner is employed in the foreign company and a certificate of social security from the competent body**



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WORK PERMIT FOR MOVEMENT OF PERSONS WITHIN A FOREIGN COMPANY

Work permit for movement of persons within a foreign company is issued to a foreigner employed with a foreign company, for work in an organizational unit of that company, registered in Montenegro.

Foreigners who may be referred are: directors, managers and experts.

Work permit for a referred foreigner is issued on a request from the organization unit of the foreign company registered in Montenegro. This permit may be issued for a period not longer than one year.

Exceptionally, if the affairs performed by the referred foreigner can not be finished within the period for which the permit is issued, the work permit may be renewed for up to two years.



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Request for issuing a work permit for movement of persons within a foreign company (Form Z6) is submitted to the Employment Agency – Department for legal and general affairs.

With a request, it is necessary to submit the following evidence:

- 1. for registration of the organizational unit of the foreign company in Montenegro;**
- 2. valid travel document for the foreigner;**
- 3. referring of the foreigner to work in the organizational unit;**
- 4. referring of the foreigner who is employed in the foreign company for at least a year and a certificate for social security from a competent body.**



WORK PERMIT FOR TRAINING AND SPECIALIZATION OF FOREIGNERS

Work permit for training and specialization of foreigners is issued if Montenegro has concluded an agreement on training and specialization of foreigners with the country whose citizen is the foreigner.

This permit may be issued even without previously concluded international agreement when such training and specialization is of interest for Montenegro.

Training and specialization is realized on the basis of a work contract.

Work permit for training and specialization is issued on a request from the employer. This permit may be issued for a period up to one year, and may be renewed for up to two years.



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Request for issuing the work permit for training and specialization (Form Z7) is submitted to the Employment Agency – Department for legal and general affairs.

With a request, it is necessary to submit the following:

- 1. evidence for registration of the employer;**
- 2. training, or specialization, program;**
- 3. valid travel document for the foreigner;**
- 4. evidence for acknowledged education document for the foreigner, in accordance with the Law on recognition and assessment of education documents**



WORK PERMIT FOR PROVISION OF CONTRACTUAL SERVICES

Work permit for provision of contractual services is issued on the basis of a special contract concluded between a foreign company, or a foreigner and a legal person in Montenegro, for performing contractual service, when the expert knowledge of the provider of the contractual service is required.

This permit is issued on a request from a legal person from Montenegro. This permit may be issued for a period of the validity of the contract, but not more than one year.



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Request for issuing the work permit for provision of contractual services (Form Z8) is submitted to the Employment Agency – Department for legal and general affairs.

With a request, it is necessary to submit the following:

- 1. evidence for registration of the legal person with the seat in Montenegro;**
- 2. contract concluded between the foreign company, or the foreigner and the legal person in Montenegro;**
- 3. valid travel document for the foreigner;**
- 4. evidence for acknowledged education document for the foreigner, in accordance with a special law;**
- 5. evidence for at least three years of experience in the expert field in which the contractual services are performed;**
- 6. evidence that the foreigner has been employed for at least three years with the foreign company, and a certificate for social security from a competent body.**



ADMINISTRATIVE TAX

For the issuing of a work permit, the applicant pays an administrative tax to the Employment Agency of Montenegro, in the following amounts:

- **for a personal work permit €165;**
- **for an employment permit €110;**
- **for a work permit €90.**

The tax is payed to the following account no. 832-3200-06.