

Law on Montenegrin Nationality ("Official Gazette of Montenegro", No. 13/08) shall regulate the manner of and conditions for acquiring and losing Montenegrin nationality.

I ACQUIRING OF NATIONALITY

Montenegrin nationality shall be acquired by:

- 1) origin;
- 2) birth in the territory of Montenegro;
- 3) admittance
- 4) international treaties and agreements.

1. Montenegrin nationality **by origin** is acquired by a child:

- whose both parents are Montenegrin nationals at the moment of the child's birth;
- whose one parent is Montenegrin national at the moment of child's birth, and the child was born in Montenegro;

- whose one parent is Montenegrin national at the moment of child's birth, the other parent does not have nationality or is of unknown nationality or is unknown, and the child was born in the territory of another state;

- whose one parent is Montenegrin national at the moment of child's birth, and the child was born in the territory of another state, if the child is to remain without nationality;

- born in the territory of another state, whose one parent is Montenegrin national at the moment of child's birth, if an application for entry into the Birth Register and Register of Montenegrin Nationals is submitted by the time the child turns 18 years of age, if the child does not have the nationality of another state;

- person who is 18 years of age, whose one parent is Montenegrin national, and the other parent is the national of another state, if an application for entry into Register of Montenegrin Nationals is submitted by the time child turns 23 years of age;

- in case of a complete adoption, if one of the adoptive parents is Montenegrin national.

2. Montenegrin nationality **by birth in** the territory of Montenegro shall be acquired by a child born or found in the territory of Montenegro, if both parents are unknown or of unknown nationality or without nationality or if the child is to remain without nationality.

3. Montenegrin nationality **by admittance** shall be acquired by a person who, in accordance with the interests of Montenegro, fulfills requirements prescribed in Articles 8 and 9, who was

granted a permanent residence in Montenegro pursuant to the regulations of the Law on Foreigners, and who is married to a Montenegrin national for at least 3 years and who is granted a permanent residence in Montenegro or a person whose admission to nationality would be of special interest for Montenegro;

Montenegrin emigrant and a member of his/her family of the third degree of kinship in the direct line may acquire Montenegrin nationality by admission if they legally and continually reside in Montenegro for at least two years and fulfill conditions referred to in Article 8, paragraph 1, item 1, 4, 5, 7 and 8 of the Law on Montenegrin Nationality.

A child acquires Montenegrin nationality by admittance, if:

1) both parents acquired Montenegrin nationality by admittance;

2) one of the parents acquired Montenegrin nationality by admittance and if

he/she legally and continually resides in Montenegro with the child;

3) legally and continually resides in Montenegro with adoptive parent who is a

Montenegrin national, in case of incomplete adoption.

II LOSS OF NATIONALITY

Montenegrin nationality may be lost:

- upon a request of the Montenegrin national;
- if so prescribed by law
- by international treaties and agreements

1. Upon a request of the Montenegrin national, nationality is lost by release.

Release from Montenegrin nationality may be granted to a person who submitted an application for release and if he/she fulfills the following requirements:

- is 18 years of age
- he/she has another nationality or a proof that he/she will be admitted into nationality of another state;
- actually resides in the territory of another state.

Application for release is submitted to the nearest DCRO of Montenegro, and the following is submitted with the application:

1. Certificate of birth;
2. Proof of Montenegrin nationality – certificate of nationality (not older than six months) or a valid passport (new form);
3. Proof that he/she is of foreign nationality or possesses a guarantee that he/she will be admitted into foreign nationality (and for a child, if the child is included in the parents' application);
4. Opinion of the competent guardianship authority or a DCRO opinion, when an applicant and children reside abroad, and marital relations are disturbed;
5. Certified written consent of the other parent, if by this application also release from nationality is required for children up to 18 years of age as well;
6. Final court decision on divorce (if parents are divorced);
7. Opinion of the competent guardianship authority in Montenegro or DCRO in case the other parent does not give consent for release of the child from nationality, or the permanent residence is unknown, or he/she is deprived of legal capacity and parental right.

If a child is older than 14 years of age, the child's consent is necessary for release from Montenegrin nationality.

2. Loss of Montenegrin nationality if so prescribed by law

Law on Montenegrin Nationality, Article 24, inter alia, stipulates that that nationals of age who have nationality of another state lose Montenegrin nationality, save for the case when nationality of another state is acquired prior to promulgation of independence of Montenegro, i.e. prior to June 3rd 2006.

3. Loss of Montenegrin nationality by international treaties and agreements

Montenegrin nationality may be lost by international treaties or agreements concluded by Montenegro.