

[RESIDENCE PERMIT - ORDINARY RESIDENT] THE SUPREME COURT RECALLS THAT THE THREE-MONTH STAY IS NOT A MINIMUM PERIOD FOR RENEWAL OF THE PERMIT

In a decision dated July 12, 2022, rendered at the request of Mr Zabaldano, the Supreme Court overturned a decision of the Police Commissioner refusing to renew an ordinary resident's permit to a foreigner on the grounds that he had not fulfilled the condition of a minimum period of three months' stay in the Principality of Monaco during the past year.

This decision gives an opportunity to recall that the three-month period provided for in article 1 of the Sovereign Ordinance of March 19, 1964 relating to the conditions of entry and residence of foreigners in the Principality is the period beyond which a foreigner is required to obtain a residence permit if he wishes to continue to reside in Monaco. Once a residence permit has been obtained, its renewal is subject to the same conditions as for obtaining it (possession of a valid identity document, authorization to carry out a professional activity or sufficient resources to live in Monaco, and good character). A minimum of three months of residence in the Principality during the previous year is not a condition for renewal. The Supreme Court nevertheless specifies that the granting or renewal of a residence permit may be refused when the application appears to be of no use in view of the elements relating to the applicant's personal and professional life, but also in the event that the applicant has not actually lived in Monaco. An ordinary residence permit allows a foreigner to stay in the Principality for more than three months a year without being obliged to do so, but if this right is not exercised, it may be useless to extend it.

In this case, it was shown that it was useful for the applicant to have his residence permit renewed. There was also a discussion about the actual nature of his residence because of his distance from Monegasque territory due to his frequent trips on board a ship registered in Monaco. The Supreme Court underlined the fact that, in these circumstances, the territory of the Principality extends to ships flying the Monegasque flag.

The team at Zabaldano Lawyers remains at your disposal to answer all your questions.