

LAW OF MONGOLIA
ON CITIZENSHIP
5 June 1995 Ulaanbaatar
CHAPTER ONE
General Provisions

Article 1. Purpose of the Law

The purpose of this law shall be to regulate relations on Mongolian citizenship, acquisition, restoration and cessation of citizenship.

Article 2. Legislation on Citizenship

- 1 Legislation on citizenship shall consist of the Constitution, this law and other legislative acts enacted in conformity therewith.
2. If an international agreement to which Mongolia is a party provides otherwise than this law, then the former shall prevail.

Article 3. Mongolian Citizenship

1. The following persons shall be considered as citizens of Mongolia:
 - 1) the persons who were citizens of Mongolia on the day of coming into force of this law;
 - 2) the persons who were citizens of Mongolia as of 11th July 1921 and have not lost Mongolian citizenship since then.
 - 3) a person who became a citizen of Mongolia in accordance with this Law.
2. Residing abroad of a Mongolian citizen shall not serve as a ground for loss of Mongolian citizenship.
3. Acquisition or loss of Mongolian citizenship by any of the married shall not lead to change of citizenship by the other spouse.
4. Irrespective of place of residence a citizen of Mongolia shall be under state protection. and enjoy protection of his/her rights and legitimate interests according to the law.
5. Deprivation of Mongolian citizenship, exile and extradition shall be prohibited.

Article 4. Inacceptance of Dual Citizenship

1. Mongolian citizens shall not be allowed to hold citizenship of more than one foreign nation at the same time
2. If a foreigner wishes to acquire Mongolian citizenship, he or she shall be required to have lost citizenship of the relevant nation. If legislation of relevant nation provides for loss of its citizenship on acquisition of citizenship of another nation, then cessation of citizenship may not be required.

Article 5. Documents Certifying Citizenship

The document certifying Mongolian citizenship shall be a passport and a birth certificate until obtaining the former.

CHAPTER TWO

Mongolian Citizenship, Acquisition and Cessation of Mongolian Citizenship

Article 6. Grounds for Acquisition of Mongolian Citizen

Mongolian citizenship shall be acquired on the following grounds:

- 1) birth;
- 2) on acquiring Mongolian citizenship;
- 3) on restituting citizenship;
- 4) on the grounds provided for in international treaties of Mongolia.

Article 7. Mongolian Citizenship of a Child

- 1 A child born when both parents were Mongolian citizens shall be Mongolian national irrespective of birth within the territory of Mongolia or outside it
2. A child born on the territory of Mongolia from parents either one of whom is a Mongolian citizen and another is a foreign citizen, shall be considered as a Mongolian citizen. In case, when a child is born on the territory of a foreign country, his or her citizenship shall be determined on the basis of a written agreement between the parents.
3. A child born when one of parents was a Mongolian citizen and the other was a stateless person shall be Mongolian citizen irrespective of place of birth.
4. A child who is within the territory of Mongolia whose parents are not identified shall be Mongolian citizen.
5. [A child who born from stateless parents permanently residing in the territory of Mongolia may have Mongolian citizenship, after reaching the age of 16, if he or she will to do so]
6. A Mongolian citizen who is adopted by a stateless person and who has not reached the age of 16 shall remain to be a Mongolian citizen.

[] as amended on 7 December.

Article 8. Acquisition of Mongolian Citizenship

A foreign citizen or a stateless person may acquire Mongolian citizenship in accordance with legislation.

Article 9. Conditions for Acquiring Mongolian Citizenship

1. The following conditions shall be met in order to acquire Mongolian citizenship: 1) one shall have the suitable living capability and resources;
 - 2) one shall have the proper knowledge of Mongolian customs and official language of the State,
- and being permanently resided in Mongolia for the term of up to 5 years before the date of application for citizenship issues;

3) other specific criteria as defined by the State Administrative Central body in charge of Mongolian citizenship on the basis of the state policy within the scope of provisions (1) and (2) of this paragraph.

4) [one must not maliciously commit any crime within the period of time mentioned in (2) of this paragraph;

5) one's relationship with foreign countries, after acquiring Mongolian citizenship, must not prejudice to reputation and interest of Mongolia.]

[] as amended on 7 December 2000.

2. The conditions provided for in paragraph 1 of this Article shall not be applicable to a case when a decision on acquisition of Mongolian citizenship is to be granted with respect to a minor person applying for a restitution of Mongolian citizenship on the grounds provided for in Article 14 of this Law.

3. [The President of Mongolia may, without any regard to the conditions prescribed in (1), (2) of the paragraph 1 of this article, grant Mongolian citizenship to foreign citizens who have done a honour for Mongolia, have had a profession or an experience that are much needed in Mongolia, and have done or able to make an exceptional success in any field of science.

4. The Government shall approve Regulations for determination of the criteria prescribed in paragraph 1 of this article.]

[] as amended on 7 December 2000.

Article 10. Grounds for Refusal or Restraint of Granting Mongolian Citizenship

1. A foreign person or a stateless person shall be refused Mongolian citizenship on the following grounds:

- 1) when it is proved that a person has committed a crime against humanity as defined by international legal regulations;
- 2) when a person has conducted or is conducting an activity against national security or vital interests of Mongolia;
- 3) when a person is being claimed as a member of international terrorist organization;
- 4) when a person is determined by court to be a dangerous criminal;
- 5) when a person is serving sentence;
- 6) [when a person is being deported from the territory of Mongolia;]
- 7) [when a person advertised a religion that inconsistent with the Mongolian national customs and law.]

II as amended on 7 December 2000.

2. [A request of foreign citizens for Mongolian citizenship shall be restrained to receive on the following grounds:

- 1) when it is not complied the conditions provided in article 9 of this Law;
- 2) when it is not complied the regulations provided in article 22 of this Law;
- 3) when a person is serving a sentence of imprisonment;
- 4) when a person is determined by established procedure that he or she is suffering from mental or infectious decease, or drug addicted or chronic alcoholic;]

II as amended on 7 December 2000.

3. The State Administrative Central body in charge of Mongolian citizenship shall submit its proposal on refusal of granting Mongolian citizenship to the President upon presentation to the Prime Minister of Mongolia, if the grounds provided for in paragraph 1 of this Article are proved in accordance with established procedure.

4. [If the grounds, mentioned in paragraph 2 of this article, have been proved by established procedure, the Office responsible for foreign citizens and citizenship issues

shall notify the foreign citizen or stateless person, whose request is restrained to be received.]

It as amended on 7 December 2000.

Article 11. Cessation of Mongolian Citizenship

A Mongolian citizen may upon his or her own request to withdraw his or her citizenship in accordance with procedure established by this Law.

Article 12. Denial of Cessation of Mongolian Citizenship

Cessation of Mongolian citizenship can be denied on the following grounds:

- 1) a person who has applied for cessation of Mongolian citizenship failed to perform his or her duties to Mongolia or property obligations related to interests of an organisation or a citizen;
- 2) a person who has applied for cessation of Mongolian citizenship has been considered a suspect or accused in criminal offence or is serving a punishment by court decision in force;
- 3) cessation of Mongolian citizenship would cause detriment to national and state security of Mongolia.

Article 13. Determining Citizenship of Adopted Child

1. A child who has not reached the age of 16 and whom spouses who are foreign citizens adopt shall remain to be a Mongolian citizen.
2. If spouses who are foreign citizens when adopting a child with Mongolian citizenship express their wish to change his or her citizenship, the matter of citizenship may be resolved based on the wish of the adoptive parents.

CHAPTER THREE

Restoration and loss of Mongolian citizenship

Article 14. Restoration of Mongolian Citizenship

- 1 Mongolian citizenship shall be restored on the following grounds:
 - 1) a Mongolian citizen who has lost his or her citizenship with respect to adoption on the grounds provided for in paragraph 2 of Article 13 of this Law;
 - 2) within five years after attaining the age of 18 if one lost Mongolian citizenship due to change of citizenship of parents;
 - 3) persons who were Mongolian citizens as of 11 July 1921 and thereafter and acquired citizenship of any foreign state.
2. In cases mentioned in paragraph 1 of this Article a person wishing to restore his or her citizenship shall submit his or her application to the state central administrative body in charge of citizenship matters.
3. An application for restitution of citizenship shall be submitted to the President of Mongolia through the State Administrative Central Body in charge of Mongolian citizenship.

4 Mongolian citizenship of a person who has withdrawn his or her Mongolian citizenship with a purpose of acquiring foreign citizenship, but who was not able to do so, shall be restituted based on his or her request.

Article 15. Grounds for Loss of Mongolian Citizenship

1 The following shall be grounds for loss of Mongolian citizenship:

- 1) the ground provided in paragraph 2, Article 13 of this law;
- 2) change of parents' citizenship;
- 3) it has been determined that a person has acquired Mongolian citizenship by way of submission of false documents or information concerning himself or herself;
- 4) other grounds provided in international agreements of Mongolia or this law; 5) cessation of Mongolian citizenship.

2. In case of loss of Mongolian citizenship on the ground provided for in (3) of paragraph 1 of this Article the President of Mongolia shall repeal his decision on granting Mongolian citizenship to the person concerned.

CHAPTER FOUR

Change of a child's citizenship

Article 16. Acquisition of Mongolian Citizenship by a Child on Acquisition of Mongolian Citizenship by Both Parents or Any of Them

1 Where both parents acquire Mongolian citizenship their child under 16 years of age shall acquire Mongolian citizenship as well

2. In case of acquisition of Mongolian citizenship by one of parents their child under 16 years of age may acquire Mongolian citizenship on request by his or her parents. A written well-founded agreement between parents shall be required in that case.

Article 17. Allowing of cessation of Mongolian Citizenship by a Child on cessation of Mongolian citizenship by both parents or any of them

In case of cessation of Mongolian citizenship by one of parents their child under 16 years of age may be allowed to cease Mongolian citizenship on request of his/her parents upon their mutual written agreement.

Article 18. Child's Consent in Case of Change of His or Her Citizenship

In case of change of citizenship of a child of 16 to 18 years of age his or her written consent shall be obtained.

CHAPTER FIVE

Powers of the State Central Administrative body in Charge of Citizenship Matters

Article 19. Powers of the President of Mongolia

The President of Mongolia within his or her full powers shall decide on the following matters 1) to grant Mongolian citizenship to foreign citizens and stateless persons. 2) to allow to cease Mongolian citizenship; 3) to restore Mongolian citizenship.

Article 20. Scope of Rights of State Administrative Central Organisations

1. The State Administrative Central Organisation in charge of Mongolian citizenship shall receive requests related to matters of Mongolian citizenship from persons residing on the territory of Mongolia or a foreign country, and shall submit them for consideration together with relevant documents and proposals to the President upon presentation to the Prime Minister of Mongolia.
2. The State Administrative Central Organisation in charge of Mongolian citizenship in accordance with decisions granted on matters of Mongolian citizenship shall keep unified records of persons in respect to acquisition, withdrawal, restitution and loss of Mongolian citizenship.
3. The Intelligence, the Central Police Organisation and the Public Administration of this country, Governors of local administrative units, local police organisation, Diplomatic or Consular missions of Mongolia in foreign countries shall take part in considering an application related to matters of Mongolian citizenship in accordance with procedure provided for in this Law and according to their respective functions.
4. The Central Intelligence Organisation, in respect to a person who has made a request related to matters of citizenship, shall pass a conclusion from the view of the national security of Mongolia, and shall submit a concrete proposal on the consideration of the matter.
5. The Central Police Organisation, in respect to a civil records of a person who has made a request related to matters of citizenship, shall through its relevant services provide references, amend and change the records, and shall submit proposals and conclusions on other related matters.
6. The Public Administration, Governors of local administrative units and local police organisations in respect to a person who has made a request related to matters of citizenship and who is permanently residing on the territory of Mongolia, and Diplomatic and Consular missions of Mongolia in foreign countries in respect to a person who is permanently residing on the territory of foreign countries and who has made the same request shall provide personal references and pass their opinion.

Article 20. Supervision over Implementation of Decisions on Citizenship Matters

The state central administrative body in charge of citizenship matters and other authorities shall supervise implementation of decisions on citizenship matters within the scope of their functions.

CHAPTER SIX

Request related to matters of citizenship and procedure of consideration

Article 21. Request Related to Matters of Citizenship

- 1 A request related to matters of citizenship shall be submitted to the President of Mongolia.
2. A person applying for acquisition, restitution or withdrawal of Mongolian citizenship shall compile relevant documents in accordance with the list determined by procedure provided for in paragraph 6 of Article 22 of this Law.
3. A joint request may be submitted if an applicant wishes to acquire or withdraw Mongolian citizenship together with his or her other family members.
4. Either parent changing citizenship shall, in respect to his or her child who has not reached the age of 16, mention in the request whether citizenship of the child is to be changed.
5. A request related to matters of citizenship of a child who has reached the age between 16 and 18 shall be submitted by his or her parents, guardians or sponsors upon the child's own permission and signature.

Article 22. Procedure for Request Related to Matters of Mongolian Citizenship

- 1 Requests for acquisition or withdrawal of Mongolian citizenship shall be submitted to the President through Governors of aimags or Capital City; Diplomatic or Consular missions of Mongolia in foreign countries, if Mongolian citizens resided in a foreign country; or the State Administrative Central Organisation in charge of Mongolian citizenship.
2. Governors of aimags or Capital City shall, upon the receipt of a request, request Governors of soums, districts, bags or horoos to submit personal reference and opinion in respect to the particular person.
3. Governors of aimags or Capital City; Diplomatic or Consular missions of Mongolia in foreign countries shall, upon the receipt of a request, verify the compilation of relevant documents, if and shall submit them to the State Administrative Central Organisation in charge of Mongolian citizenship together with their concrete proposals.
4. The State Administrative Central Organisation in charge of Mongolian citizenship shall request the Intelligence and The Central Police Organisation to submit their proposal and opinion in respect to a person applying for acquisition or withdrawal of Mongolian citizenship.
5. A time limit for receiving, examining and deciding on matters related to Mongolian citizenship shall not exceed 6 months.
6. A list of documents necessary for consideration of matters related to Mongolian citizenship shall be determined by the State Administrative Central Organisation in charge of Mongolian citizenship.

Article 23. Opinion on Matters Related to Mongolian Citizenship

1. The State Administrative Central Organisation in charge of Mongolian citizenship shall pass opinion related to consideration of matters provided for in Article 19 of this Law.
2. The State Administrative Central Organisation in charge of Mongolian citizenship while formulating its opinion in respect to a request related to matters of citizenship shall thoroughly consider applicant's interests, interests of national security, content of application, references and opinions on matters of citizenship submitted from other organisations, and other relevant documents important to consideration of this matter. The opinion shall explicitly state justifications and conditions for acquisition, withdrawal, restitution and refusal of Mongolian citizenship.
3. The State Administrative Central Organisation in charge of Mongolian citizenship while formulating its opinion in respect to a request related to matters of citizenship shall request any state, social, business organisations or officials to submit relevant documents. The given organisations and officials shall be obliged to submit to the State Administrative Central Organisation in charge of Mongolian citizenship the relevant documents within the requested period.

Article 24. Decisions on Matters related to Citizenship

1. The President of Mongolia shall issue decrees in case of authorizing acquisition, withdrawal or restitution of Mongolian citizenship, and orders in case of refusal.
2. An application related to matters of citizenship already decided as provided for in paragraph 1 of this Article shall no be accepted within a period of 6 months after such decision has been passed.

Article 25. Determination of Date of Acquisition and Withdrawal of Citizenship

1. An applicant shall be considered as a Mongolian citizen from the date of issue of Presidential Decree on granting or restituting Mongolian citizenship.
2. An applicant shall be considered as withdrawn of Mongolian citizenship from the date of issue of Presidential Decree on withdrawal of Mongolian citizenship.

CHAPTER SEVEN

Miscellaneous

Article 26. Organisations Implementing Decision on Matters Related to Mongolian Citizenship

1. Decisions"on matters related to citizenship granted in respect to persons permanently residing on the territory of Mongolia shall be implemented by Governors of aimags or Capital City, in respect to persons residing on the territory of a foreign country by the State Administrative Central Organisation in charge of external relations and by relevant Diplomatic or Consular missions of Mongolia in foreign countries.
2. A person who has acquired or restituted their Mongolian citizenship shall be granted a national passport of Mongolia by Governors of aimags or Capital City; or a national overseas passport by relevant Diplomatic or Consular missions. In respect to a child who has not reached the age of 16, the records on acquisition of Mongolian citizenship shall be made in his or her document.
- 3 [The Mongolian diplomatic or consular mission to foreign countries shall take back a citizen's identity card from a person, who ceased his or her Mongolian citizenship, and deliver to the Office responsible for foreign citizens and citizenship issues.]

[] as amended on 7 December 2000.

- 4 A residence on the territory of Mongolia of a person who has lost Mongolian citizenship and who is presently residing on the territory of this country shall be decided in accordance with the legislation concerned

Article 28. Complaint against Decision on Matters Related to Citizenship

A complaint against unjustified refusal to receive an application related to citizenship matters; delay, extension or deferment without founded reasons of time limit for consideration of the application; or violation of procedures of examination of matters related to citizenship or implementation of the decision on this matter may be lodged to an official of the higher organisation and court.

Article 29. Liability for Violation of Citizenship Legislation

A person who has violated the citizenship legislation shall be subject to the following administrative penalties imposed by judge if no criminal liability is involved:

- 1) a person who has submitted to the relevant competent organisation forged documents related to himself or other persons with a purpose of unlawful consideration of citizenship matters shall be subject to a penalty of 35000-50000 togrog;
- 2) an official in charge of receiving, examining and passing opinion on application related to citizenship matters in accordance with this Law and submitting it in accordance with established procedure guilty of willful forge of reference or opinion shall be subject a penalty of 15000-50000 togrog.