

LAW OF MONGOLIA

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Ulaanbaatar

LAW OF MONGOLIA ON THE LEGAL STATUS OF FOREIGN NATIONALS

(Revised edition)

CHAPTER ONE GENERAL PROVISIONS

Article 1. Purpose of the law

1.1. The purpose of this law is to regulate relations concerning the entry, exit, transit and residence of foreign visitors and stateless persons in Mongolia and to define their rights and responsibilities.

Article 2. Legislation on the legal status of foreign nationals

2.1. Legislation on the legal status of foreign nationals is comprised of the Constitution of Mongolia, the present Law and other legislation, which is consistent with those laws.

2.2. If an international treaty to which Mongolia is a party is inconsistent with the present Law, then the provisions of the international treaty shall prevail.

Article 3. Application of the law

3.1. The provisions of the present Law shall apply to foreign travelers to Mongolia, visitors in transit, short and long-term residents, immigrants (hereinafter referred to as "foreign nationals") and ones who invite a foreign national.

3.2. This application of the present Law will serve for stateless person as well, if the law not states other than this application.

Article 4. Diplomatic immunities and privileges of officers of diplomatic and consular missions

4.1. The provisions of the present Law shall not affect any diplomatic immunities or privileges of officers of diplomatic and consular missions of foreign countries or of resident representative offices of the United Nations and its specialized organizations.

Article 5. Definitions of terms

5.1. The terms used in the present Law are defined as follows:

5.1.1. “Foreign national” means a person who has foreign citizenship, but not Mongolian citizenship;

5.1.2. “Inviter” means citizens, business entities or organizations of Mongolia or foreign national who has legally residing in Mongolia over 90 days period, who makes guarantee for financial resources for staying in Mongolia and inviting the foreign citizens;

5.1.3. “Transit visitor” means a foreign national who is traveling between the countries via the territory of Mongolia;

5.1.4. “Temporary visitor” means a foreign national visiting Mongolia for up to 90 days;

5.1.5. “Resident for private purpose” means a foreign national who is residing in Mongolian territory over than 90 days period for private purposes, such as study, work, investment, family, business and other;

5.1.6. “Resident for official purpose” means a foreign national being invited by the government organizations and foreign nationals to be employed in foreign diplomatic and consular services representative offices, Inter-governmental agreement organizations, UN and its specialized organizations representatives, foreign and international press representatives and their family members who is going to reside for more than 90 days;

5.1.7. “Stateless person”: a person has no nationality of any state;

5.1.8. “Immigrant” means a foreign national or a stateless person who gained residence permission from State Authority of Mongolia;

5.1.9. “Passport” means the document issued by international authority or foreign and Mongolian Government, which certifies, for the purpose of international travel;

5.1.10. "Document that substitutes the passport" means document, which is approved by Mongolian Law and other international treaties that substitutes passport, which certifies the identity and nationality of its holder;

5.1.11. "Mongolian visa" means the permit of entry into Mongolian border;

5.1.12. "Visa permission" means the documentation that grants diplomatic and consular missions of Mongolia abroad to issue visa to foreign nationals, permitted by Central state administrative body in charge of external relations and the state administrative body in charge of foreign citizens;

5.1.13. "Laissez passer" means travel document which is issued by UN to its employees and officials, as set forth in article 7 of Convention on UN privileges and immunities.

CHAPTER TWO LEGAL STATUS OF FOREIGN NATIONALS

Article 6. Basic principles of the rights and duties of foreign nationals

6.1. In establishing the rights and duties of foreign nationals residing in Mongolian territory, Mongolia shall adhere to the principle of reciprocity with the country of which those persons are citizens.

Article 7. Specific rights and duties of foreign nationals

7.1. In order to ensure the sovereignty of Mongolia, national security, and public order, the Government of Mongolia may enact any legislation it considers necessary restricting the rights and freedoms of foreign citizens other than fundamental human rights.

7.2. Foreign nationals shall have rights and freedoms and duty to abide equal to Mongolian citizens in the conditions except stated in article 7.1 of this law.

7.3. Foreign nationals shall have the following rights in the territory of Mongolia:

7.3.1. to enter Mongolia and reside set forth in the present Law and other laws and regulations;

7.3.2. foreign citizens may only be employed in organizations classified by laws as objects of State importance with the prior permission from the Government of Mongolia;

7.3.3. to seek political asylum;

7.3.4. other rights permitted by laws and regulations.

7.4. Foreign nationals shall have the following duties in the territory of Mongolia:

7.4.1. to respect the Constitution of Mongolia, obey its laws and respect Mongolian national traditions and customs;

7.4.2. to be registered set forth in article 24 and 26 of the present Law;

7.4.3. to pay all taxes stated in Mongolian laws and regulations;

7.4.4. to be within the permitted period of valid Mongolian visa and residence permission or to exit Mongolia within permitted period of time or as instructed by the relevant authority of Mongolia unless the international treaties of Mongolia provide otherwise;

7.4.5. to hold valid foreign passports or equivalent legal documents permitted to reside in Mongolia issued by relevant authority;

7.4.6. other duties permitted by laws and regulations.

7.5. Foreign nationals shall not be obliged to serve in the armed forces of Mongolia, or, any other military service:

Article 8. Prohibited activities to foreign nationals

8.1. The following activities by foreign nationals are prohibited within Mongolian territory:

8.1.1. in exercising their rights and freedoms provided by legislation and the international treaties of Mongolia, foreign nationals shall not

act in a way which is contrary to the interests of Mongolia, the rights and freedoms of Mongolian citizens or other human rights;

8.1.2. foreign nationals may not elect or be elected to the self-governing bodies of administrative units, towns, villages or State organizations of Mongolia and shall not take part in national opinion polls;

8.1.3. foreign nationals must not engage in any political activities including setting up and joining organizations, which carry out political activities in Mongolia;

8.1.4. it shall be prohibited for foreign nationals to campaign against the national unity of Mongolia and advertise, promote and consume religion, which is inconsistent with national customs and law, violation, pornography and narcotics;

8.1.5. it shall be prohibited for foreign nationals to carry out activities which require special permission by means of law, authority or state officials, illegally;

8.1.6. it shall be prohibited for foreign nationals to exceed visa term, be employed without permission from the competent authorities, to engage in an activities that are different from one's purpose of coming, and to travel within the territory of other administrative units infringing the regulations of civil registration;

8.1.7. other activities prohibited by laws and regulations.

CHAPTER THREE AUTHORITIES OF STATE ORGANIZATIONS AND OFFICIALS, DUTIES OF BUSINESS ENTITIES AND CITIZENS

Article 9. Authorities of state organizations and officials

9.1. The President of Mongolia shall grant the right of asylum to a foreign national, who is persecuted for their conviction that honored in Mongolia.

9.2. Government of Mongolia shall exercise following authorities with respect to foreign nationals:

9.2.1. to approve regulations that governs issuance of Mongolian visa and visa issuance in the free economic zones;

9.2.2. to approve regulations that governs residence and registration of foreign nationals in Mongolia;

9.2.3. to approve regulations that govern deportation of foreign nationals from Mongolia and setting up the period of date that cease the re-entry to Mongolia;

9.2.4. other authorities stated in laws and regulations.

9.3. Member of Cabinet in charge of justice shall exercise following authorities with respect to foreign nationals:

9.3.1. to approve regulations that govern residence of foreign nationals in Mongolia, stateless persons, design of travel certificate and their right to own, storage and use;

9.3.2. to approve regulations that governs code of ethics and liability of state inspectors of foreign nationals;

9.3.3. to set up a database of foreign nationals and to approve the regulations on exchanging the information;

9.3.4. to approve regulations on bail, pay back and setting up an amount of bail set forth in article 36.5 of the present Law;

9.3.5. other authorities stated in laws and regulations.

9.4. Member of Cabinet in charge of external affairs shall exercise following authorities with respect to foreign nationals:

9.4.1. to appoint and dismiss a Legal attaché at the diplomatic missions of Mongolia with consent of Member of Cabinet in charge of justice;

9.4.2. other authorities set forth in laws and regulations.

9.5. The head of state administrative body in charge of foreign nationals shall exercise the following authorities:

9.5.1. to organize implementation of laws and regulations on legal status of foreign nationals;

9.5.2. to approve regulations on interviewing foreign nationals who expressed their interest to adopt Mongolian children;

9.5.3. to approve regulations on suspending exit of foreign citizens out of Mongolia, termination of suspension on exit and its implementation;

9.5.4. to approve regulations that governs issuance of an invitation to foreign nationals to visit Mongolia on private purpose;

9.5.5. other authorities stated in laws and regulations.

9.6. Governors of Aimag and Districts are obliged to report to the state administrative body in charge of foreign nationals on the home registry of foreign nationals, residing into their subordinate territories /soum or khoroo/ every six months.

9.7. Governors of Soum and Khoroo shall have the following rights and obligations with respect to foreign nationals:

9.7.1. to maintain home registry of foreign nationals residing in the territory;

9.7.2. to make a reference on foreign nationals residing in the territory;

9.7.3. to work in close cooperation with the relevant organizations and officials for the purpose of prevention on crimes and violations by foreign nationals;

9.7.4. other authorities stated in laws and regulations.

Article 10. Obligations of the individuals, business entities and organizations who invite foreign nationals

10.1. The individuals, business entities and organizations, who invite a foreign national into Mongolia for more than 30 days period, shall have the following obligations:

10.1.1. to make sure that a foreign national is registered at the relevant organization as set forth in the laws and regulations;

10.1.2. to provide a guarantee financial sources required for a foreign national to live in Mongolia;

10.1.3. to make sure that a foreign national returns within the permitted period of visa and residence permit.

10.2. A type and condition of such a guarantee and other related items regarding this activity stated in article 10.1.2 shall be regulated by the regulations set forth in article 9.2.2 of the present Law.

CHAPTER FOUR MONGOLIAN VISA

Article 11. Mongolian visa

11.1. Unless provided otherwise in the international treaties of Mongolia, foreign nationals visiting Mongolia shall have a Mongolian visa (hereinafter referred to as the "visas").

11.2. A visa shall be issued to a foreign national who hold valid foreign passports or equivalent legal documents.

11.3. A visa may be issued on attachments.

11.4. The levels of visas are: diplomatic, official and ordinary.

11.5. The types of visa are: single, double, multiple-entry, entry/exit, exit, exit/entry and transit.

11.6. The issuance of visa to a foreign national shall not guarantee his/her entry to Mongolia.

11.7. Design of a visa shall be jointly approved by members of cabinet in charge of external affairs and justice.

Article 12. Diplomatic level visa

12.1. Diplomatic level of visa shall be granted to foreign diplomatic passport holders or UN employee or officials who hold "red" laissez passer.

12.2. Diplomatic level of visa shall be indicated on a visa with Latin alphabet "D".

Article 13. Official level visa

13.1. Official level visa shall be issued to the following foreign nationals:

13.1.1. official passport holders, who visiting and residing on official purposes, UN and its specialized organization employees and officials who hold “blue” laissez passer, ordinary passport holders, who visiting on official business of international organizations and their family members;

13.1.2. foreign nationals, who hold official and ordinary passports and intend to visit Mongolia at the invitation of State, central administrative and local self-governing bodies of Mongolia, or a political party having seats at the State Ih Hural (Parliament of Mongolia);

13.1.3. foreign nationals, who hold official and ordinary passports and intend to work in Mongolia according to inter-governmental agreement and treaties;

13.1.4. employee of foreign or international press who hold official and ordinary passports.

13.2. Official level visa shall be indicated on a visa with Latin alphabet “A”.

Article 14. Ordinary level visa

14.1. Ordinary level visa shall be issued to foreign nationals in all cases other than set forth in article 12 or 13 of the present Law.

14.2. Ordinary level visa shall be indicated on a visa with Latin alphabet “E”.

Article 15. Visa classification

15.1. Following classification of visas shall be issued to foreign nationals in conformity with the purpose of their visit:

15.1.1. foreign nationals set forth in article 12.1 of the present Law may apply for “D” visa;

15.1.2. foreign nationals set forth in article 13.1 of the present Law may apply for “A” visa;

15.1.3. foreign investors and senior management staff to work in a joint venture, branch, or its representative office may apply for “T” visa;

15.1.4. foreign nationals to intend to visit the country upon an invitation by a non-governmental organizations and international humanitarian organizations may apply for “O” visa;

15.1.5. foreign nationals visiting the country for business purposes may apply for “B” visa;

15.1.6. foreign nationals visiting the country for purposes of study, training and research irrespective to his/her passport type may apply for “S” visa;

15.1.7. foreign nationals visiting the country as tourist irrespective to his/her passport type may apply for “J” visa;

15.1.8. foreign nationals visiting the country to work under the employment agreement irrespective to his/her passport type may apply for “HG” visa;

15.1.9. foreign nationals to visit or reside in the country upon invitation by religious organizations irrespective to his/her passport type may apply for “SH” visa;

15.1.10. foreign nationals who have been issued the permission to immigrate to Mongolia may apply for “TS” visa;

15.1.11. family members of residents of Mongolia for private purpose and foreign nationals visiting the country for private purpose irrespective to his/her passport type may apply for “H” visa.

Article 16. Visa issuing authorities

16.1. Visas shall be issued by the following authorities:

16.1.1. The Central state administrative body in charge of external affairs;

16.1.2. The state administrative body in charge of foreign nationals; or

16.1.3. Mongolia's Diplomatic and Consular missions abroad and Honorary Consuls of Mongolia.

Article 14. Authorities of visa issuing authorities

17.1. The Central state administrative body in charge of external affairs shall exercise the following authority:

17.1.1. to issue, refuse or change visa classification, to extend visa term and/or to terminate visa classification set forth in article 15.1.1 and 15.1.2 of the present Law.

17.2. The state administrative body in charge of foreign nationals shall exercise the following authorities:

17.2.1. to issue, refuse or change visa classification, to extend visa term and/or to terminate multiple entry or exit/entry visa types stated in article 15.1.3 and 15.1.11 of the present Law to foreign nationals visiting Mongolia temporarily or residing the country for private purpose;

17.2.2. to issue entry or transit visas set forth in article 15.1.3 and 15.1.11 of the present Law to foreign nationals, if they hold required package of documentation to issue visas at the border check points of Mongolia;

17.2.3. to issue visas set forth in article 15.1.1 and 15.1.2 of the present Law to foreign nationals at the border check points of Mongolia in accordance with visa permit granted by the Central state administrative body in charge of external affairs.

17.3. Mongolia's diplomatic and consular missions abroad and Honorary Consuls of Mongolia shall exercise the following authorities:

17.3.1. to issue 30 day visas set forth in article 15.1.4, 15.1.5 and 15.1.7 or visas set forth in article 15.1.1 and 15.1.2 of the present Law to foreign nationals in accordance with visa permit granted by the Central state administrative body in charge of external affairs;

17.3.2. to issue visas other than set forth in article 17.3.1 of the present Law in accordance with visa permit granted by the State administrative body in charge of foreign nationals.

Article 18. Duration of visa

18.1. Unless otherwise provided in the international treaties of Mongolia, a single entry visa shall be valid for 90 days until foreign nationals entering Mongolian border.

18.2. Unless otherwise provided in the international treaties of Mongolia, multiple entry visa issued to temporary visitors shall be valid for 183 or 365 days, but the days to stay in Mongolia shall be 30 days.

18.3. Multiple entry visa issued to foreign nationals residing in Mongolia for official and private purposes shall be valid within the permitted period of the residence permit.

18.4. Exit/entry visa issued to foreign nationals residing in Mongolia for official and private purposes shall be valid within 180 days after exit from Mongolia.

18.5. Duration of a visa shall be recorded on the visa permit with the following order; year, month and date.

Article 19. Duration of stay to be determined by a visa

19.1. Unless otherwise provided in the international treaties of Mongolia, duration of stay of a foreign national in Mongolia after entering its border shall be determined on a visa as follows:

19.1.1. short term visitor - up to 90 days;

19.1.2. transit traveler - up to 10 days;

19.1.3. duration of stay of a foreign national residing in Mongolia for official and private purposes shall be determined without indicating any date or until his/her residence permit is issued.

19.2. Duration of a visa set forth in 19.1.1 of the present Law may be extended by the state administrative body in charge of foreign nationals once for up to 30 days only.

Article 20. Visa and visa permission

20.1. Visa and visa permission shall be issued considering an inviter's request and guarantee set forth in article 10.1.2 of the present Law.

20.2. Inviter shall apply to the state administrative body in charge of external affairs for diplomatic and official level visas for foreign nationals and; to the state administrative body in charge of foreign nationals for ordinary level visa.

20.3. Visa issuing authorities set forth in article 16.1 of the present Law may request medical screening in order to make a decision to issue visa to foreign nationals who requested residence permit for official and private purposes in Mongolia.

20.4. The organizations set forth in article 16.1 of the present Law shall not required to give any reason to a foreign national for refusal of visa or visa extension.

CHAPTER FIVE ENTRY TO MONGOLIA AND TRANSIT TRAVEL THROUGH MONGOLIA

Article 21. Entry to Mongolia

21.1. Unless otherwise provided in the international treaties of Mongolia, foreign nationals with a valid passport or equivalent legal document may only enter Mongolia if they have permission (visa) from a competent visa issuing authority in accordance with the regulations set forth in the laws of Mongolia.

Article 22. Refusal of entry to Mongolia

22.1. A foreign national may be refused entry to Mongolia if he/she meets any of the following circumstances:

22.1.1. is a child under age of 16 or a person without legal capacity, unless accompanied by a guardian;

22.1.2. has left the country after sentence to punishment and has not completed the term of sentence;

22.1.3. has been announced as persona non grata or expelled from Mongolia;

22.1.4. has been wanted internationally;

22.1.5. has been strongly suspected to endanger national security or public order of Mongolia;

22.1.6. is believed through convincing evidence to lack financial support to live in and return from Mongolia;

22.1.7. has been deported according to regulations set forth in the present Law and period of the ban to entry Mongolia has not finished.

Article 23. Transit travel through Mongolia

23.1. Unless otherwise provided in the international treaties of Mongolia, a foreign national who possess a valid passport or equivalent legal document with a relevant visa may travel through the country, as a transit passenger.

23.2. A foreign national on international air flights may transit through Mongolia without a visa.

CHAPTER SIX RESIDENCE OF A FOREIGN NATIONAL IN MONGOLIA

Article 24. Registration of a foreign national

24.1. Short-term visitor coming to Mongolia for more than 30 days period, a foreign national residing in the country for private purposes or a foreign national set forth in article 32.2 of the present Law shall be registered at the State administrative body in charge of foreign nationals within 7 days after arrival.

24.2. Mongolian citizens, business entities or organizations inviting a foreign national shall be responsible for registering him/her.

24.3. A foreign national shall be registered in person in the cases other than set forth in article 24.2 of the present Law.

24.4. A foreign national (and family members), who arrive in Mongolia to work at foreign diplomatic or consular missions, resident representative offices of the UN or its specialized organizations and foreign press offices, shall be registered at the State administrative body in charge of external affairs within 7 days after their arrival in Mongolia.

Article 25. Registration of family status of a foreign national

25.1. Registration of family status of a foreign national shall be carried out by the state administrative organization in charge of civil registration and information in the capital city, office of civil registration and information in provinces and shall provide the state administrative body in charge of citizen's registration with all the information monthly.

Article 26. Household registry of a foreign national

26.1. A foreign national residing in Mongolia for private purpose or a foreign resident set forth in article 32.2 shall be registered at household registry in Governor's Office of Soum or Governor's of khoroo within 14 days after arrival.

26.2. If a foreign national stated in article 26.1 of the present Law wishes to change his/her residence, he/she should make deregistration at the previously registered authority and be registered at household registry in newly resided Governor's Office of Soum or Governor's of khoroo within 14 days.

Article 27. Residence in Mongolia for private purpose

27.1. The residence permit for personal purposes shall be granted by the state administrative body in charge of foreign nationals for 5 years with possible extension for another 3 years' considering the request of a foreign national and proposal by relevant organizations.

27.2. Residence permit for a foreign national for private purpose shall be granted as follows:

27.2.1. for family reasons;

27.2.2. for emigration;

27.2.3. for work;

27.2.4. for investment purpose;

27.2.5. for study, internship, scientific and research and other private matters.

27.3. Foreign nationals may be refused to be granted with residence permit for private purpose or extension or the residence permit can be invalidated if they fall any of the following circumstances:

27.3.1. as recommended by intelligence or police organization;

27.3.2. have been violated the regulations on visa, registration and residence policy twice or more times set forth in the present Law;

27.3.3. have undertaken the activities set forth in article 8 of the present Law;

27.3.4. have counterfeited, collected or tampered visa or any other documents that are issued by authorized organizations.

27.4. The number of foreign nationals residing in Mongolia for private purpose may not exceed 3 percent of total citizens of Mongolia and among them nationals of one country may be up to 1 percent.

Article 28. Residence in Mongolia for family reasons

28.1. The state administrative body in charge of foreign nationals shall grant the residence permit with duration set forth in article 27.1 of the present Law, if spouse, their parents and children of a foreign national who married to a Mongolian citizen and registered their marriage or foreign nationals granted their residence permit.

28.2. Duration of stay in Mongolia for the residence permit of family members of a foreign national as stated in article 27.2-27.5 of the present Law shall be determined as duration of stay of his/her residence permit.

28.3. The state administrative body in charge of foreign nationals may grant term less residence certificate, if a foreign national to be reside in Mongolia for family reason is aged 55 or over adhering the principle of reciprocity with the country of which those persons are citizens.

28.4. The state administrative body in charge of foreign nationals shall refuse or refuse to extend the residence permit for foreign nationals to reside in Mongolia for family reason in the following cases other than as stated in article 27.3 of present Law:

28.4.1. A foreign national married to a citizen of Mongolia in a counterfeit manner in order to get the permit stated in 28.1 of the present Law;

28.4.2. if the marriage is divorced stated in article 11.2 of Law on Family.

Article 29. Immigrate to Mongolia

29.1. The state administrative body in charge of foreign nationals shall grant permit to reside in Mongolia for a term stated in article 27.1 of the present Law considering a foreign national's request, internal situation and the economic capacity of the country, and his/her educational background and professional skills.

29.2. The state administrative body in charge of foreign nationals shall pursue the principles stated in article 28.3 of the present Law on granting permit a foreign national aged 55 or over.

29.3. The state administrative body in charge of foreign nationals may invalidate an immigrant status of a foreign national if he/she does not reside in the country for over 180 days within a year.

29.4. The state administrative body in charge of foreign citizens shall issue a Certificate to travel abroad when a foreign national with an immigrant status in Mongolia intends to travel to other countries.

29.5. The number of immigrants and foreign nationals residing in Mongolia may be up to 0.5 percent of the citizens of Mongolia and among them nationals of one country up to 0.17 percent.

29.6. If the number of foreign permanent residents and immigrants residing in Mongolia is lower than 0.4 per cent of the citizens of Mongolia, the State Ikh Hural shall define once during its term of office the number and composition of immigrants to be permitted in territorial and administrative units of Mongolia considering the proposal submitted by the Government and if the number is above than 0.4 per cent of the citizens of Mongolia, the State Ikh Hural shall define annually.

Article 30. Residence in Mongolia for work, investment, study, training, scientific and research purposes

30.1. The state administrative body in charge of foreign nationals shall grant residence permit to foreign nationals who came to Mongolia for work, investment, study, training, scientific and research purposes considering the requests of state administrative bodies in charge of investment, labor and education and its authorized organizations.

30.2. Foreign nationals shall apply for extension of the duration of permit stated in article 30.1 of the present Law to the State administrative body upon the request of relevant organizations.

Article 31. Adjudication period of the residence permit in Mongolia for private purpose

31.1. The state administrative body in charge of foreign nationals shall adjudicate the request to grant permit to reside Mongolia for private purpose within 60 days, its extension within 30 days.

Article 32. Residence in Mongolia for official purpose

32.1. The central State authority in charge of external affairs shall grant and extend the residence permission for foreign nationals, who arrive in Mongolia to work at foreign diplomatic or consular missions, resident representative offices of the UN or its specialized organizations and foreign press offices.

32.2. The state administrative body in charge of foreign nationals shall grant and extend residence permit to foreign nationals, who arrive in Mongolia at the invitation of state organizations and to work at intergovernmental organizations based on the request of inviting organizations.

Article 33. Issuance of a Resident certificate

33.1. The state administrative body in charge of foreign nationals shall issue a Resident certificate to foreign nationals residing in Mongolia for private purposes and those, who have residence permit pursuant to article 32.2 of the present Law.

33.2. Resident certificate stated in article 33.1 of the present Law shall include the following information:

33.2.1. Full name;

33.2.2. Date of birth;

33.2.3. Sex;

33.2.4. Number of certificate of residence;

33.2.5. his/her children under 16;

- 33.2.6. Citizenship;
- 33.2.7. Type of residence permit;
- 33.2.8. Serial number of residence permission;
- 33.2.9. Organization issued;
- 33.2.10. Validity period;
- 33.2.11. Extension;
- 33.2.12. Registration number;
- 33.2.13. notes of violation;
- 33.2.14. Permanent residence addresses and its changes;
- 33.2.15. Fingerprint.

33.3. Foreign nationals who intend to definitely leave Mongolia shall give his/her Resident certificate to the State administrative body in charge of foreign nationals.

CHAPTER SEVEN EXIT FROM MONGOLIA

Article 34. Exit from Mongolia and deny the exit

34.1. Foreign nationals must leave the country on or before the permitted period.

34.2. The exit of foreign nationals shall be denied for the subsequent period of time if they fall any of the following circumstances:

34.2.1. have been suspected of criminal offences until the case is decided;

34.2.2. have been sentenced to punishments of imprisonment until term of sentence is served or have been on parole or pardoned or have been transferred to their country of nationality in accordance with international treaties to which Mongolia is a party;

34.2.3. there is a complain by an individual and company or an organization that their rights, freedoms and legal interests has been violated by a foreign national and the competent authority considers that such a violation exists until the problem is resolved.

34.3. Head of the state administrative body in charge of foreign nationals shall make the decision on denial of exit from Mongolia for a foreign national based on the proposal by the relevant organizations.

34.4. The state administrative body in charge of foreign nationals shall inform the central state authority in charge of external affairs about the decision stated in article 34.3 of the present Law within 24 hours.

Article 35. Notice to exit Mongolia

35.1. The state administrative body in charge of foreign nationals shall notify a foreign national in written to exit Mongolia voluntarily, his/her residence permit for private purpose has not been granted, refused an extension or the permit is invalid pursuant to Article 27.3 of the present Law.

35.2. Foreign nationals shall exit Mongolia within 10 days, after they receive the above-mentioned Notice stated in Article 35.1 of the present Law.

Article 36. Detention of foreign nationals

36.1. A foreign national can be detained if he/she meets one of the following circumstances:

36.1.1. has failed to leave the country within the period stated in Article 35.2 of this law;

36.1.2. is believed to hinder deportation process or suspected of any crime and violation;

36.1.3. does not carry his/her passport or equivalent document or he/she is unable to identify.

36.2. Has committed violations stated in Article 36.1.3 for up to 6 hours based on the decision of state inspector of foreign nationals stated in Article 41.1 of the present Law.

36.3. A foreign national can be detained for up to 14 days pursuant to Article 36.1 based on the decision by a court and detention period can be extended for another 30 days based on the proposal by the State administrative body in charge of foreign nationals.

36.4. The state administrative body in charge of foreign nationals shall make a foreign national to pay for the expenses with respect to detention himself/herself or make an individual, company or organization that provided guarantee as stated Article 10.1.2 of the present Law.

36.5. A foreign national, who has committed the violations stated in Article 36.1.1 or 36.1.3 of the present Law can be released on bail.

36.6. The state administrative body in charge of foreign nationals shall inform the central state authority in charge of external affairs about the detention of a foreign national within 24 hours.

36.7. Capital city or border check points shall have “Detention center” for foreign nationals and a Member of Cabinet in charge of justice shall approve the rules of operation for such a detention center in consultation with State Prosecutor.

Article 37. Deportation of foreign nationals out of Mongolia

37.1. If there are no grounds for criminal charges, a foreign national shall be deported if he/she meets one of the following circumstances:

37.1.1. is believed, on the basis of sufficient factual proof, to use an a passport that is invalid or forged documents;

37.1.2. has failed to leave the country after residence permit duration ends;

37.1.3. has violated the regulation on visa and registration twice or more times and charged with liability as stated in the present Law;

37.1.4. has undertaken activities prohibited in Article 13 of the “Law on control the circulation of narcotics and psychotropic drugs”;

37.1.5. if there are grounds as stated in Article 11.3 of the “Law on prevention of HIV and AIDS” or has been clinically approved with a mental disease;

37.1.6. has used an illegally acquired, counterfeited, or altered passport or visa or residence permit;

37.1.7. has been employed without permission from the competent authorities or engaged in an activity that is different from the purpose of his/her entry;

37.1.8. has failed to follow the Notice to exit the country voluntarily as stated in Article 35.1 of the present Law;

37.1.9. has violated public order twice or more times and charged with administrative liability, considering on the well based suggestion by police organization;

37.1.10. has been considered, by the relevant competent authorities, to endanger national interests and public security;

37.1.11. has served his/her term of sentence, released on parole or pardoned, or has been transferred to his/her country of nationality in accordance with international treaties to which Mongolia is a party;

37.1.12. has failed to leave the country on or before the expiry of the term of a visa.

37.2. The head of state administrative body in charge of foreign nationals shall make a decision on deportation on basis of conclusion by State inspector (of foreign nationals’ inspection).

37.3. State administrative body in charge of foreign nationals shall apply biometrics to collect deported foreign national’s information and then record it for keeping.

37.4. State administrative body in charge of foreign nationals shall implement the decision on deportation as stated in Article 37.2 of the present Law in collaboration with the border troops and police force.

37.5. State administrative body in charge of foreign nationals shall make a Note indicating the period of entry as banned on the passport and relevant document of deported foreign nationals.

37.6. State administrative body in charge of foreign nationals shall make a foreign national to pay himself/herself for the expenses regarding the deportation or if he/she is unable to pay, the state administrative body in charge of foreign nationals may be responsible for the payment.

37.7. Deportation shall not be considered as the transfer of criminals to another country.

37.8. State administrative body in charge of foreign nationals shall inform the central state authority in charge of external affairs every time about the deportation of foreign nationals.

Article 38. The country to transfer a foreign national

38.1. Deported foreign national shall be transferred to their country of nationality.

38.2. Deported foreign national can be transferred to one of the following countries if the direct transfer to the country of nationality is impossible:

38.2.1. The country previously resided or country of birth;

38.2.2. The country of last transit before entering Mongolia;

38.2.3. The country where a visa is issued.

CHAPTER EIGHT LEGAL STATUS AND GUARANTEE OF THE STATE ADMINISTRATIVE BODY IN CHARGE OF FOREIGN NATIONALS AND ITS OFFICERS

Article 39. Structure of the state administrative body in charge of foreign nationals

39.1. State administration in charge of foreign nationals shall be composed of headquarter, its border check points and local offices.

39.2. The Government shall approve the list of border check points where offices of the state administrative body in charge of foreign nationals are operating.

39.3. Border protection authority shall implement the duties of state administrative body in charge of foreign nationals except visa issuance at a border check point other than stated in Article 39.2 of the present Law.

Article 40. The authorities of the state administrative body in charge of foreign nationals

40.1. The State administrative body in charge of foreign nationals shall implement the following authorities:

40.1.1. to organize the implementation of state policy on foreign nationals;

40.1.2. to monitor the implementation of laws and regulations on foreign nationals;

40.1.3. to provide Mongolia's diplomatic and consular missions abroad with professional and methodical assistance;

40.1.4. to maintain database of foreign nationals;

40.1.5. to issue, extend, terminate the permit to international and foreign non-governmental organizations and their representative offices in Mongolia and to monitor their activities;

40.1.6. other authorities stated in laws and regulations.

40.2. State administration in charge of foreign citizens shall not required to give any reason to a visa applicant for refusal as stated in Article 27.3 of the present Law.

Article 41. State inspectors of foreign nationals and their authority and guarantee

41.1. A state inspector of foreign nationals is a Mongolian citizen, who is authorized to carry out an inspection over implementation of the laws and regulations on legal status of foreign nationals and other relevant laws and regulations.

41.2. The head of the state administrative body in charge of foreign nationals shall be General state inspector of foreign nationals.

41.3. General state inspector of foreign nationals shall grant, suspend and terminate the right of the state senior inspectors and state inspectors of foreign nationals.

41.4. State inspectors shall take an oath “I swear, as state inspector of foreign nationals inspection to serve honestly to maintain the independence and national security of Mongolia, to honor the human right, justice and equity in inspecting foreign nationals and its documentation, to strictly follow the state inspector’s code of ethics and be a subject only to the Mongolian law, not subject to any interference, subject to any organizations and individuals in the principle of equality before the law and responsibilities under the relevant law.

41.5. State inspectors shall dress in uniforms with a badge or produce certificates to show their identities while performing their functions. Member of the Cabinet in charge of justice shall enact the regulations that govern uniform, badge certificate and other matters that must be complied with.

41.6. It is prohibited to other individuals, business entities and organizations to use uniforms and badge of the same design.

41.7. State inspectors shall implement the following rights other than the rights stated in Mongolian law on State Control and Inspection and Law on Administrative Responsibilities:

41.7.1. to examine a passport or equivalent document of a foreign national and if necessary, may keep his/her passport until violation is settle;

41.7.2. to make suggestion on cancellation of suspension to exit Mongolia and the decision on deportation;

41.7.3. other rights stated in laws and regulations.

41.8. A year of work at a border check point of state inspectors shall be calculated as year and three months or employees who work at the border check points or local offices for up to 5 years shall be rewarded the amount equal to 30 months’ salary per every 5 years.

CHAPTER NINE PENALTIES

Article 42. Penalties

42.1. The following penalties shall be charged for ones who breach law on legal status of foreign citizens if the cases are not the subject to criminal penalties:

42.1.1. a foreign national with transit visa stays in the territory of Mongolia without justifiable reason shall be fined an amount equal to 1 to 3 times of minimum salary;

42.1.2. a foreign national who failed to get residence permit from the competent authorities or exceeds term of permit for up to 3 months shall be fined an amount equal to 1 to 3 times of minimum salary;

42.1.3. a foreign national, who resides In Mongolia illegally for more than 3 months, shall be fined an amount equal to 3 to 5 times of minimum salary;

42.1.4. a person inviting a foreign national or other persons or company makes a foreign national to exceed his/her term of residence permit, or provide accommodation or work place shall be fined per the number of foreign nationals as set forth in article 42.1.2 or 42.1.3 of the present Law;

42.1.5. a foreign national, who violates the regulations on registration shall be fined an amount equal to 1 to 2 times of minimum salary as stated in article 24 and 25 of the present Law;

42.1.6. an inviter who failed to register at the competent authority a foreign national shall be fined an amount equal to 5 to 10 times of minimum salary pursuant to laws and regulations;

42.1.7. a foreign national, who work in Mongolia without a proper permission from the competent authorities, or exceeds the term up to 3 months shall be fined an amount equal to 1 to 3 times of minimum salary;

42.1.8. a foreign national who work in Mongolia without a proper permission from the competent authorities, or exceeds the term of permission for more than 3 months shall be fined an amount equal to 3 to 5 times of minimum salary;

42.1.9. a temporary visitor who exceeds the term of visa for up to 3 months shall be fined an amount equal to 1 to 3 times of minimum salary;

42.1.10. a foreign national who exceeds the term of visa for more than 3 months shall be fined an amount equal to 3 to 5 times of minimum salary;

42.1.11. an inviter who failed to follow the visa term and regulations shall be fined an amount per the number of foreign nationals stated in Article 42.1.9 or 42.1.10;

42.1.12. a foreign national who failed to follow the regulations on possessing, keeping and usage of residence permit to reside in Mongolia shall be fined an amount equal to 1 to 2 times of minimum salary;

42.1.13. a foreign national who does not carry his/her passport or equivalent document or residence permit shall be fined an amount equal to 3 times lower than minimum salary;

42.1.14. a foreign national who failed to follow the regulations on home registry shall be fined an amount equal to 3 times lower than minimum salary;

42.1.15. a foreign national, an inviter or others who counterfeit, compile, forged the visa or permissions and documents that are granted by the competent authority shall be fined an amount equal to 3 to 6 times of minimum salary;

42.1.16. a foreign national or others who obstruct deportation process, show an act of resistance or show cruel and degrading treatment to authorized public servants while they carry out duties shall be fined an amount equal to 3 to 5 times of minimum salary;

42.1.17. a foreign national who undertake activities stated in Article 8.1.1-8.1.5 of the present Law shall be fined an amount equal to 3 to 6 times of minimum salary.

42.2. The administrative liabilities stated in Article 42.1 of the present Law shall be charged by state inspector of foreign nationals. If there is a complaint, the court shall make a final decision.

**CHAPTER TEN
OTHER PROVISIONS**

Article 43. Regulations to set up term and counting

43.1. Visa and residence permit terms shall be set up as of year, month and date.

43.2. Visa and residence permit terms shall be counted from the next date.

43.3. If the last date of the term to be counted as stated in Article 43.2 of the present Law, falls on weekends, the next working day shall be counted as last date.

43.4. If a visa or residence permission extended, a new date shall be started at the last day of the previous term.

Article 44. Coming into force

44.1. This law shall come into force on September 1, 2010.

**CHAIRMAN OF THE STATE
IH HURAL OF MONGOLIA**

D. DEMBEREL