

# LAW OF MONGOLIA

## ON THE LEGAL STATUS OF FOREIGN CITIZENS

### Chapter One

#### General Provisions

##### **Article 1. Purpose of the law**

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

##### **Article 2. Legislation and international treaties on the legal status of foreign citizens**

1. Legislation on the legal status of foreign citizens is comprised of the Constitution of Mongolia, this law and other legislation, which is consistent with those laws.
2. If an international treaty to which Mongolia is a party is inconsistent with this law, then the provisions of the international treaty shall prevail.

##### **Article 3. Foreign citizens**

Persons with legal documentation certifying their foreign citizenship shall be considered to be foreign citizens.

##### **Article 4. Application of the law**

The provisions of this law shall apply to foreign travellers to Mongolia, visitors in transit, short and long-term residents, immigrants and stateless persons (hereinafter referred to as "foreign citizens").

##### **Article 5. Diplomatic immunities and privileges of officers of diplomatic and consular missions**

The provisions of this 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 specialised organisations which are provided by the legislation and international treaties of Mongolia.

##### **Article 6. Political asylum**

1. Foreign citizens who are the subject of political persecution in another country for holding ideas, which are appreciated in Mongolia, may be granted the right to residence and State protection.

2. Any decision to grant residence status to a foreign citizen to whom paragraph 1 of this article applies shall be made, by the President of Mongolia.

#### **Article 7. Authority in charge of foreign citizens and citizenship issues**

1. The Office (hereinafter referred as to “the Office”) in charge of foreign citizens and citizenship issues and responsible for co-ordinating and monitoring the implementation of State policy on foreign citizens, citizenship, and immigration shall function within the responsibilities of the Member of the Cabinet in charge of justice and home affairs.
2. The organizational structure and Rule of the Office shall be approved by the Cabinet.

## **Chapter Two**

### **Legal Status of Foreign Citizens**

#### **Article 8. Basic principles of the rights and duties of foreign citizens**

1. All persons legally residing in Mongolia shall be equal before the law and the Courts.
2. Foreign citizens in Mongolia may exercise the rights and freedoms conferred on them by the laws of Mongolia in the same manner as citizens of Mongolia may exercise the rights and freedoms conferred on them by the laws.
3. In establishing the rights and duties of foreign citizens under this law and the legislation and international treaties of Mongolia, Mongolia shall adhere to the principle of reciprocity with the country of which those persons are citizens.
4. In exercising their rights and freedoms provided by the legislation and international treaties of Mongolia, foreign citizens 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.

#### **Article 9. Respect for the Constitution of Mongolia and obedience to the law**

1. Foreign citizens shall have a duty to abide by this law and all other laws of Mongolia.
2. Foreign citizens shall respect the Constitution of Mongolia, obey its laws and respect Mongolian national traditions and customs.
3. Foreign citizens shall pay all taxes unless other legislation or any international treaties of Mongolia expressly provide otherwise.

## **Article 10. Specific rights and duties of foreign citizens**

1. Foreign citizens may not elect or be elected to the self-governing bodies of administrative units, towns, villages or State organisations of Mongolia and shall not take part in national opinion polls.
2. Foreign citizens shall not be employed as full-time civil servants of Mongolia.
3. Foreign citizens shall not be obliged to serve in the armed forces or any other military service of Mongolia.
4. Foreign citizens must not engage in any political activities including setting up and joining organisations, which carry on political activities in Mongolia.
5. It shall be prohibited for foreign citizens 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.
6. It shall be prohibited for foreign citizens to exceed their visa term, be employed without permission of 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.
7. Foreign citizens may only be employed in organisations classified by law as objects of State importance with the prior permission of the Cabinet of Mongolia.
8. In order to ensure the sovereignty of Mongolia, national security and public order, the Cabinet of Mongolia may enact any legislation it considers necessary restricting the rights and freedoms of foreign citizens other than fundamental human rights.

## **Article 11. Employment**

1. Foreign citizens, for a private business, with long-term residence status, permanent residents or immigrants may be employed in governmental, or non-governmental, international organisations, and representative agencies of business entities incorporation, which are functioning in Mongolia under treaties y or contracts, or be engaged in production or service by establishing business entities, or other than those prohibited by this law or other legislative acts, with the permission of the central State administrative body in charge of labour issues or an organisation authorised by the body, hold posts other than those prohibited by this law or other legislative acts.
2. Foreign citizens employed in Mongolia by a foreign non-governmental organisation or by a representative office of an international organisation and/or under training, working or holding

an official post in accordance with inter-governmental agreement or an agreement concluded between competent authorities and whose term of the agreement is completed and/or terminated before the end of the term may enter into another labour or study contract with different citizen, business entity or organisation with permission of the central State administrative body in charge of the latter.

3. Foreign citizens, other than citizens with a private business and , long-term or and permanent residence status and immigrants, may not work for or hold a post in a business entity or an organisation in order to make a profit apart from those directly connected to the purpose of their visit to Mongolia.
4. Any business entity, organization or individual in the territory of Mongolia with permission of the central State administrative body in charge of labour issues or an organization authorized by the body may enter into an agreement to employ labour force or experts from foreign country.
5. For the issuance of permission that prescribed under paragraph 1, 2, 4 of this article, the Central State Administrative body in charge of labour issues or an organisation authorised by the body shall necessarily have an approval from the Office. In case of a refusal from the Office permission for employment shall not be granted for that person.

#### **Article 11<sup>1</sup>. Registration of a citizen's family status of foreign citizens**

The citizen's family status of foreign citizens shall be registered at the State Center for Civil Registration and Information in case of the capital city level and at the Unit for civil registration and information within the Governor in case of an aimag level , and relevant information shall be immediately communicated to the Office.

### **Chapter Three**

#### **Entry, Exit and Transit Visas for Mongolia**

#### **Article 12. Visas for Mongolia**

1. Unless the international treaties of Mongolia provide otherwise, foreign citizens visiting Mongolia shall have a Mongolian visa (hereinafter referred to as the "visas").
2. Visas shall be issued to foreign citizens who hold valid foreign passports or equivalent legal documents in accordance with this law. Visa may be issued on attachments.
3. The grades of visa are: diplomatic, official and ordinary.

4. The types of visa are: single, double, multiple-entry, entry/exit, exit, exit/entry and transit.
5. The Cabinet shall approve the regulations for issuance of visas. The member of the Cabinet in charge of external relations shall approve visas vignettes vignettes.

### **Article 13. Visas issuing authorities**

1. Visas shall be issued by the following authorities:
  - 1/ the Central State administrative body in charge of external relations;
  - 2/ the Office in charge of foreign citizens and citizenship issues; or
  - 3/ diplomatic and consular missions of Mongolia to foreign countries.
2. Honorary consuls of Mongolia, authorised by the Central State administrative body in charge of external relations, may issue visas.

### **Article 14. Rights and duties of visa issuing authorities**

1. The Central State administrative body in charge of external relations shall exercise the following rights and duties regarding visas issuing:
  - 1) to issue a visa of all types and purpose;
  - 2) to control and modify grounds of type and purpose of the issued visa;
  - 3) to refuse to issue visas, to extend visa term, and to terminate visas;
  - 3) to maintain a central record of the issued visas and communicate immediately the relevant information to the Office; and communicate immediately the relevant information to the Office.
2. The Office shall exercise the following rights and duties regarding visa issuing:
  - 1) to control and issue visas except of visas of diplomatic grade;
  - 2) to grant exit and exit/entry and transit visas and, in inevitably necessary cases, exit visas to travellers to permanently residing citizens in Mongolia, at Mongolia's open border points for international traveller and transport means relations, foreign immigrant citizen, and stateless person;
  - 3) to grant exit and exit/entry visas to permanent residents, foreign immigrants and stateless persons in Mongolia
  - 4) to refuse to grant visas, if there is any grounds that prescribed in legislation, shorten or extend duration of visas, modify its type, or and cancel it;
  - 5) to maintain a central record of the visas issued under the provision of the paragraph 2(2) of this Article;

- 6) to consolidate maintain a central record of information about issued visas communicated from other authorities that are responsible for issuance of visas.

3. Honorary Consuls of Mongolia may issue entry, entry/exit and transit visas for Mongolia.

#### **Article 15. Criteria for issue of visa**

1. Mongolian visa shall be issued to foreign official visitors if one of the following bases is exist:
  - 1) at the invitation of a self-governing body of a State and administrative territorial unit of Mongolia, or a political party having a seat at the State Ih Hural;
  - 2) in respect of foreign citizens to be employed at diplomatic or consular missions and members of their families, at the official request of the relevant country, international organization, or UN resident representative office or its specialized organizations in Mongolia or, in other cases, in accordance with the provisions of international treaties to which Mongolia is a party;
  - 3) pursuant to a contract and/or by a permission of a central State administrative body responsible for it in respect of foreign citizens to be employed in Mongolia in foreign non-governmental organisation or a representative office of an international organisation and/or for training or working.
2. Visa shall be issued to foreign citizens arriving in Mongolia as private visitors if one of the following bases is exist:
  - 1) a written guarantee by the person himself or herself or a receiving citizen and/or an organization in Mongolia on the visitor's financial ability to live in Mongolia and his or her intention to return to his or her home country;
  - 2) the foreign citizen residing permanently in Mongolia for a private business has a marriage certificate permitted by an international agreement and/or a legislation of Mongolia;
  - 3) a relevant contract, approved invitation or permission of the relevant organization in Mongolia, for visitors on tourist trips, for medical treatment or to participate in ceremonies or and other events involving loss and affliction other events;
  - 4) permission (official letter) issued by the relevant central State administrative body for foreigners visiting Mongolia for employment, scientific research or study;
  - 5) in cases other than those in sub-paragraphs 1, 3 and 4 of the paragraph 2 of this Article, an invitation approved by the Office in the capital city and by a police

organization in case of in aimag upon the request of a business entity or organization or citizen.

3. Visa shall be issued to foreign citizens arriving in Mongolia as immigrants on the following basis:
  - 1) permission from the competent organization of Mongolia;
  - 2) a written guarantee by the person himself or herself of his or her financial ability to live in Mongolia.
4. Unless provided otherwise in the international treaties of Mongolia a visa without an invitation may be issued to a foreign citizen – traveler to Mongolia.
5. An organizations and citizens mentioned in this article shall apply to the Office with a request of issuance of a visa, except of diplomatic grade. In case of permitting a visa after processing the request, the Office shall forward to the Central State Administrative body in charge of foreign affairs for granting a visa.

#### **Article 16. Duration of visa**

1. Mongolian visas shall be issued for the following duration:
  - 1) an entry/exit visa for a maximum period of 30 days for foreign citizens travelling to Mongolia;
  - 2) period for up to 90 days for short-term residents in Mongolia;
  - 3) multiple visa for 6 or 12 months;
  - 4) exit visa for up to 10 days;
  - 5) transit visa for up to 5 days;
  - 6) an exit/entry visa for a maximum period of 120 days for a foreign permanent resident, immigrant or stateless person in Mongolia.
2. Duration of a visa issued to a foreign short-term resident or traveler to Mongolia may be extended by the the central state administrative body in charge of foreign affairs based on the proposal of the Office once for a period for up to 30 days.

[] *as amended on 31 October 1997*

[] *as amended on 7 December 2000*

#### **Article 17. Entry to Mongolia**

Foreign citizens with a valid passport or equivalent legal document may only enter Mongolia if they have permission (visa) from a competent visa issuing authority and then only in

accordance with the regulations determined in accordance with the laws of Mongolia. if they have permission (visa) from a competent visa issuing authority of Mongolia.

#### **Article 18. Transit travel through Mongolia**

1. After obtaining a visa from the competent visa issuing authority, foreign citizens with a valid passport or equivalent legal document may travel through the country as transit passengers.
2. Foreign citizens on international air flights may transit through Mongolia without a visa within 24 hours.

#### **Article 19. Refusal of entry to Mongolia**

The following persons shall be refused entry to Mongolia:

- 1) children and persons without legal capacity, unless accompanied by a guardian;
- 2) persons sentenced for criminal offences in Mongolia if sentence has not been fully served;
- 3) persons announced as *persona non grata* or expelled from Mongolia;
- 4) persons who threaten the national security or public order of Mongolia;
- 5) persons without security of financial sources to live in and return from Mongolia.

#### **Article 20. Exit from Mongolia and refusal of exit visa**

1. Foreign citizens must leave the country on or before the expiry of their visa.
2. The exit of foreign citizens shall be prohibited for the following reasons and periods of time:
  - 1) persons suspected of criminal offences, until a Court has reached a decision;
  - 2) persons sentenced to imprisonment, until either completion of the sentence, an amnesty is granted, or transfer to their country of nationality in accordance with international treaties to which Mongolia is a party;
  - 3) in case of existence of complaints or comments by others on persons who have infringed their rights, freedoms, and legal interests of others or and justification by of competent organizations of such complaints, until the existence of such infringement is proved or the a problem is resolved;
  - 4) if there are is any threat to national security or public order.



## Chapter Four

### Visits to and Residence in Mongolia

#### **Article 21. Residence of foreign citizens in Mongolia**

Foreign citizens who are holders of valid foreign passports or equivalent legal documents may visit or reside in Mongolia after obtaining the requisite visa from the competent authority of Mongolia.

#### **Article 22. Foreign visitors, temporary and long-term residents and immigrants**

1. Foreign citizens travelling to Mongolia under the provisions of this law for private or official reasons for up to 30 days shall be considered as visitors.
2. [Foreign citizens visiting Mongolia for up to 90 days for private business shall be considered as temporary residents.
3. Foreign citizens to be employed in Mongolia in the management of a business entity with foreign investment, foreign non-governmental organisation or of a representative office of an international organisation and/or under training, working or holding an official post in accordance with inter-governmental agreements and who is going to reside for more than 90 days shall be considered as long-term residents for official purpose.
4. Foreign citizens who came to live in Mongolia for a term of more than 5 years for private business shall be considered as immigrants..
5. Foreign citizens who married to a citizen of Mongolia and residing in Mongolia for more than 90 days shall be considered as permanent resident.
6. Foreign citizens residing in Mongolia from 90 days up to 5 years for private business shall be considered as a long-term resident for private business.

*[] inserted by an amendment of 31 October 1997*

7. A person who travelling through Mongolian territory from one country to other than Mongolia shall be considered as a transit traveller.

#### **Article 23. Extension of term of residence**

1. The requests from travellers or temporary residents foreign or immigrant citizens who visiting Mongolia for official and private business, or temporary and long-term or permanent residents for official and private business or immigrant citizens, for an extension of their term of residence in Mongolia shall be considered and determined by the Office.

#### **Article 24. Number and composition of immigrants in Mongolia**

1. The number of foreign long-term and/or permanent residents for a private business and immigrants residing in Mongolia shall not exceed 1 percent of the citizens of the country and immigrants from any one country shall not exceed 0.33 percent.
2. If the number of foreign long-term and/or permanent residents for a private business and immigrants residing in Mongolia is lower for than 0.8 per cent of the citizens of the country the State Ih Hural shall define once during its term of office the number and composition of immigrants to be permitted in administrative units of Mongolia in accordance with proposals submitted by the Cabinet and if the number is above for 0.8 per cent of the citizens of the country the State Ih Hural shall define annually.

#### **Article 25. Issue, extension and cancellation of residency permits of foreign immigrants**

1. The Office shall consider official requests and other necessary documents from foreign citizens who wish to obtain immigrant status and/or reside permanently in Mongolia and shall grant permission to reside in Mongolia for a term of not less than 90 days and to immigrate to Mongolia for a term of up to 5 years taking into account the internal situation and the economic capacity of the country, requests from recipient organisations, and the education and professional skills of the applicant.
2. Issues in respect of extension of the residency status of foreign permanent residents and immigrants shall be decided by the Office taking into account the number of foreign permanent residents and immigrants from any one country. The Office may extent without duration the residency status of foreign permanent residents and immigrants in Mongolia who is at the age of 55 or more by conforming the principle of reciprocity with the country concerned.
3. If a foreign citizen with immigrant status in Mongolia does not reside in the country for over 120 days within any one year period, the Office shall consider whether to revoke his or her immigrant status. If the Office has decided to revoke his or her immigrant status, the Office shall notify the person of such a decision and the person shall have the right to apply to Court for review of the revocation within 7 days of receiving that notice.
4. If an immigrant commits a serious breach of the laws of Mongolia, the Office shall cancel his or her immigrant status.

#### **Article 26. Registration of foreign citizens**

1. Foreign citizens, other than those who came at the invitation of State administrative bodies and local self-governing bodies of administrative units, shall be registered at the Office by their inviting organisation, business entity or citizen within 7 days after their arrival.

2. Foreign citizens (and members of their families), who arrive in Mongolia to work at foreign diplomatic or consular missions, resident representative offices of the UN or its specialised organisations and/or foreign press offices, shall be registered at the central State administrative authority responsible for external relations within 7 days after their arrival in Mongolia.
3. Foreign citizens, who came to be employed or and to study in Mongolia, shall be registered at the Office in the capital city and at the Police office in aimag within 7 days after their arrival.
4. Unless otherwise provided by law, foreign immigrants and stateless person in the country moving from one administrative unit to another shall cancel their registration at the Police office in the first administrative unit and be registered at the new one within 5 days after their arrival and get remarks on one's residential ID.
5. Foreign immigrants and stateless person residing in Mongolia shall communicate to the Office or Police offices changes in their family status, address, or job within 5 days after such a change.
6. Foreign citizens with long-term residence status for an official and private business, foreign permanent residents, immigrants, and stateless person travelling for private purpose from one's permanent residing place to other administrative units for a period of more than 7 days shall be registered at the Police office of the area visited.
7. Having, in approved form, information about foreign citizens entering, exiting and transiting the Mongolia from the Office, the central department of police shall monitor the movement of foreign citizens, and communicate to the Office information about foreign citizens who committed a crime, punished, or considered as without punishment not punished in territory of Mongolia, and deported from Mongolia, declared *persona non grata* for any country, or wanted by internationally competent organisations.
8. Registration for entry, exit and transit of foreign citizens shall be carried out by the Border troops department, supervising shall be organised by the Office collaborately with police and local administrative bodies, and relevant information shall be communicated to the appropriate authorities.
9. Relevant state administrative bodies shall provide the Office with all kinds of information relating to foreign citizens within specified period of time. Information network regarding foreign citizens shall be established between relevant state administrative bodies. Regulation on information communicating shall be approved by Minister for Justice and Home Affairs.

### **Article 27. Visits by stateless persons abroad**

1. Stateless people residing in Mongolia may travel abroad.
2. The Office shall provide stateless persons with identity documents necessary for their foreign visits.
3. Unless otherwise provided by law, stateless people shall have the rights given to citizens of Mongolia by the law on private foreign travel and emigration of Mongolian citizens.

### **Article 28. Documents provided to immigrants and stateless persons residing in Mongolia**

1. The Office shall provide each foreign permanent resident, immigrant and stateless person with a "Certificate of Residence in Mongolia", which shall identify the administrative unit in which he or she is resident.
2. Foreign permanent residents, immigrants and stateless persons residing in Mongolia shall temporarily return their Certificate of Residence to the Office in the capital city and in aimag - to Police office of the area in which they reside during any visit abroad. The certificate shall be taken back by the Office retained in case of foreign permanent residents, immigrants and stateless persons who depart permanently.
3. The member of the Cabinet in charge of justice shall approve the design of the documentation to be provided to immigrants and stateless people for visits abroad.

□ *as amended on 31 October 1997.*

□ *as amended on 7 December 2000.*

## **Chapter Five**

### **Miscellaneous**

### **Article 29. Responsibilities of business entities, organisations and citizens inviting or employing foreign citizens**

1. Business entities, organisations and citizens inviting or having permission for employing foreign citizens for a certain period of time shall have the following duties:
  - 1) to register at relevant authorities in accordance with legislation;
  - 2) to provide, before having permission, a guarantee for necessary financial sources of living in Mongolia;
  - 3) to provide an accommodation;
  - 4) to return within the period.

2. Foreign entities and organisations in Mongolia inviting or employing specialists or workers shall do so in accordance with the legislation of Mongolia and shall have the same responsibilities as local business entities and organisations.

**Article 30. Deportation of foreign citizens from Mongolia**

1. If there is not basis for laying criminal charges, foreign citizens shall be deported for the following reasons:
  - 1) entering the country on an invalid passport or forged documents, or not leaving the country on or before the expiry of the term of their visa;
  - 2) not leaving the country after their residence permit is withdrawn or cancelled; or
  - 3) employed without permission from competent authorities or engaged in business other than one's purpose of coming.
2. On the basis of proposal from the Office, the Minister for Justice and Home Affairs shall issue a decision on deportation of foreign citizens. The Office in collaboration with border troops and police department shall implement the decision on deportation.
3. The defaulting party shall meet expenses in respect of deportation.
4. Deportation shall not include the transfer of criminal offenders to another country.

**Article 31. Penalties for breach of the law**

- Those in breach of the Law on the Legal Status of Foreign Citizens shall be charged in accordance with the provisions of the Criminal Code and the Law on Administrative Responsibilities.

**Article 32. Coming into force**

This law shall come into force on 1 February 1994.

Chairman of the State Ih Hural of Mongolia

N. Bagabandi

Ulaanbaatar

24 December 1993