

LAW ON 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 visitors and stateless persons in Mongolia and to define their rights and responsibilities.

Article 2. Legislation and international treaties on 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 legislative acts made in conformity with them.

2. If the international treaties of Mongolia stipulates otherwise than the present law, the international treaties shall prevail.

Article 3. Foreign citizens

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

Article 4. Legal subject of the law on legal status of foreign Citizens

The provisions of this law shall be applicable to foreign travelers to Mongolia, visitors in transit, short and long term residents, immigrants and stateless persons (hereafter 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 the diplomatic immunities and privileges of officers of diplomatic and consular missions of foreign countries or resident representative offices of the United Nations and its specialized organizations as defined by the legislation and international treaties of Mongolia.

Article 6. Political asylum

1. Foreign citizens being persecuted for ideas appreciated in Mongolia, can be granted the right to residence and state protection.

2. The President of Mongolia shall carry the decision for granting residence status to a foreign citizen according paragraph 1 of this Article.

Article 7. Organizations in charge of foreign citizens

1. The central state administrative body shall be responsible for issues in respect of the legal status of foreign citizens in the territory of Mongolia and immigration in respect of those related to them.

2. The council in charge of foreign citizens (hereinafter referred as to "the Council") shall coordinate the implementation of the State policy towards foreign citizens and the activities of the Central State Administrative body relating to the legal status of foreign citizens and immigrations.

3. The Council shall have the following composition: chairman, secretary, and members. The secretary of the Council is a full time post. The Council shall be chaired by the Government member responsible for legislation issues.

4. The Government shall appoint the composition of the Council and adopt the rule of the Council.

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 shall exercise the rights and freedoms equally to citizens of Mongolia provided for by the legislation of the country.
3. In establishing the rights and duties of foreign citizens in this law, other legislative acts and international treaties of Mongolia, Mongolia shall adhere to the principle of reciprocity with the country of which the person is a citizen.
4. In exercising their rights and freedoms, as provided for in the legislation of Mongolia and its international treaties, foreign citizens shall not infringe on the interests of Mongolia or the rights and freedoms of Mongolian citizens or other human rights.

Article 9. Respect for the Constitution of Mongolia and obeying the law

1. Foreign citizens shall have a duty to abide by this law and other legislative acts.
2. Foreign citizens shall respect the Constitution of Mongolia, obey its laws and honor Mongolian national traditions and customs.
3. Foreign citizens shall pay taxes if it is not provided otherwise in other legislative acts or international treaties of Mongolia.

Article 10. Specific rights and duties of foreign citizens

1. Foreign citizens shall not have the right to 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.
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 of Mongolia, or any other military service.
4. Foreign citizens shall not set up or join political parties or any organizations for political activities on the territory of Mongolia.
5. It is prohibited for foreign citizens to campaign against the national unity of Mongolia.
6. Foreign citizens shall be employed at organizations classified by law as objects of State importance only with permission of the Government of Mongolia.
7. In order to ensure the sovereignty of Mongolia, national security and public order, any necessary restrictions may be placed on the rights and freedoms of foreign citizens apart from the basic human rights.

Article 11. Employment

1. With the permission of the Central state administrative body in charge of labor issues, or an organization which is empowered by it with long term residence status and immigrants shall be allowed to be employed at any local or foreign organization other than those restricted by this law or other legislative acts.

2. Foreign citizens with long term residence status and immigrants wishing to set up a business entity in the production or service spheres shall obtain permission in accordance with legislation of the country obtain permission from the Central state administrative body in charge of the labor issues.

3. Foreign citizens who arrived in Mongolia on a labor contract and did not finish the contract term or terminated the contract before the end of the term shall not be allowed to enter into another contract with another organization or citizen.

4. Foreign citizens with temporary residence status shall be prohibited from working at a business entity or organization or being engaged in the production or services spheres in order to make a profit other than those of the purpose of their visit.

5. Organizations and business entities of any form conducting its activities on the territory of Mongolia shall have a labor agreement for the employment of foreign specialists and workers from a foreign country or public organizations with the permission of the Central state administrative body in charge of labor issues.

CHAPTER THREE: *ENTRY, EXIT AND TRANSIT VISAS FOR MONGOLIA*

Article 12. Visas for Mongolia

1. If there are no provisions stipulated in international treaties of Mongolia, foreign citizens entering, exiting and transiting the country shall be issued a Mongolian visa.

2. Visas shall be issued to foreign citizens who are holders of valid foreign passports or equivalent legal documents. Visas 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. Visa vignettes shall be approved by the member of the Government in charge of External Relations.

Article 13. Visa issuing authorities

1. Visas shall be issued by the central state administrative body in charge of external relations and diplomatic and consular missions of Mongolia to a foreign country.

2. The immigration office of the border guard of Mongolia may issue visas to foreign citizens who arrive without transit 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:

1) to keep a central record of Mongolian visas;

2) to regulate visa issuing activities;

3) to audit the provisions on which visas are issued;

4) to refuse to issue a visa, shorten or extend a visa or to terminate a visa;

5) to issue a visa at the international airport in cases of urgency.

2. The Central department of police shall exercise the following rights and duties:

- 1) to keep a record of visas issued to immigrants and stateless persons in Mongolia;
- 2) to refuse to issue a visa if there are contradictions to the legislation.

3. Honorary Consuls of Mongolia, authorized by the central state administrative organization in charge of external relations, shall have the right to issue visas for Mongolia.

Article 15. Provisions for visa issue

1. Mongolian visas shall be issued to foreign official visitors on the following basis:

1) at the invitation and request of a state organizations, self-governing bodies of an administrative units, cities or villages, or political parties of Mongolia.

2) at the official request of the relevant country or international organization in respect of foreign citizens to be employed at diplomatic or consular missions, the UN Resident Representative Office or its specialized organizations in Mongolia and members of their families or in other cases, provision of international treaties of Mongolia.

2. Visas shall be issued to foreign citizens arriving in Mongolia as private visitors on the following basis:

1) invitations approved by central and local police organizations;

2) relevant contracts, approved invitations or with permission of the relevant organization in Mongolia for visitors on tourist trips, for medical treatment and/or to participate in ceremonies and other events;

3) official letters issued by the relevant central state administrative body for foreigners visiting Mongolia for employment, launching production and service business, scientific research and educational work;

4) in cases other than those in (2) or (3) above, an official invitation from a business entity or organization;

5) written guarantee by the person himself or his or her sponsoring organization or citizen of the visitor's financial ability to live in Mongolia and his or her intention to return to his or her home country.

3. Visas shall be issued to foreign citizens arriving in Mongolia as immigrants on the following basis:

1) an application explaining the reason for immigration, identifying documents;

2) permission from the competent organization of Mongolia;

3) an international health certificate ensuring the absence of any epidemic diseases;

4) a written guarantee by the person himself or herself of his or her financial ability to live in Mongolia.

Article 16. Duration of visa

For foreign citizens traveling to Mongolia shall be issued an entry /exit visa for a period of 30 days. The duration of the visa may be extended once for a period of up to 30 days.

Article 17. Entry to Mongolia

Foreign citizens with valid passport or equal legal document with permission issued by the competent

Mongolian organization shall enter the Mongolian border according to the regulations determined in the legislation of the country.

Article 18. Transit travel through Mongolia

1. After obtaining a permission from the competent Mongolian organisation, foreign citizens with a valid passport or equivalent legal document shall travel through the country as a transit passenger.
2. Transit travelers on international air flights shall not require a transit visa. However, those who are traveling by car, other means of transport or on foot shall be required to obtain a transit visa for the necessary period.

Article 19. Refusal of entry to Mongolia.

The following reasons shall be the basis for the refusal of entry to Mongolia:

- 1) children and persons without legal capacity unless accompanied by a guardian;
- 2) persons sentenced for criminal offences in Mongolia if the term of sentence is not completed;
- 3) persons expelled from Mongolia as persona non-grata;
- 4) persons who threaten the national security or public order of Mongolia.

Article 20. Exit from Mongolia and refusal of exit visa

1. Foreign citizens shall be obliged to leave the country 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 been able to make a decision;
 - 2) persons sentenced to imprisonment, until either the end of the term of sentence, an amnesty is granted, or transfer to their country of nationality in accordance with international treaties to which Mongolia is a party;
 - 3) persons who have infringed the rights, freedoms, and legal interests of others or competent organizations, until the existence of such infringement is proved or the problem is solved;
 - 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 permission from the competent Mongolian organizations.

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

1. Foreign citizens traveling 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 183 days shall be considered as temporary residents.
3. Foreign citizens living in Mongolia for up to 5 years shall be considered as long-term residents.
4. Foreign citizens living permanently in Mongolia for private reasons shall be considered as immigrants.

Article 23. Extension of term of residence

Requests from foreign citizens, except for immigrants, for an extension of their term of residence in Mongolia shall be considered by the central state administrative body in charge of this matter.

Article 24. Number and composition of immigrants in Mongolia

1. The number of immigrants residing in Mongolia shall not exceed 1% of the citizens of the country and immigrants from any one country shall not exceed 0.33%.
2. The State Ih Hural shall define annually the number and composition of immigrants in the administrative units of Mongolia according to the proposal submitted by the Government.

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

1. The council shall consider official requests and other necessary documents from foreign citizens who wish to obtain immigrant status and shall issue permission for residence in Mongolia for a term of up to 5 years depending on the internal situation or economic capacity of the country, requests from the recipient organizations, education and professional ability, language and personal capability of the applicant.
2. Issues in respect of the extension of the residency status of immigrants shall be decided by the council depending on the number of immigrants from any one country.
3. If a foreign citizen with immigrant status in Mongolia has not resided in the country for over 90 days within a one year period, the Council shall revoke the immigrant status and inform the person. The person shall have the right to apply to court within 7 days of receiving notification.
4. If an immigrant has seriously breached the legislation of the country, the Council shall cancel his or her immigrant status.

Article 26. Registration of foreign citizens

1. Foreign citizens, apart from those who came at the invitation of state organisations, self-governing bodies of administrative units, towns or villages, shall be registered at the police office by their sponsoring organization, business entity or citizen within 10 days of 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 specialized organizations and foreign press offices shall be registered at the central state administrative body in charge of external relations within 10 days of their arrival in Mongolia.
3. Employees of foreign non-governmental and international charity organizations shall be registered at the central state administrative body in charge of legal affairs within 7 days of their arrival.
4. Unless otherwise provided by law, foreign immigrants moving from one administrative unit to another shall cancel their registration at the police office in the first administrative unit and register at the new one within 7 days of their arrival.
5. Foreign immigrants shall advise the police offices of changes in their family status or job within 7 days of the change.
6. Foreign citizens with long term residence status traveling to other administrative units for a period of more than 7 days shall be registered at the police office of the area visited.
7. The Central Department of Police shall monthly inform the relevant Mongolian organizations of the movement of foreign citizens entering, exiting and transiting the country; those foreign citizens

who offended the law; those foreign citizens who were expelled from the country and those who were declared persona non- grata by the competent international organizations.

Article 27. Visits by stateless persons abroad

1. Stateless people residing in Mongolia may visit abroad.
2. The Central organization of police 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 under the law on private foreign travel and immigration of Mongolian citizens.

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

1. The Central organization of police shall provide immigrants and stateless people with a "Certificate of Residence in Mongolia", defining of which administrative unit is he/she resident.
2. Immigrants and stateless persons residing in Mongolia shall temporarily return their residence certificate to the police office of the area in which they reside during any period of visit abroad. The certificate shall be collected in case of the immigrants and stateless persons are leaving forever.
3. The member of the Government in charge of external relations shall approve the design of the documentation to be provided to immigrants and stateless people for their overseas visit.

CHAPTER FIVE: MISCELLANEOUS

Article 29. Responsibilities of business entities, organizations and citizens inviting or employing foreign citizens

1. Business entities, organizations and citizens inviting and/or employing foreign citizens for a certain period of time according to the legislation of the country shall take responsibility for registering and accommodating their guest.
2. Foreign organizations and business entities in Mongolia inviting and/or employing specialists or labour force, according to the legislation of the country, shall have the same responsibilities as local ones.

Article 30. Deportation of foreign citizens from Mongolia

1. If there are no reasons for criminal charges, foreign citizens shall be deported on the following reasons:
 - 1) foreigners who entered the country on an invalid passport or forged documents, or those who did not leave the country after expiry of the term of their visa.
 - 2). Foreign citizens who did not leave the country after their residence permit was withdrawn or canceled.
2. The council's decision on deportation shall be implemented by the police organization. Foreign citizens shall leave the country within the period of the resolution.
3. Expenses in respect of the deportation shall met by the defaulting party.
4. Deportation shall not include the transfer of criminal offenders to another country.

Article 31. Penalties for offences against 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. Enforcement of the law

This law shall come into effect on 1 February 1994.

Chairman of the State Ih Hural N.Bagabandi