

**LAW OF MONGOLIA
ON THE LEGAL STATUS OF
FOREIGN NATIONALS**
(Revised edition)

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Ulaanbaatar

**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 nationals in Mongolia and to define their legal status.

Article 2. Legislation on the legal status of foreign nationals

2.1. Legislation on the legal status of foreign nationals 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, 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 national to Mongolia as a transit passenger, temporary visitor, resident for an official or private purpose, and a permanent resident (hereinafter referred to as “foreign national”) to Mongolia and inviter of the foreign national.

3.2. The application of the present Law will serve to 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 (hereinafter referred as “the UN”) 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 citizen, entity, and organization of Mongolia or foreign national legally residing in Mongolia over 90 days period, who guarantees financial resources for the invitee to stay in Mongolia;

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

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

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

5.1.6. “Resident for an official purpose” means a foreign national being invited by the government organizations or foreign national to be employed in foreign diplomatic and consular mission to Mongolia, inter-governmental organizations, the United Nations and its specialized organization’s representative offices, or an international press representatives, as well as family members of those delegates, who is going to reside for more than 90 days;

5.1.7. “Stateless person” means a person who has no citizenship of any state;

5.1.8. “Permanent resident” means a foreign national or a stateless person who acquired permanent residence permit from the authorized organization of Mongolia;

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

5.1.10. “Other travel documents” means document which is approved by the Mongolian Law and other international treaties to substitute passport and 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 permit” means the document which grants to the diplomatic missions of Mongolia abroad to issue visa to foreign national, permitted by the Central state administrative body in charge of external affairs and the State administrative body in charge of foreign nationals;

5.1.13. “Laissez-Passer” means travel document which is issued by the UN to its staff and officials, according to the article 7 of the Convention on the Privileges and Immunities of the United Nations.

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 national residing in Mongolian territory, the Government of Mongolia shall adhere to the principle of reciprocity with the country of which a person is a citizen, and it shall be regulated by the law of Mongolia.

Article 7. Specific rights and duties of foreign nationals

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

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

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

7.3.1.to enter and reside in Mongolia in accordance with the present Law and other laws and regulations;

7.3.2.to be employed in State specialized organization or object in compliance with 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 national shall have the following duties in the territory of Mongolia:

7.4.1.to conform Constitution of Mongolia and other laws, and to respect tradition and customs of the nation of Mongolia;

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

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

7.4.4.to stay in Mongolia for the permitted period of valid visa and residence permit or to exit Mongolia within permitted period of time or as instructed by the relevant authority of Mongolia unless the international treaties of Mongolia is party to;

7.4.5.to hold valid passport or certificate of alien registration with himself/herself, which issued by relevant authority;

7.4.6.other duties stipulated by laws and regulations.

7.5.Foreign national shall not be obliged to serve for the Mongolian armed forces or any other military services.

Article 8.Prohibited activities of foreign nationals

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

8.1.1.In exercising the rights and freedoms provided by legislation and the international treaties of Mongolia, foreign national shall not act in a way which conflicts the interest of Mongolia, the rights and freedoms of Mongolian citizen or other human's rights;

8.1.2.Foreign national shall not elect or to be elected for the President and the State Great Hural as well as self-governing bodies of administrative units of Mongolia and shall not take part in national polls;

8.1.3.Foreign national shall not engage in any political activities including set up or joining organizations, which carry out political activities in Mongolia;

8.1.4.Foreign national shall not act any activity to endanger national unity of Mongolia and to advertise or promote inhumane religion, violence, pornography and use drugs which is inconsistent with national customs and laws and regulations;

8.1.5.Foreign national shall not carry out activities without permission when it demands special authorization by means of law and authorized organization or officials;

8.1.6.Foreign national shall not violate regulations of visa, residence, and registration and to change the place of living to administrative units other than registered or to be employed without authorization from the competent state authority.

8.1.7.Other activities prohibited by laws and regulations.

CHAPTER THREE

AUTHORITY OF STATE ORGANIZATION AND OFFICIALS AND DUTIES OF ENTITIES AND CITIZENS

Article 9.Authority of state organization and official

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.The Government of Mongolia shall exercise following authority with respect to foreign nationals:

9.2.1.To approve regulation on issuance of Mongolian visa;

/The provision was amended by the law of February 12, 2015/

9.2.2.To approve regulations that govern residence and registration of foreign national in Mongolia;

9.2.3.To approve regulations that govern deportation of foreign national from Mongolia and setting up a period of date that ban the re-entry to Mongolia;

9.2.4.Other authority stated in laws and regulations.

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

9.3.1.to approve regulations which approves the design of residence permit of foreign national, travel certificate of a stateless person in Mongolia and their rights to own, keep and use;

9.3.2.To approve regulation that governs code of ethics and liability of state inspector of foreign national;

9.3.3.To set up a database for foreign national and to approve the regulations on exchanging the information;

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

9.3.5.Other authority stated in laws and regulations.

9.4.Member of Cabinet in charge of external affairs shall exercise following authority 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 authority set forth in laws and regulations.

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

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

9.5.2.To approve regulation on interviewing foreign national who expressed their interest to adopt Mongolian children;

9.5.3.To approve regulation on a ban foreign national from Mongolia, cancellation of the ban and its implementation;

9.5.4.To approve regulation that governs issuance of an invitation for foreign national on private purposes;

9.5.5.Other authority stated in laws and regulations.

9.6.Governors of the aimag and district are obliged to report to the State administrative body in charge of foreign nationals on the home registry of foreign national, residing in their subordinate territories /suum or khoroo/, every six months.

9.7.Governors of suum and khoroo shall have the following rights and obligations with respect to foreign national:

9.7.1.To maintain home registry of foreign national residing in the territory;

9.7.2.To make a reference on foreign national 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 national;

9.7.4.Other authorities stated in laws and regulations.

Article 10.Obligations of the individual, entity and organization who invited foreign nationals

10.1.The individual, entity and organization, who invited 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 a register 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 stay in Mongolia;

10.1.3.To make sure that 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 national visiting in Mongolia shall have a Mongolian visa (hereinafter referred to as the "visas").

11.2.Visa shall be issued to a foreign national who holds a valid passport or other travel documents.

11.3.Visa may issue on attachments.

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

11.5.The visas have types of single, double, multiple, and specification of entry, re-entry and transit, as well as precise classification of entry to the border.

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

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

Article 12.Diplomatic level visa

12.1.Diplomatic level of visa shall be granted to diplomatic passport holders or the UN official who holds "red" laissez-passer.

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

Article 13.Official level visa

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

13.1.1.Official passport holders, who visit or reside on official purposes, the UN and its specialized organization officials who hold "blue" laissez-passer, ordinary passport holders, who visit on official business of international organization and their respective family member;

13.1.2.A foreign national, who holds official or ordinary passport and intend to visit Mongolia with invitation of State, the Central administrative and local self-governing body of Mongolia, or a political party having seat on the State Great Hural (Parliament of Mongolia);

13.1.3.Foreign national, who holds official or ordinary passport and intend to work in Mongolia according to inter-governmental agreement and treaties;

13.1.4.Employee of foreign or international press who holds official or ordinary passport.

13.2.Official level visa shall be indicated with Latin alphabet "A".

Article 14.Ordinary level visa

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

14.2.Ordinary level visa shall be indicated with Latin alphabet "E".

Article 15. Visa classification

15.1. The following classification of visas shall be issued to foreign national in conformity with the purpose of their visit:

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

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

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

15.1.4. Foreign national intends to visit the country upon invitation by a non-governmental organization and international humanitarian organization may apply for “O” visa.

15.1.5. Foreign national intend to visit for business purposes may apply for “B” visa;

15.1.6. Foreign national who will visit for purposes of study, training and internship, research and scientific investigation as well as for purpose of conducting research work in research institution or start-up Innovation Company with labor agreement may apply for “S” visa;

/The provision was amended by the law of May 22, 2012/

15.1.7. Foreign national who will visit the country as tourist irrespective of his/her passport type may apply for “J” visa;

15.1.8. Foreign national who will visit the country to work under the employment of agreement irrespective of his/her passport type may apply for “HG” visa;

15.1.9. Foreign national who will visit or reside in the country upon invitation by religious organizations irrespective of his/her passport type may apply for “SH” visa;

15.1.10. Foreign national who has been issued the permanent residence permit to Mongolia may apply for “TS” visa;

15.1.11. Family members of resident of Mongolia for private purpose and foreign national who will visit the country for private purpose irrespective of his/her passport type may apply for “H” visa;

Article 16. Visa issuing authorities

16.1. Visa 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. Diplomatic and Consular missions of Mongolia to foreign countries and Honorary Consuls of Mongolia.

Article 17. Authority 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 cancel visa 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 authority:

17.2.1.To issue, refuse or change visa classification, to extend visa term and/or to cancel multiple entry or re-entry visa types stated in article 15.1.3 and 15.1.11 of the present Law to foreign national 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 national, if he/she holds required document to issue visa at the border checkpoints 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 national at the border checkpoints 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 and Honorary Consuls of Mongolia shall exercise the following authority:

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 national 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 stated in the international treaties of Mongolia, a single entry visa shall be valid for 90 days until foreign national entering Mongolian border.

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

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

18.4.Re-entry visa issued to foreign national 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 label in 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 for foreign national in Mongolia after entering its border shall be determined on a visa as follows:

19.1.1. Temporary visitor - up to 90 days

19.1.2. Transit passenger - up to 10 days

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

19.2. Duration of 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 permit

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

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

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

20.4. The organizations set forth in article 16.1 of the present Law shall not be obligatory to give any reason to a foreign national for refusal of a 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 national with valid passport or other travel documents may only enter Mongolia if they have a permit (visa) from 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 serving the criminal sentence 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.Has believed through convincing evidence for lack of financial support to stay in and exit 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 valid passport or other travel documents 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.Temporary visitor coming to Mongolia for more than 30 days period, foreign national residing in the country for private purposes or 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 business days after arrival.

24.2.Mongolian citizen, entity or organization invited foreign national shall be responsible for register invitee.

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

24.4.Foreign national (and family members), who arrives in Mongolia to work at foreign diplomatic or consular missions, resident representative offices of the UN or its specialized organizations and foreign press office, shall be registered at the State administrative body in charge of external affairs within 7 business 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 in the capital city, the office of civil registration in aimags and shall provide monthly, the State administrative body in charge of foreign nationals with all the relevant information of the family status of foreign national.

Article 26.Household registry of a foreign national

26.1.Foreign nationals residing in Mongolia for private purpose or a foreign resident set forth in article 32.2 shall be registered at the household registry in Governor's Office of soum/khoroo within 14 days after his/her arrival.

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

Article 27.Residence in Mongolia for private purpose

27.1.The residence permit for private 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 with a proposal by relevant state organizations.

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

27.2.1.for family reasons;

27.2.2.for permanent residency;

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 national may be refused to be grant or can be invalidated with residence permit for private purpose or extension if he/she 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 set forth in the present Law twice or more times;

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 national 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, foreign national who married to Mongolian citizen apply.

28.2.Duration of stay in Mongolia for the residence permit of family member 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 adhering the principle of reciprocity may grant termless residence permit, if a foreign national residing in Mongolia for family reason is aged 55 or over.

28.4.The State administrative body in charge of foreign nationals shall refuse to issue or to extend the residence permit for foreign national 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 divorce is finalized as stated in article 11.2 of Law on Family.

Article 29. Permanent residence 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 foreign national aged 55 or over.

29.3.The State administrative body in charge of foreign nationals may cancel permanent residence 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 nationals shall issue a Certificate to travel abroad when stateless person with permanent resident status in Mongolia intends to travel to other countries.

29.5.The number of permanent residents 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 in Mongolia is lower than 0.4 percent of the citizens of Mongolia, the State Great 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 percent of the citizens of Mongolia, the State Great 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 national 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 national shall apply for an extension of the duration of permit stated in article 30.1 of the present Law to the relevant organizations upon the request of State administrative body of foreign national.

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 administrative body in charge of external affairs shall grant and extend the residence permit 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 arrived in Mongolia at the invitation of state organization and to work at an inter-governmental organization based on the request of invitee.

Article 33.Issuance of a certificate of alien registration

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

33.2.Certificate of alien registration 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 residence certificate;
- 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 permit;
- 33.2.9.Issued by;
- 33.2.10.Validity period;
- 33.2.11.Extension;
- 33.2.12.Registration number;
- 33.2.13.Notes of violation;
- 33.2.14.Residence addresses and its changes;
- 33.2.15.Fingerprint.

33.3.Foreign nationals who intend to definitely leave Mongolia shall return his/her certificate of alien registration 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 national must leave the country before the permitted period expires.

34.2.The exit of foreign national shall be denied for the subsequent period of time if he/she fall any of the following circumstances:

34.2.1.Have been suspected of criminal offense, until the case is decided;

34.2.2.Have been sentenced to punishment 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.If there is a decision of the court, prosecutor and court's decision enforcement agency, to ban exit from Mongolia in accordance with the Criminal Prosecution Code, the Law on Infringement Control and Resolution and the Law on Court's Decision Enforcement.

/This provision was amended by the law of May 18, 2017/

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 administrative body 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 foreign national in written from to exit form Mongolia voluntarily if his/her residence permit for private purpose has not been granted, refused to extend or the permit is cancelled pursuant to Article 27.3 of the present Law.

35.2.Foreign national 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 other travel documents or he/she is unable to b be identified.

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 national 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 foreign national to pay for the expenses with respect to detention himself/herself or make an individual, or entity that provided guarantee as stated Article 10.1.2 of the present Law.

36.5.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 a bail.

36.6.The State administrative body in charge of foreign nationals shall inform the Central administrative body in charge of external affairs about the detention of foreign national within 24 hours.

36.7.Capital city or border checkpoints shall have “Detention centers” for foreign national and Member of Cabinet in charge of justice shall approve the regulation for operation such detention center, consultation with State Prosecutor.

Article 37.Deportation of foreign national

37.1.If there are no grounds for criminal charges, 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 passport that is invalid or forged;

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.Has been clinically diagnosed with mental disease;

/The provision was amended by the law of December 13, 2012/

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

37.1.7.Has been employed without a permit 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 before the expiration of the term of 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 national' 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 national.

37.6.State administrative body in charge of foreign nationals shall make 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 criminal to another country.

37.8.State administrative body in charge of foreign nationals shall inform the Central administrative body in charge of external affairs about the deportation of foreign national.

Article 38.The country to transfer foreign nationals

38.1.Foreign national shall be deported to his/her country of nationality.

38.2.Foreign nationals can be deported 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 visa is issued.

CHAPTER EIGHT

LEGAL STATUS AND GUARANTEE OF THE STATE ADMINISTRATIVE BODY IN CHARGE OF FOREIGN NATIONAL AND ITS OFFICER

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

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

39.2.Deleted

39.3.Deleted

Article 40.The authority 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 authority:

40.1.1.To organize the implementation of state policy on foreign national;

40.1.2.To monitor the implementation of laws and regulations on foreign national;

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 national;

40.1.5.To issue, extend, cancel the permit for international and foreign non-governmental organization and its representative office in Mongolia and to monitor its activity;

40.1.6.Other authority stated in laws and regulations.

40.2.State administration in charge of foreign nationals shall not be compulsory to give any reason for refusal of application as stated in Article 27.3 of the present law;

Article 41.State inspector of foreign national and its authority and guarantee

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

41.3.General state inspector of foreign national shall grant, suspend and cancel the right of the state senior inspector and state inspector of foreign national.

41.4.State inspector shall take an oath "I swear, as state inspector of foreign national inspection to serve honestly to maintain the independence and national security of Mongolia, to honor the human right, justice and equity in inspecting foreign national 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 organization and individual in the principle of equality before the law and responsibilities under the relevant law".

41.5.State inspector shall wear a uniform with an identification badge and produce a certificate to show his/her identity while performing their functions. Member of the Cabinet in charge of justice shall enact the regulation that governs uniform, identification badge, certificate and other matters that must be complied with.

41.6.It is prohibited to other individuals, entity and organization to use uniform and badge of the same design.

41.7.State inspector shall implement the following rights other than the rights and responsibilities stated in Mongolian Law on State Control and Inspection and Law on Infringement Control:

41.7.1.Deleted

41.7.2.To inspect passport or other travel documents of a foreign national, if necessary keep and transfer the document to authorized organization until the breach is settled;

/The provision was amended by the law of December 28, 2016/

41.7.3.To make conclusion of deporting foreign national from Mongolia;

41.7.4.To make suggestions on cancellation of ban from Mongolia and the deportation order;

41.7.5.Deleted

41.7.6.Other rights stated in laws and regulations;

/The provisions of 41.7 was amended by the law of December 26, 2013/

41.8.A year of work at border checkpoint of state inspectors shall be calculated as a year and three months and an officer who worked at the border checkpoints or local offices for over 5 years shall be rewarded the amount equal to 30 months' salary per every 5 years.

41.9.The state inspector may use the following special equipment and techniques when performing official duties:

41.9.1.Special equipment for each state inspector;

41.9.2.Special equipment used to forcibly stop vehicle;

41.9.3.Special defensive equipment;

41.9.4.Fighting with self-defense art without weapons and so on.

41.10.The equipment and techniques as stated in the article 41.9 of this law, could be used in following cases:

41.10.1.Didn't comply the legal demands of state inspector or used a force against state inspector;

41.10.2.If someone attacks one's health and life.

41.11.In case of injuries caused to human life or health due to the using of special equipment and techniques, the state inspector shall take measures to provide immediate medical assistance and notify the head of an organization concerned.

41.12.The instructions of storage, usage, list of special equipment, shall be approved by the Member of Cabinet in charge of justice in consultation with the Prosecutor General.

/The provisions from 41.9 to 41.12 were added by the law of December 26, 2013/

CHAPTER NINE PENALTIES

Article 42.Penalties

42.1.The officer who violates the present Law shall be amenable to the Law on Public Service in case of the infringement is not inclined criminally.

42.2.The citizen and legal entity who violates the present Law shall be liable under the Criminal Code of Mongolia and the Law on Infringement.

/This article was amended by the law of December 04, 2015/

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 a year, month and date.

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

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

43.4.If visa or residence permit extended, a new date shall be started at the next day of 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
GREAT HURAL OF MONGOLIA

D. DEMBEREL