

LAW ON TRAVEL ABROAD ON PRIVATE AND EMIGRATION OF CITIZENS OF MONGOLIA

December 24, 1993

Article 1. Purpose of the Law

The purpose of this law shall be to regulate relations on travel abroad on private, emigration and on return to home country of citizens of Mongolia.

Article 2. Legislation and international agreements on travel abroad on private, emigration and on return to home country of citizens of Mongolia

1. Legislation on travel abroad on private, emigration and on return to home country of citizens of Mongolia shall consist of the Constitution, this law and other legislative acts enacted in conformity therewith.

2. If an international agreement to which Mongolia is a party provides otherwise than this law, then the former shall prevail.

Article 3. Travel Abroad on Private and Emigration

1. Travels abroad other than on business of state or administrative units, self-governing bodies of cities, towns, villages, parliamentary parties, organs that exercise special functions of state executive or semi-branch by decision of Government or under a contract shall be called travel abroad on private.

2. It shall be called an emigration when a citizen of Mongolia leaves the country to permanently reside abroad on private purpose.

Article 4. Right to Travel Abroad on Private and to Emigrate

1. Citizens of Mongolia enjoy the right to travel abroad on private and to emigrate.

2. Citizens of Mongolia who have emigrated enjoy the right to return to home country at any time.

Article 5. Suspension of the Right to Travel abroad on Private and to Emigrate

1. The right of citizens of Mongolia to travel abroad on private and to emigrate shall be suspended on the following grounds for periods provided below:

1) in case a citizen is considered a suspect or an accused in a criminal case until the case is resolved;

2) in case a citizen is convicted criminal punishment, until he or she serves the punishment or is released from it;

3) if an official who has a knowledge of or is directly responsible for state secrets determined by law applies for emigration, within 3 years from resigning or release from the respective job.

4) until the issue is resolved on traveling and emigrating abroad is breaching human rights and freedoms and legal interests of others if there has a complaint of those persons or organizations and competent authorities considered it well-founded

2. Limitation of the right to travel abroad on private and to emigrate on grounds other than those provided in para. 1 of this Article is prohibited.

3. The State Center for Civil Registration and Information in the capital city and police departments in the local area shall control whether there are grounds for suspension of citizen's right to travel abroad on private and to emigrate.

4. If due to natural calamities, other unforeseen dangers, highly contagious diseases, state of emergency or martial law conditions that cause potential danger to human life, health and property occur, the Government is obliged to inform in advance of the above citizens that are to travel or to emigrate to those countries.

Article 6. Granting Permission to Travel Abroad on Private and to Emigrate

1. Obtaining a visa for the respective country shall be in own responsibility of the citizen who is to travel abroad on private or to emigrate.

2. Citizens of Mongolia may travel freely to the countries which Mongolia has an agreement on non-visa entry.

3. Citizens of Mongolia shall be issued national ordinary foreign passports on the basis of a written application and a valid ID.

5. Citizens who are to emigrate shall submit the following documents to the State Center for Civil Registration and Information in the capital city and to Civil Registration and Information offices under the local Governors' offices in the local area:

- 1) applications for emigration and for ordinary foreign passport;
- 2) a document certifying termination of labour agreement with the business entity or an organization the citizen was employed by and absence of debts to and receivables from the former;
- 3) in case a citizen is unemployed, a certification by local administrative body of the place of his or her residence.

6. Where necessary, citizens that are to emigrate shall submit any of the following documents in addition to those listed in para. 5 of this Article to the State Center for Civil Registration and Information in the capital city and to Civil Registration and Information offices under local Governors' offices in the local area:

- 1) an employment agreement entered into with a foreign institution;
- 2) if a spouse is a foreign national, a certified copy of a document certifying the fact;
- 3) a certified copy of an invitation from relatives residing abroad permanently.

7. The State Center for Civil Registration and Information in the capital city and the Civil Registration and Information offices under local Governors' offices in the local area shall decide on applications for travel abroad on private within 10 days and applications for emigration within 30 days. The period for deciding on applications for emigration can be extended for up to 30 days where necessary.

8. In case of suspension of the right of citizen to travel abroad on private and/or to emigrate on the grounds listed in para. 5 of Article 5 of this Law, the State Center for Civil Registration and Information in the capital city and Civil Registration and Information offices under local Governors' offices in the local area shall give a well-grounded reply to the applicant.

9. Citizens shall file to the court their complaints related to travel abroad on private and emigration.

10. The State Center for Civil Registration and Information shall keep unified register and statistics on emigrants.

Article 7. Rules Concerning Travel Abroad on Private and Emigration for Minors and Legally Incapable Persons

1. Minors and legally incapable persons shall be accompanied by their parents or guardians when travelling abroad on private or emigrating.

2. Where citizens of Mongolia of 16 to 18 years of age emigrate with their parents or guardians, their written consent shall be obtained.

Article 8. Documents to Be Issued To Citizens of Mongolia for Travel Abroad on private or Emigration; National Foreign Passport

1. Citizens of Mongolia that are to travel abroad on private or emigrate shall be issued national foreign passports.

2. Minors who are to travel abroad on private or emigrate shall be issued national foreign passports or be issued an attachment to their parents' or guardians' passports.

3. National foreign passport of Mongolia is the State property of Mongolia.

4. In case of loss or lose or damage of national foreign passports by citizens of Mongolia while abroad, the diplomatic representative offices or consulates shall issue national foreign passports or return IDs.

5. National foreign passport shall be issued by the State Center for Civil Registration and Information in the Capital city and Civil Registration and Information offices under Governors' offices of Aimags in the local area and diplomatic representative offices and consulates in abroad.

6. The Government shall approve the rules and procedures for the issue, holding and keeping national foreign passports of Mongolia.

7. The member of Government in charge of foreign relations shall approve designs of national foreign passports and return IDs of Mongolia.

Article 9. Rights and Duties of Citizens of Mongolia Travelling Abroad on Private or Emigrating

1. While abroad citizens of Mongolia shall remain under state protection and enjoy the right of protection of their breached rights and legitimate interests.

2. When emigrating, citizens of Mongolia shall have the right to take with them and with their family property due to them and foreign currency in accordance with law.

3. Matters concerning property and inheritance of citizens residing abroad for a long time (for more than 6 months) and emigrants shall be decided in

accordance with legislation of Mongolia.

4. Citizens of Mongolia shall be responsible for any expenses related to travel abroad on private or emigration.

5. Citizens of Mongolia residing abroad for a long time and emigrants are obliged to have their domiciles registered with diplomatic representative offices or consulates of Mongolia. Citizens of Mongolia travelling abroad on private may register with diplomatic representative offices or consulates of Mongolia if they wish so.

Article 10. Liability for Violation of the Legislation

1. Persons guilty of violating the legislation on travel abroad on private and emigration and who are citizens of Mongolia shall be subject to liability provided for in the criminal and administrative legislation.

2. In case of loss of or damage to national foreign passports by citizens of Mongolia consular officers shall impose liability provided for in administrative liability legislation upon them.

Article 11. Entry into Force of the Law

This law shall apply from 1st February, 1994.

CITIZENSHIP LAW OF MONGOLIA

June 5, 1995

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

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

Article 2. Legislation on Citizenship

1. Legislation on citizenship shall consist of the Constitution, this law and other legislative acts enacted in conformity therewith.

2. If an international agreement to which Mongolia is a party provides otherwise than this law, then the former shall prevail.

Article 3. Citizenship of Mongolia

1. The following persons shall be considered as citizens of Mongolia:

1) the persons who were citizens of Mongolia on the day of coming into force of this law;

2) the persons who were citizens of Mongolia as of 11th July 1921 and have not lost Mongolian citizenship since then.

3) a person who became a citizen of Mongolia in accordance with this Law.

2. Residing abroad of a Mongolian citizen shall not serve as a ground for loss of Mongolian citizenship.

3. Acquisition or loss of Mongolian citizenship by any of the married

shall not lead to change of citizenship by the other spouse.

4. Irrespective of place of residence a citizen of Mongolia shall be under state protection and enjoy protection of his/her rights and legitimate interests according to the law.

5. Deprivation of Mongolian citizenship, exile and extradition shall be prohibited.

Article 4. Inacceptance of Double Citizenship

1. It shall not be accepted for a Mongolian citizen to be a foreign citizen at the same time.

2. If a foreign citizen wishes to acquire Mongolian citizenship, he or she shall be required to have lost citizenship of the relevant nation. If legislation of relevant nation provides for loss of its citizenship on acquisition of citizenship of another nation, then cessation of citizenship may not be required.

Article 5. Documents Certifying Citizenship

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

2. A Birth certificate issued to a child born on the territory of Mongolia from parents who are foreign citizens or stateless persons shall be considered exclusively as a document certifying the birth.

CHAPTER TWO

MONGOLIAN CITIZENSHIP, ACQUISITION AND CESSATION OF MONGOLIAN CITIZENSHIP

Article 6. Grounds for Acquisition of Mongolian Citizen

Mongolian citizenship shall be acquired on the following grounds:

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

Article 7. Mongolian Citizenship of a Child

1. A child born when both parents were Mongolian citizens shall be Mongolian national irrespective of birth within the territory of Mongolia or outside it.

2. A child born on the territory of Mongolia from parents either one of whom is a Mongolian citizen and another is a foreign citizen, shall be considered as a Mongolian citizen. In case, when a child is born on the territory of a foreign country, his or her citizenship shall be determined on the basis of a written agreement between the parents.

3. A child born when one of parents was Mongolian citizens and the other were a stateless person shall be Mongolian citizen irrespective of place of birth.

4. A child who is within the territory of Mongolia whose parents are not identified shall be Mongolian citizen.

5. A child born from stateless parents residing in the territory of Mongolia

shall be stateless.

6. A Mongolian citizen who is adopted by a stateless person and who has not reached the age of 16 shall remain to be a Mongolian citizen.

Article 8. Acquisition of Mongolian Citizenship

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

Article 9. Conditions for Acquiring Mongolian Citizenship

1. The following conditions shall be met in order to acquire Mongolian citizenship:

- 1) one shall have the suitable living capability and resources;
- 2) one shall have the proper knowledge of Mongolian customs and official language of the State, and being permanently resided in Mongolia for the term of up to 5 years;
- 3) other specific criteria as defined by the Central State Administrative Body in charge of Mongolian citizenship on the basis of the state policy within the scope of items 1 and 2 of this paragraph.

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

Article 10. Grounds for Refusal of Granting Mongolian Citizenship

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

- 1) when it is proved that a person has committed a crime against humanity as defined by international legal regulations;
- 2) when a person has conducted or is conducting an activity against national security or vital interests of Mongolia;
- 3) when a person is being claimed as a member of international terrorist organization;
- 4) when a person is determined by court to be a dangerous criminal;
- 5) when a person is determined by established procedure to suffer from mental or infectious disease, or to be a drug addict or a chronic alcoholic;
- 6) when a person is serving sentence;
- 7) when a term of 10 years has not passed since a person was deported from the territory of Mongolia.

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

Article 11. Cessation of Mongolian Citizenship

A Mongolian citizen may upon his or her own request to cease his or her

citizenship in accordance with procedure established by this Law.

Article 12. Denial of Cessation of Mongolian Citizenship

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

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

Article 13. Determining Citizenship of Adopted Child

1. A child who has not reached the age of 16 and who is adopted by spouses who are foreign citizens shall remain to be a Mongolian citizen.
2. If spouses who are foreign citizens when adopting a child with Mongolian citizenship express their wish to change his or her citizenship, the matter of citizenship may be resolved based on the wish of the adoptive parents.
3. It shall be approved to cease a citizenship of a child at his/her request who has reached the age of 16 and has adopted by spouses who are foreign citizens.

CHAPTER THREE

RESTORATION AND LOSS OF MONGOLIAN CITIZENSHIP

Article 14. Restoration of Mongolian Citizenship

1. Mongolian citizenship shall be restored on the following grounds:
 - 1) a Mongolian citizen who has lost his or her citizenship with respect to adoption on the grounds provided for in para. 2 of Article 13 of this Law;
 - 2) within five years after attaining the age of 18 if one lost Mongolian citizenship due to change of citizenship of parents;
 - 3) persons who were Mongolian citizens as of 11th July 1921 and thereafter and acquired citizenship of any foreign state.
2. In cases mentioned in para. 1 of this Article a person wishing to restore his or her citizenship shall submit his or her application to the Central State Administrative Body in charge of citizenship matters.
3. An application for restoration of citizenship shall be submitted to the President of Mongolia through the Central State Administrative Body in charge of Mongolian citizenship.
4. Mongolian citizenship of a person who has withdrawn his or her Mongolian citizenship with a purpose of acquiring foreign citizenship, but who was not able to do so, shall be restored based on his or her request.

Article 15. Grounds for Loss of Mongolian Citizenship

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

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

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

CHAPTER FOUR

CHANGE OF A CHILD'S CITIZENSHIP

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

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

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

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

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

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

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

CHAPTER FIVE

SCOPE OF RIGHTS OF STATE AUTHORITY IN CHARGE OF CITIZENSHIP

Article 19. Power of the President of Mongolia

The President of Mongolia within his or her powers shall decide on the following matters:

- 1) to grant Mongolian citizenship to foreign citizens and stateless persons;
- 2) to allow to cease Mongolian citizenship;
- 3) to restore Mongolian citizenship.

Article 20. Power of Central State Administrative Bodies

1. The Central State Administrative Body in charge of Mongolian citizenship shall receive requests related to matters of Mongolian citizenship from persons residing on the territory of Mongolia or a foreign country, and shall submit them for consideration together with relevant documents and proposals to the President upon presentation to the Prime Minister of Mongolia.

2. The Central State Administrative Body in charge of Mongolian citizenship in accordance with decisions granted on matters of Mongolian citizenship shall keep unified records of persons in respect to acquisition, cessation, restoration and loss of Mongolian citizenship.

3. The Central Intelligence Organ the Central Police Department of the country, Governors of administrative and territorial units, local police department, Diplomatic or Consular missions of Mongolia in foreign countries shall take part in considering an application related to matters of Mongolian citizenship in accordance with procedure provided for in this Law and according to their respective functions.

4. The Central Intelligence Organization, in respect to a person who has made a request related to matters of citizenship, shall pass a conclusion from the view of the national security of Mongolia, and shall submit a concrete proposal on the consideration of the matter.

5. The Central Police Department, in respect to a civil records of a person who has made a request related to matters of citizenship, shall through its relevant services provide references, amend and change the records, and shall submit proposals and conclusions on other related matters.

6. Governors of administrative and territorial units and local police departments in respect to a person who has made a request related to matters of citizenship and who is permanently residing on the territory of Mongolia, and Diplomatic and Consular missions of Mongolia in foreign countries in respect to a person who is permanently residing on the territory of foreign countries and who has made the same request shall provide personal references and pass their opinion.

CHAPTER SIX

REQUEST RELATED TO MATTERS OF CITIZENSHIP AND PROCEDURE OF CONSIDERATION

Article 21. Request Related to Matters of Citizenship

1. A request related to matters of citizenship shall be submitted to the President of Mongolia.

2. A person applying for acquisition, restoration or cessation of Mongolian citizenship shall compile relevant documents in accordance with the list determined

by procedure provided for in para. 6 of Article 22 of this Law.

3. A joint request may be submitted if an applicant wishes to acquire or cease Mongolian citizenship together with his or her other family members.

4. Either parent changing citizenship shall, in respect to his or her child who has not reached the age of 16, mention in the request whether citizenship of the child is to be changed.

5. A request related to matters of citizenship of a child who has reached the age between 16 and 18 shall be submitted by his or her parents, guardians upon the child's own permission and signature.

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

1. Requests for acquisition or cessation of Mongolian citizenship shall be submitted to the President through Governors of Aimags or Capital City; Diplomatic or Consular missions of Mongolia in foreign countries, or the Central State Administrative Body in charge of Mongolian citizenship if resided in a foreign country.

2. Governors of Aimags or Capital City shall, upon the receipt of a request, require Governors of Soums, Duuregs, Bags or Horoos to submit personal reference and opinion in respect to the particular person.

3. Governors of Aimags or Capital City; Diplomatic or Consular missions of Mongolia in foreign countries shall, upon the receipt of a request, verify the compilation of relevant documents, and shall submit them to the Central State Administrative Body in charge of Mongolian citizenship together with their concrete proposals.

4. The Central State Administrative Body in charge of Mongolian citizenship shall request the Intelligence and The Central Police Department to submit their proposal and opinion in respect to a person applying for acquisition or cessation of Mongolian citizenship.

5. A time limit for receiving, examining and deciding on matters related to Mongolian citizenship shall not exceed 6 months.

6. A list of documents necessary for consideration of matters related to Mongolian citizenship shall be determined by the Central State Administrative Body in charge of Mongolian citizenship.

Article 23. Opinion on Matters Related to Mongolian Citizenship

1. The Central State Administrative Body in charge of Mongolian citizenship shall pass opinion related to consideration of matters provided for in Article 19 of this Law.

2. The Central State Administrative Body in charge of Mongolian citizenship while formulating its opinion in respect to a request related to matters of citizenship shall thoroughly consider applicant's interests, interests of national security, content of application, references and opinions on matters of citizenship submitted from other organizations, and other relevant documents important to consideration of this matter. The opinion shall explicitly state justifications and conditions for acquisition, cessation, restoration and refusal of Mongolian

citizenship.

3. The Central State Administrative Body in charge of Mongolian citizenship while formulating its opinion in respect to a request related to matters of citizenship shall request any state, social, business organizations or officials to submit relevant documents. The given organizations and officials shall be obliged to submit to the Central State Administrative Body in charge of Mongolian citizenship the relevant documents within the requested period.

Article 24. Decisions on Matters related to Citizenship

1. The President of Mongolia shall issue decrees in case of authorizing acquisition, cessation or restoration of Mongolian citizenship, and orders in case of refusal.

2. An application related to matters of citizenship already decided as provided for in para. 1 of this Article shall not be accepted within a period of 6 months after such decision has been passed.

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

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

2. An applicant shall be considered as ceased of Mongolian citizenship from the date of issue of Presidential Decree on cessation of Mongolian citizenship.

CHAPTER SEVEN

MISCELLANEOUS PROVISION

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

1. Decisions on matters related to citizenship granted in respect to persons permanently residing on the territory of Mongolia shall be implemented by Governors of Aimags or Capital City, in respect to persons residing on the territory of a foreign country by the Central State Administrative Body in charge of external relations and by relevant Diplomatic or Consular missions of Mongolia in foreign countries.

2. A person who has acquired or restored their Mongolian citizenship shall be granted a national passport of Mongolia by Governors of Aimags or Capital City; or a national foreign passport by relevant Diplomatic or Consular missions. In respect to a child who has not reached the age of 16, the records on acquisition of Mongolian citizenship shall be made in his or her document.

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

Article 27. Supervision over Implementation of Decisions on Citizenship Matters

The Central State Administrative Body in charge of citizenship matters and other authorities shall supervise implementation of decisions on citizenship

matters within the scope of their functions.

Article 28. Complaint against Decision on Matters Related to Citizenship

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

Article 29. Liability for Violation of Citizenship Legislation

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

1) a person who has submitted to the relevant competent organization forged documents related to himself or other persons with a purpose of unlawful consideration of citizenship matters shall be subject to a penalty of 35000-50000 tugrugs;

2) an official in charge of receiving, examining and passing opinion on application related to citizenship matters in accordance with this Law and submitting it in accordance with established procedure guilty of willful forge of reference or opinion shall be subject a penalty of 15000-50000 tugrugs.

Article 30. Entry into force of the Law

This law shall apply from 15th July 1995.