

REPLY TO THE QUESTIONNAIRE OF THE SPECIAL RAPPOREUR ON
CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION AND
XENOPHOBIA

MONGOLIA

The Immigration Office of Mongolia is responsible for citizenship issues. Its activities are based on Article 14.2 of the Constitution of Mongolia, which reads “No person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and position, religion, opinion and education. Every one shall be a person before the law.” As a member of the United Nations, Mongolia is complied with all the provisions of the Universal Declaration on Human Rights, which was adopted on 10 December 1948.

The Law on Nationality /1995/, the Law on Legal Status of Foreign Nationals /2010/, the Government Regulations on Setting Criteria for Foreign Nationals and Stateless Persons requesting Mongolian nationality /2003/, the List of Documents applicable to the regulation of Mongolian nationality issues, which was approved by the Head of the Immigration Office / 2014/, are main the legal documents on citizenship.

The applicant, requesting Mongolian nationality must be in possession of a formal letter issued from the relevant authority of the country of origin or its Consulate or the Embassy in Mongolia. A Mongolian citizen, who wishes to surrender his/her nationality, must have a formal letter of the relevant authority of the foreign country the consent to grant its nationality to that person. It is a mandatory requirement established by law in order to prevent from situations where the state is unable to protect the legitimate rights of its citizens as a result of dual citizenship. It also prevents a person from statelessness.

The Law on Nationality stipulates that the period of processing of the request to citizenship shall not exceed six months. As promulgated by article 33.1.9 of The Constitution of Mongolia, the President shall exercise the power to decide matters related to granting and withdrawing Mongolian citizenship and granting asylum.

Mongolia is maintaining a position to issue identification and residency permit to stateless persons. By receiving a Mongolian residency permit, they not only enjoy their rights defined by law but also are entitled to express their interest to obtain Mongolian citizenship or apply for re-naturalization at the country of origin. This policy shows great outcome as the number of stateless persons decreases each year. The Law on Legal Status of Foreign Nationals guarantees that stateless persons shall enjoy the same rights and obligations as any other foreign citizens.

The Law on the Legal Status of Foreign Nationals states that If the number of foreign permanent residents and immigrants residing in Mongolia is lower than 0,4 per cent of the citizens of Mongolia, the State Great Khural (Parliament) 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 more than 0,4 per cent of the citizens of Mongolia, the State Great Khural shall define annually. The foreign nationals and stateless persons meeting the relevant criteria can apply for immigration.