

WORK PERMITS AND ENFORCEMENT PROCEEDINGS IN MONGOLIA

2021

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Content

SECTION 1. WORK PERMITS

- RATIO OF EXPATRIATES
- MAJOR STEPS TO GET A WORK PERMIT
- REQUIRED DOCUMENTS FOR GETTING EMPLOYMENT INVITATION
- REQUIRED DOCUMENTS FOR ENTRY VISA
- DOCUMENTS FOR WORK PERMIT
- VISA
- RESIDENCY PERMIT

SECTION 2. INVESTOR GRIEVANCE SYSTEM

- REGISTRATION AND MONITORING SYSTEM
- GRIEVANCE RESOLUTION PROCESS

SECTION 3. ENFORCEMENT PROCEEDINGS

- ENFORCEMENT PROCEEDING ON FOREIGN COURT DECISION AND FOREIGN ARBITRAL AWARD
- UNENFORCABILITY OF ARBITRAL AWARD
- UNENFORCABILITY OF FOREIGN COURT DECISION



SECTION 1

WORK PERMITS

RATIO OF EXPATRIATES

Sector		The number of total employees				
		21-30	31-50	51-100	101-200	More than 200
Mining (oil and gas production)	Crude oil and gas production	10%	20	30	30	30
	Crude oil and gas exploration	10	20	30	40	50
Construction	Construction of Buildings	10	30	35	45	60
	Construction of Railway and road	10	30	35	45	60
International organizations, permanent representatives	International organizations, permanent representatives	40	40	40	40	40
	Foreign and domestic non-governmental organizations licensed to conduct humanitarian activities	30	30	30	30	30
Scientific research, experiments and research activities		30	30	30	30	30

*If the company has over 20 employees, 5% of total employee can be expatriates.

MAJOR STEPS TO GET A WORK PERMIT



WORK INVITATION

The Mongolian company sponsoring a foreign worker for their work permit must first provide a visa invitation letter to the applicant in Immigration Agency.



VISA FOR ENTRY

The hiring company must obtain for a 30-day visa at the embassy or a consulate abroad. This step can only be completed upon receipt of a visa invitation letter.

Once an applicant has arrived in the country, they must then register with the Immigration Agency within 7 days of arrival, inclusive of non-business days.



WORK PERMIT

Work permit applications are lodged with the Labor and Welfare Agency.



MULTI VISA

Within ten days of arrival, it is necessary that the applicant will get a year-long multiple visa. This is arranged with the Ministry of Foreign Affairs and Trade.



RESIDENCY PERMIT

Request to obtain a residence permit must be filed within 21 days after entry to Mongolia.

REQUIRED DOCUMENTS FOR GETTING EMPLOYMENT INVITATION

Application form

Receipt of payment service fee (app 10USD)

Copy of State registration certificate

Copy of License with attachment

Copies if Government resolution if entity has exempted from ration by government resolution

Forms SI(Social Insurance)-7 and SI-8 on the last month of the social insurance that confirmed the number of employees who paid social insurance in the entity;

Statement of Ministries and Agencies in the Employment of economic Entities

Reference from respective Labor & Social Welfare Division of aimag or district

An employment agreement with a foreign legal entity, with its Mongolian translation

Copy of a foreign citizen's passport

A copy of professional diploma and diploma certificates demonstrating profession in the field of employment;

Other materials required.

REQUIRED DOCUMENTS FOR ENTRY VISA

- ✓ Passport with a validity date of at least 6 months beyond the end of the applicants intended period of stay in Mongolia;
- ✓ Completed visa Application Form for non-tourists with one passport-size /3.5x4.5 cm/ photo;
- ✓ Invitation from the inviting Mongolian organization which should be approved by the Ministry of Foreign Affairs of Mongolia
- ✓ Visa fee 54000 MNT /app 19\$/

Visitors coming to Mongolia for a purpose other than tourism are advised to contact the appropriate Mongolian diplomatic mission for more information.



DOCUMENTS FOR WORK PERMIT



Application form

Receipt of payment of service fee 22 500 MNT /app 8 USD/

Receipt of payment for work permit 840 000 MNT /app 294.8 USD/

Receipt of payment of the "License to work in Mongolia" 3 000 MNT /app 1.05 USD/

Copy of certificate of state registration, certificate of foreign incorporated company and special permission

Copy of passport pages clearly containing passport number, date of issue and expiry, name and date of birth

Passport, with at least 12 months' validity

Medical Examination Form

VISA



Type T

- A foreign investor
- A senior manager of a foreign invested company, or representative office

Type HG

- A foreign citizen or stateless person with the purpose of working in Mongolia under an employment agreement irrespective of his/her passport type

RESIDENCY PERMIT

PLANNING TO STAY FOR MORE THAN 90 DAYS



REQUEST TO OBTAIN RESIDENCE PERMISSION MUST BE FILLED
WITHIN 21 DAYS AFTER ENTRY TO MONGOLIA



MONGOLIAN IMMIGRATION AGENCY

Required documents for residence permit:

- Letter of General Agency for Labor and Welfare Services /indicating duration of employment/
- Letter of inviting entity
- Passport of foreign nationality
- Residential address statement issued by the governor of soum or khoroo
- Copy of employee card or confidential which is issued for person supplying these documents
- Take the fingerprints /if not taken before/
- Application form – 3 along with 3.5*4.5 photo
- Additional documents shall be submitted if necessary
- Resident permit fee 75 000 MNT /app 26.3 USD/



SECTION 2

INVESTOR GRIEVANCE SYSTEM

REGISTRATION AND MONITORING SYSTEM



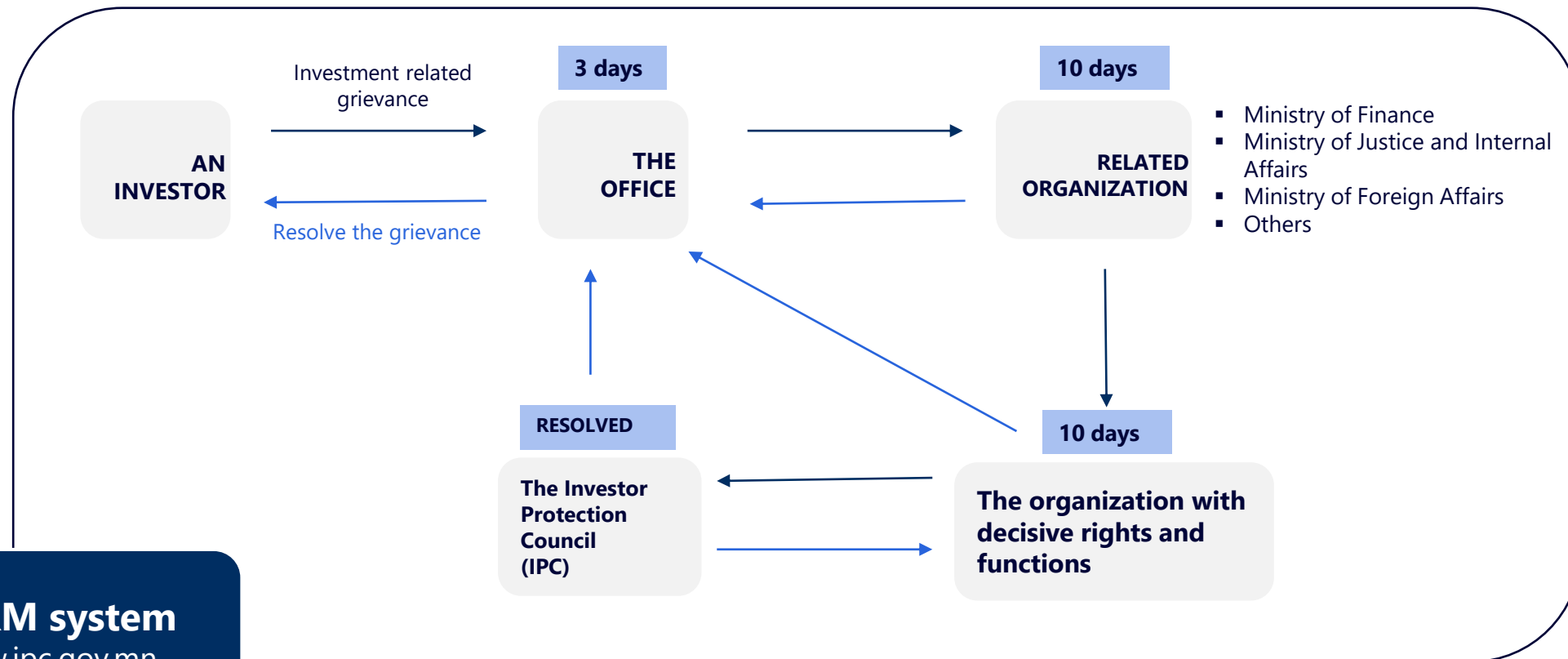
**ХӨРӨНГӨ ОРУУЛАГЧДЫН
ЭРХ АШГИЙГ ХАМГААЛАХ ЗӨВЛӨЛ**
Investor Protection Council

Grievances can be made from anywhere at any time in the world;

Monitor the progress of your grievance and how it has been resolving;

It will be possible to resolve the grievances within the set time.

GRIEVANCE RESOLUTION PROCESS AND PARTICIPANTS



SIRM system
www.ipc.gov.mn

SECTION 3

ENFORCEMENT PROCEEDINGS



ENFORCEMENT PROCEEDING



1. Foreign Court Decision
(Hague Convention relating to civil procedure, dated 1954)
2. Arbitral award
(New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, dated 1958)
3. Bilateral agreements between Mongolia and other countries on legal aid.

ENFORCEMENT PROCEEDING ON FOREIGN COURT DECISION AND FOREIGN ARBITRAL AWARD

- A Party interested in the enforcement of the arbitral award or foreign court decision shall submit a request for a writ of execution to the court of the jurisdiction of the payer's residence

Submit a request

Judge Confirmation

- Enforcement of the arbitral award or foreign court decision shall be confirmed by a judge's order within 7 days from submission of the request.

- The judge shall immediately issue the writ of execution and deliver it to the payee, payer, and General Executive Agency of Court Decision within 7 days after issuance of the order.

Deliver

UNENFORCABILITY OF ARBITRAL AWARD

- no legal capacity or the arbitration agreement is invalid;
- not received proper notice of the appointment of an arbitrator or of the arbitral proceedings and had been unable to participate in the arbitral proceeding and provide the response;
- arbitral award is not contemplated by or not falling within the terms of the claim, or arbitral award is beyond the scope of the claim;
- not in accordance with the agreement of the parties, or, in the absence of such an agreement, not in accordance with law of the Mongolia;
- the arbitral award is not valid, or enforcement of the award is suspended;
- the subject-matter of the dispute is not capable of settlement by arbitration under the law of Mongolia;
- the recognition or enforcement of the award would be contrary to the public policy of Mongolia.

UNENFORCABILITY OF FOREIGN COURT DECISION

The execution of the Letter of Request to enforce foreign court decision may be refused only:

- if the authenticity of the document is not established;
- if, in the State of execution, the execution of the Letter does not fall within the functions of the judiciary;
- if the State, on the territory of which the execution is to be effected, considers that its sovereignty or its security would be prejudiced thereby.



CASE STUDY



UNCITRAL

UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW



THANK YOU!

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QUESTIONS?
