



LAW OF MONGOLIA

28 December, 2016

Ulaanbaatar

LAW ON THE BORDER OF MONGOLIA */Revised version/*

CHAPTER ONE General provision

Article 1 The purpose of the law

1.1. The purpose of this law is to implement international treaties of Mongolia concluded on border issues in order to ensure the inviolability and inviolability of the border of Mongolia, to maintain the border and border regime, to inspect passengers and vehicles, to establish the system and functions of the state border protection organization, to determine the powers and participation of citizens and organizations in the protection of the state border and to regulate other relations related to ensuring border security.

Article 2. Border legislation of Mongolia

2.1. The border legislation of Mongolia shall consist of the Constitution of Mongolia, this law and other legislation enacted in conformity with them.

2.2. If an international treaty to which Mongolia is a party provides otherwise than this law, the provisions of the international treaty shall prevail.

Article 3 Definition of legal terms

3.1. The following terms used in this law shall have the following meanings:

3.1.1. "Permanent port" means a port that operates on a permanent basis in accordance with the schedule specified in an international treaty to which Mongolia is a party;

3.1.2. "Port infrastructure" means the normal operation of roads, railways, air transport infrastructure and border control organizations for the transportation of passengers, vehicles, goods, livestock, animals, plants and their raw materials and products at the border crossing, engineering infrastructure that creates conditions and meets security requirements at border crossings;

3.1.3. "Contracted border guard" means a citizen who is actually serving in the military on a voluntary basis after conscription;

3.1.4. "Passenger" means a citizen of Mongolia, a foreign citizen or a stateless person entering the state border with a document entitling him / her to cross the state border;

3.1.5. "International port" means a port for the passage of passengers, vehicles, goods, livestock, animals, plants, their raw materials and products across the state border in accordance with an international treaty to which Mongolia is a party, regardless of nationality;

3.1.6. "Temporary port" means a port that operates temporarily in accordance with an international treaty to which Mongolia is a party;

3.1.7. "Vehicle" means all types of aircrafts, floating devices, trains, automobiles, motorcycles and self-propelled vehicles crossing the state border through a border crossing;

3.1.8. "State cross-border facility" means a railway, road, oil and gas pipeline, communication, power line, bridge, dam, fence and other facilities crossing the state border line;

3.1.9. "Engineering and technical facilities for state border protection" means barriers, lanes, roads, bridges, control towers, communications and alarm control facilities designed to detect and stop violations of the border and border regime, and to support state border protection equipment, road barriers and other facilities;

3.1.10. "Member of the state border protection auxiliary force" means a citizen of Mongolia who is a member of the state border protection auxiliary force;

3.1.11. "State border protection organization" means the state administrative body responsible for organizing and managing the state border protection in Mongolia, its border military units and branches;

3.1.12. "Border crossing point" means a place specially designated by a border control organization for inspection of passengers, vehicles, goods, livestock, animals, plants and their raw materials and products crossing the state border;

3.1.13. "Border resident" means a citizen of Mongolia registered as a permanent resident in the border area;

3.1.14. "Border territory" means the territory of a soum bordering on a neighboring country;

3.1.15. "Border water" means as specified in 3.1.11 of the Law on Water;

3.1.16. "Border control organization" means a state border protection, customs, professional inspection, foreign citizen authorized to inspect and register passengers, vehicles, goods, livestock, animals, plants and their raw materials and products; , citizenship organizations;

3.1.17. "Border guard" means one or several armed border guards who are fulfilling the Mongolian border protection order;

3.1.18. "Border guard" means a real military serviceman serving in the border troops;

3.1.19. "Bilateral port" means a passenger, vehicle, goods, livestock, animals, plants, their raw materials and products crossing the state border in accordance with an international agreement of Mongolia concluded with a neighboring country on border crossing issues. port of entry;

3.1.20. "Floating device" means a self-propelled or non-self-propelled mobile device on water;

3.1.21. "Inspection zone" means a place specially equipped by a border control organization for the purpose of conducting inspection activities at a border crossing point.

Article 4. Mongolian border

4.1. The border of the territory of Mongolia on the surface and water surface shall be separated from the borders of the territory of the neighboring state, defined by an international treaty to which Mongolia is a border (hereinafter referred to as "state border"). There is an air boundary just above the line and a subterranean boundary just below the line.

4.2. The state border shall be inviolable.

4.3. The inviolability of the state border shall be ensured so that the state border line is not changed illegally and Mongolia's international treaties on border issues are not violated.

4.4. Border strips and port lands bordering on the border of a neighboring state shall be state property.

Article 5 Border security of Mongolia

5.1. Border security of Mongolia (hereinafter referred to as "border security") is an integral part of the national security of Mongolia.

5.2. Border security means ensuring the core national interests in the state border and border area, and ensuring favorable external and internal conditions.

5.3. Border security shall be a unified policy, coordinated political, legal, diplomatic, economic, environmental policy of the state authorities aimed at ensuring the core national interests in the state border and border areas and implementing the state border policy. Provide comprehensive intelligence and state border protection activities.

5.4. The Government shall be responsible for establishing an integrated system for ensuring border security, coordinating the activities of organizations and citizens, and ensuring the implementation of the state policy on borders.

Article 6. Resolve the issue of state border line

The State Great Hural (Parliament) of Mongolia (hereinafter referred to as the "State Great Hural") and the Government shall jointly inspect the issue of defining, establishing and changing the state border line.

Article 7 Defining state borders

7.1. In order to determine the state border on the spot, the border line with the neighboring state shall be determined and a border agreement shall be concluded and ratified by the State Great Hural.

Article 8. Defining the state border

8.1. The state border shall be determined on the spot in accordance with the following principles:

8.1.1. On land in a straight line connecting certain signs and stable objects, or on a mountain watershed;

8.1.2. In a straight line connecting the two ends of the state border line in the middle of the main stream in rivers, streams and streams, and in the lake facing the shore of the lake;

8.1.3. By crossing the state border line at the state cross-border facility.

The State Great Hural may decide on the demarcation of the state border specified in Article 8.1 of this Law or on other principles.

8.3. The location of the state border line and border markers shall be determined on the spot in cooperation with the neighboring country.

8.4. The State Great Hural shall appoint the members of the Mongolian side to demarcate the state border.

Article 9. Marking the state border

9.1. The state border shall be determined on the spot by geodetic methods in accordance with an international treaty to which Mongolia is a party with a neighboring country, and shall be marked with a clearly visible and strong border marker.

Article 10. Joint inspection of state borders

10.1. The location of the state border line and border markers shall be inspected jointly with the neighboring country in accordance with the international treaty concluded by Mongolia on border issues.

10.2 The Government shall appoint the members of the Mongolian side to jointly inspect the state border.

10.3. Representatives of professional organizations and local authorities shall be included in the composition specified in 10.2 of this Law.

10.4. If the state border line is changed during the joint inspection of the state border, it shall come into force upon the adoption of a law by the State Great Hural based on the provisions of an international treaty to which Mongolia is a party.

Article 11 Monitoring the implementation of Mongolia's border legislation

11.1. The state administrative center in charge of state border protection and the management of the state border protection organization, administrative and territorial unit shall monitor the implementation of Mongolia's border legislation and international agreements concluded on border issues in accordance with the legislation.

CHAPTER TWO STATE BORDER REGIME

Article 12 The purpose of the state border regime

The purpose of the state border regime is to clarify the state border on the basis of international agreements concluded by Mongolia on border issues with neighboring countries, to prevent border violations, and to provide passengers, vehicles, goods, livestock, plants and their raw materials and products. to regulate the introduction and other activities related to border issues.

Article 13 The content of the state border regime

The content of the state border regime shall consist of procedures for guarding the state border, allowing passengers and vehicles to cross the state border, using border water and cross-border facilities, conducting hunting, work and production at the border, and protecting the environment and animals.

Article 14 Establish state border regime

14.1. The State Great Hural shall determine the legal basis of the state border regime by law, and the Government shall determine the state border regime by an international agreement concluded by Mongolia with a neighboring state.

14.2. The State Great Hural shall ratify the State Border Regime Agreement.

Article 15 Protection of state borders

15.1. The state border lines, signs and their links shall be kept intact on the ground in accordance with the international treaty of Mongolia concluded on border issues with the neighboring state.

15.2 A strip shall be made in the forest crossing the state border line so that the state border is clearly visible.

15.3. The maintenance, restoration and repair of the state border mark, clarification and inspection of the state border line shall be carried out in accordance with the international agreement of Mongolia concluded with the neighboring country on border issues.

Article 16 Passing passengers and vehicles across the state border

16.1. Passengers, vehicles, goods, livestock, animals, plants and their raw materials and products crossing the state border by land, water and air shall be allowed to cross the state border in accordance with the legislation and international treaties of Mongolia concluded on border issues.

16.2. An aircraft shall enter through an air gate set by the state border, fly by an authorized air route, and take off and land only at an airport with a border crossing, and the Government shall decide on entry, landing and take-off at other places.

16.3. The distance from the state border line to the border crossing point shall be under the control of the state border protection organization and the airspace shall be under the control of the air force of the armed forces.

16.4. The Government shall approve the procedure for entering the state border by water on the basis of legislation and international treaties of Mongolia concluded with neighboring countries on border issues.

16.5. Foreign aid personnel to assist in the elimination of damage caused by a disaster shall be allowed to cross the state border by an international agreement of Mongolia on border issues and a decision of the Government.

Article 17 Inspection agency to work at the state border

17.1. For the purpose of inspecting passengers, vehicles, goods, livestock, animals, plants and their raw materials and products, the State Border Protection, Customs and Specialized Inspection Agency and foreign citizens and nationality organizations shall work at the border crossing point.

17.2. Passengers and vehicles shall enter the border crossing point on the established route and officers of the State Border Protection, Customs and Specialized Inspection Agency shall be obliged to inspect them.

17.3. The Border Inspection Agency shall carry out inspections in the following order when introducing passengers, vehicles, goods, livestock, animals, plants and their raw materials and products across the state border: 17.3.

17.3.1. Specialized inspection, Customs and state border protection organizations in the direction of movement across the state border;

17.3.2. State border protection, specialized inspection and Customs organization in the direction of traffic entering the state border.

17.4. Violations of visas and registration of foreign citizens detected by the inspection of the border control authority shall be resolved by the organization of foreign citizens and nationality.

17.5. The inspection of the Border Inspection Agency shall be completed within the scheduled time of the vehicle. If necessary, this period may be extended by agreement with the relevant authority.

17.6. The state border protection organization shall make a note in the passenger's right to cross the state border, keep a register of passengers and vehicles crossing the state border and establish a unified fund.

17.7. A passenger shall not be allowed to cross the state border if the competent authority has notified the state border protection authority in accordance with relevant procedures of not allowing the passenger to cross the state border.

17.8. The member of the Government in charge of state border protection shall approve the procedure for using the unified database of passengers and vehicles crossing the state border and exchanging information.

Article 18 Border water

18.1. In the Mongolian part of the border water, floating means other than those used for state border protection shall be allowed to be kept in the border water only during daylight hours or from sunrise to sunset. It is prohibited to stop a floating device at the state border, except when necessary. The float shall have an identification mark and number on both sides.

The State Central Administrative Body Responsible for Water Matters and the State Border Protection Body shall jointly implement the issues of protection, use and non-intentional diversion of transboundary water.

18.3. Procedures for protection and use of transboundary water shall be established in accordance with the legislation and international treaties to which Mongolia is a party on border issues.

Article 19 Use of state cross-border facilities

The construction, operation, maintenance and protection of transboundary facilities shall be regulated by legislation and international treaties to which Mongolia is a party.

Article 20 Hunting, work and production at the state border

Procedures for hunting, use of natural resources, animal husbandry, exploration and other production and economic activities at the state border shall be established in accordance with the legislation and international treaties to which Mongolia is a party.

Article 21 Protect the environment and wildlife in the border areas

21.1. The issue of classifying a certain amount of land as a state special protected area in accordance with the legislation and international treaties of Mongolia shall be resolved on the basis of an agreement with the neighboring country for the purpose of preserving the natural environment and protecting fauna and flora.

21.2. In order to limit the spread of infectious diseases to humans, animals and plants in the territory of Mongolia and neighboring countries, to temporarily stop and restrict the movement of passengers and vehicles at the state border in the area of the outbreak, goods, animals, plants and their raw materials The Government shall decide on the issue of prohibiting the entry of goods and products across the state border.

21.3. Management of administrative and territorial units, citizens, business entities and organizations shall take measures to prevent forest and steppe fires in the border area and extinguish fires.

Article 22 Border conflict

The following actions shall be considered as border violations:

22.1.1. Has crossed or attempted to cross the state border by land, water or air through a non-border crossing point;

22.1.2. Entered or attempted to enter the state border without a valid entry document or with invalid documents;

22.1.3. Crossed the state border through the subsoil;

22.1.4. Vehicles and items have been illegally crossed or attempted to cross the state border through a non-border crossing point.

A person who violates Articles 22.1.1, 22.1.2 and 22.1.3 of this Law shall be considered a border trespasser.

Article 23 Border representative of Mongolia

23.1. The Border Representative of Mongolia (hereinafter referred to as the "Border Representative") and his / her deputy shall be appointed by the Head of the State Border Protection Organization in charge of implementing international treaties on border issues in certain parts of the state border, preventing and resolving border violations.

A border representative shall have the right to appoint assistants, secretaries, translators and specialists.

23.3. The instructions of the border representative office shall be approved by the head of the state border protection organization.

23.4. Border agents, deputies and assistants shall detain a foreign citizen or stateless person who has violated the border until he / she is handed over to the border authority of the neighboring state, except in cases of committing a crime in the territory of Mongolia.

23.5. The border representative shall cooperate with the border representative of the neighboring country in the manner specified in the international agreement of Mongolia. Issues that the Border

Representative deems necessary to negotiate and resolve shall be resolved at a meeting of the Border Representative's Deputy and Assistant.

23.6. Border representatives, deputies, assistants, translators and experts appointed in accordance with an international treaty of Mongolia concluded with a neighboring state on border issues shall be under the protection of that state and enjoy inviolable rights in the performance of their official duties.

23.7. If the border meeting road specified in the border regime agreement coincides with the border crossing road, the staff of the meeting, negotiation, joint inspection and border representative shall be admitted without hindrance in accordance with the provisions of the international agreement.

23.8. The border representative and his / her accompanying staff shall carry the state border entry certificate with them when crossing the border and shall fly the national flag of Mongolia on their vehicle.

Citizens, business entities and organizations shall be obliged to assist the Border Representative in performing his / her official duties.

23.10. Issues that cannot be resolved by the border representative shall be resolved through diplomatic channels.

CHAPTER THREE BORDER REGIME

Article 24 The purpose of the state border regime

The purpose of the state border regime shall be to maintain the state border regime, prevent and suppress border violations, and carry out state border protection activities in the border area.

Article 25 The content of the state border regime

The content of the state border regime shall consist of procedures to be followed in the border strip, port and zone.

The head of the state border protection organization shall approve the procedure for issuing permits and controlling access to border strips, ports and zones.

Article 26 State border strip, procedures to be followed and prohibited items

26.1. The state border strip shall be the territory where special regulations have been established not more than 15 km inside the state border line for the purpose of maintaining the state border regime, organizing the state border protection and inspection service, and constructing border engineering and technical facilities.

26.2 The following procedures shall be followed on the state border:

26.2.1. A citizen entering the state border shall have a Mongolian identity card or equivalent document;

26.2.2. The Government shall decide on the construction, operation and land use of buildings and structures other than those intended for border protection along the state border;

26.2.3. Citizens, business entities and organizations shall enter the state border with the permission of the state border protection organization and conduct work and production not prohibited by this law and other legislation;

26.2.4. The state border protection organization shall monitor and inspect the implementation of the regulations to be followed on the state border strip.

26.3. The following activities are prohibited on the state border:

26.3.1. To allow possession and ownership of land along the state border;

26.3.2. To destroy, damage, move or transfer state border markers, links and engineering and technical facilities for border protection purposes;

26.3.3. To plow land, change the course, level and direction of transboundary water, block flow, build ditches and construct buildings and structures on grounds other than those permitted by this law;

26.3.4. To go behind the border guard engineering and technical facilities without the permission of the state border protection organization, to go to the state border line and sign;

26.3.5. To carry out activities that impede the observance of the state border and border regime, to carry out blasting without prior notification to the state border protection authority;

26.3.6. To place and distribute radioactive and toxic chemicals;

26.3.7. To hunt, capture and chase wild animals within 2000 meters from the state border;

26.3.8. To keep unanswered livestock;

26.3.9. To live between the state border line, engineering and technical facilities for border protection purposes without the permission of the state border protection organization;

26.3.10. To hunt and catch game animals by methods and weapons prohibited by law.

26.4. A business entity or organization carrying out activities specified in 26.2.2 of this Law on the state border shall be responsible for the funds required for taking additional border protection measures in the respective part of the border.

Article 27 Types, regimes and grades of border crossings

27.1. Border crossings shall be of air, rail and road types, permanent and temporary, and international and bilateral.

The Government shall determine the type, procedure and grade of the border crossing point.

Article 28 Border crossings and procedures to be followed

The establishment and closure of a new border crossing point shall be decided by mutual agreement with the neighboring country through diplomatic channels based on the decision of the State Great Hural.

The Government shall decide on the temporary closure of the border crossing point and the cessation of movement through it.

28.3. The schedule for opening and closing the border crossing point shall be determined by the international treaty of Mongolia concluded with the neighboring country on border issues, and the border representative shall be responsible for its implementation. The issue of opening the border crossing in case of emergency other than the period specified in the agreement shall be resolved through diplomatic channels.

28.4. After the construction of buildings, areas and their equipment required for border control, the state border protection organization shall open and operate the border crossing point in cooperation with other border control bodies.

28.5. In order to ensure security and maintain order, the State Border Protection Agency shall implement the procedures to be followed at the port, provide general coordination, and coordinate the activities of border control agencies.

28.6. The procedure to be followed at the border checkpoint shall consist of measures to allow passengers and vehicles to be inspected and released, to stop vehicles, to maintain order and to ensure safety.

28.7. It shall be prohibited for an outsider to enter the vehicle being inspected by the Border Inspection Agency.

28.8. Changing the direction and location of vehicles crossing the state border, boarding and disembarking passengers shall be carried out with the permission of the state border protection organization.

28.9. Employees of business entities and organizations operating at the border crossing point shall be granted a one-year entry permit and the permit shall be revoked in case of violation of the border crossing regulations.

28.10. Security activities at border crossings shall be an integral part of state border security and shall consist of comprehensive measures to enable border control organizations to conduct inspections, maintain order, prevent, detect, suppress illegal actions and implement them in case of emergency. .

28.11. In case of public disorder, disaster or emergency situation at the border crossing point, the state border protection organization in cooperation with relevant organizations shall establish a special regime and take organizational measures.

28.12. It shall be prohibited to hold demonstrations, rallies, block traffic at the border crossing and disrupt normal activities in other ways and forms.

28.13. If necessary, the state border protection organization may take additional measures to ensure the security of the border crossing.

28.14. The state border protection organization shall decide on the establishment of the settlement zone for border guard employees at a certain distance from the border point.

Article 29 Border management

29.1. The National Council of Non-Staff Border Ports shall be responsible for developing, implementing and coordinating the policy on border development.

The National Border Council shall consist of a member of the Government in charge of state border protection, finance and foreign relations, representatives of border control organizations, the Chamber of Commerce and Industry and the Logistics Association. The Chairman of the National Border Council shall be a member of the Government in charge of finance.

29.3 The charter of the National Border Gate Council shall be approved by the Government.

The National Border Council shall exercise the following powers:

29.4.1. To develop proposals on construction and expansion of border crossings and resolving border infrastructure issues;

29.4.2. To make recommendations on ensuring coordination of the work of the border control organization and improving the operation of the border checkpoint;

29.4.3. To develop proposals on social issues of border control officers;

29.4.4. To approve border development, infrastructure and investment programs and plans;

29.4.5. Approve common procedures to be followed at border crossings.

29.5. The National Council of Border Ports shall issue resolutions and recommendations on the issues discussed and the Border Inspection Agency shall organize its implementation and report its implementation and results to the National Council of Border Ports within the set time.

29.6. If the National Border Council considers it necessary, it shall submit certain issues to the Cabinet meeting for resolution and report to the Government.

29.7. A border crossing council with the participation of representatives of border control, intelligence and transportation organizations shall operate at the respective border crossing point and the chairman of the border crossing council shall be a border representative.

29.8. The procedure to be followed at each border crossing point in accordance with the general procedure set forth in Article 29.4.5 of this Law shall be approved by the chairman of the border crossing council.

Article 30 State border zone and its regulations

In order to ensure the security of the border area and to prevent border violations, the territory established by special regulations shall be called the state border zone and its width shall be determined

by the state border protection organization in consultation with the Governor of the unit no more than 100 km.

The following procedures shall be followed in the state border area:

30.2.1. A permanent resident of the border area shall be free to travel, reside, work and engage in production up to the state border strip;

30.2.2. A citizen who does not reside in the state border zone shall have a Mongolian identity card or similar document when entering the border zone;

30.2.3. In case a citizen, business entity or organization that does not permanently reside in the border area enters the state border area and conducts work or production, obtain permission from the state border protection organization;

30.2.4. Unless otherwise provided by law, foreign citizens and stateless persons shall be prohibited from residing permanently in the state border area;

30.2.5. Prohibit a foreign citizen who has crossed the state border with a valid document on the right to travel to the border area to leave the territory of the respective soum.

30.3. Management of administrative and territorial units shall monitor the implementation of regulations to be followed in the state border zone in cooperation with the state border protection organization.

CHAPTER FOUR

State Border Protection, State Border Protection Organization, its system, functions and powers

Article 31 State border protection

31.1. State border protection is an integral part of measures to ensure national security.

31.2. In order to ensure the inviolability of the state border, to implement Mongolia's border legislation and international agreements concluded on border issues, and to prevent, detect and suppress border violations, state border strips, ports, zones and border areas shall be protected. State border protection is a combination of measures to maintain the border regime, to check passengers and vehicles, and to carry out military, engineering, information technology, intelligence, and border mission activities.

31.3. The state border protection organization on land and water shall be protected by the state border protection organization and the air border shall be protected by the air force of the armed forces.

Article 32 Basic principles of state border protection

The following basic principles shall be followed in organizing the state border protection:

32.1.1. To ensure the national security of Mongolia;

32.1.2. To prevent the occurrence of armed aggression on the state border and to resolve conflicts and disputes on border issues by peaceful means;

32.1.3. To jointly protect the state border with neighboring countries;

32.1.4. Regional protection of the state border;

32.1.5. To uphold the law;

32.1.6. Respect for human rights and freedoms.

Article 33 Regional border protection

33.1. Regional border protection shall be differentiated organization of state border protection taking into account border conditions, nature, geography and weather features.

33.2 The Government shall set norms and amounts for additional payment, salaries, supplies and supplies of border guards in connection with regional border protection.

33.3. The head of the state border protection organization shall approve the procedures and instructions related to the organization of regional border protection, its methods and supply services.

Article 34 The system of state border protection organizations

34.1. The main force of the State Border Guard shall be the Border Troops and the Border Troops shall have the Border Troops headquarters, units, branches, armaments, equipment, rear, supply, medical, cultural, sports, educational and research facilities necessary for normal operation. and other units.

34.2. The state border protection organization shall have a first deputy chief and a chief and deputy chief of the border military staff.

34.3 The number, location and rank of border military units and branches shall be determined by the Government in accordance with the principle of cooperating with neighboring countries on an equal footing and in proportion to their interests in ensuring the security of state border protection.

34.4. The state border protection organization shall have a symbol. The design of the emblem and the procedure for its use shall be approved by the member of the Government in charge of state border protection.

34.5. The budget of the state border protection organization shall be reflected and financed in the state budget.

Article 35 Functions of the state border protection organization

35.1. The State Border Protection Organization shall perform the following functions:

35.1.1. To implement the state policy on the state border;

35.1.2. To organize and manage the state border protection at the national level;

35.1.3. To implement Mongolia's obligations under international treaties concluded on border issues and to maintain the state border regime;

35.1.4. Not to allow illegal alteration of the state border line;

35.1.5. To maintain the border regime, prevent border violations and resolve border violations in accordance with the law;

35.1.6. To inspect passengers and vehicles crossing the state border, ensure security at the border crossing point, and enforce procedures to be followed at the border crossing point;

35.1.7. To take measures to suppress public disorder at the state border and border crossings;

35.1.8. Detection and suppression of transboundary crimes;

35.1.9. To promptly transmit information on piloted and unmanned aerial vehicles that may have violated the air border to an air force unit or branch of the Armed Forces;

35.1.10. Others specified in the law.

Article 36 Powers of the state border protection organization

36.1. The State Border Protection Organization shall exercise the following powers:

36.1.1. The location of state border lines, signs and links, their maintenance, repair, restoration and erection of border signs, and resolution of violations at the state border;

36.1.2. To deploy its forces and equipment in the border strip, zone and border area in the interests of state border protection, to build engineering, technical and road communication facilities;

36.1.3. To inspect the documents of citizens, business entities and organizations, to inspect vehicles for the purpose of detecting border violators, and to accompany guards in the performance of his / her official duties;

36.1.4. To check documents, make notes, confiscate conflicting documents and transfer them to relevant organizations when crossing the state border for passengers and means of transport at the border crossing point;

36.1.5. To seize and transfer to the relevant authorities the items prohibited for crossing the state border discovered during the inspection of a vehicle crossing the state border for the purpose of detecting a trespasser;

36.1.6. To conduct border search and special operations for the purpose of apprehending border violators;

36.1.7. During border search and special operation, access to and inspection of premises and apartments of citizens, business entities and organizations, railway stations, crossings, airports, transport bureaus, vehicles entering and exiting border crossings in the search strip; stop and check traffic if necessary;

36.1.8. To mobilize the vehicles of citizens, business entities and organizations and to pay appropriate fees and expenses if necessary during the search and detention of a border trespasser;

36.1.9. Border agents, deputies and assistants shall detain a person who has violated the state border and border regime for a period not exceeding six hours, check the documents of the person who violated the law, inspect items or objects in his / her ownership or possession., temporary seizure of documents, sealing, checking for alcohol, drugs and psychotropic substances, suppression of crime, entry into the premises of an organization or citizen during the investigation of the offender, examination of the detainee's belongings and property, to make notes in accordance with the law in each case of confiscation of items and documents;

36.1.10. To submit official demands to citizens, business entities and organizations in connection with border violations and to eliminate violations;

36.1.11. To keep necessary records in order to maintain the state border and border regime and monitor the procedure for admitting passengers and vehicles across the state border;

36.1.12. To repel armed attacks on the territory of Mongolia, to stop provocations and sabotage operations on the state border;

36.1.13. To confiscate goods and means of transport that have crossed or attempted to cross the border through non-border crossing points and transfer them to relevant organizations;

36.1.14. To plan and implement measures aimed at ensuring the security of the state border and border crossing point.

36.2. The State Border Protection Agency shall cooperate with the armed forces, intelligence, police and other relevant organizations in order to exercise its powers specified in Article 36.1 of this Law.

Article 37 Powers of the head of the state border protection organization

The head of the state border protection organization shall work under the leadership of the member of the Government in charge of state border protection.

37.2. The head of the state border protection organization shall be the border guard commander.

37.3. In addition to the powers specified in Article 8.3 of the Law on the Legal Status of Government Agencies, the head of the State Border Protection Agency shall exercise the following powers:

37.3.1. To implement the state border protection policy within the framework of legislation and international agreements concluded by Mongolia on border issues;

37.3.2. To issue state border protection guidelines and orders on border protection activities, monitor their implementation, and consolidate and manage border military units and branches;

37.3.3 determine the human resource policy of the state border protection organization and ensure its implementation;

37.3.4. To dispose of budget funds;

37.3.5. To make and implement decisions on issues related to state border protection in cooperation with the state central administrative body and aimag governors;

37.3.6. Others specified in the law.

Article 38 Border guards, ranks, uniforms

38.1. The service of border guards and their legal status shall be regulated by the Law on Military Service, the Law on the Legal Status of Military Servicemen and this Law.

38.2. The head, first deputy head and deputy heads of the state border protection organization shall have the highest military rank.

38.3. Border guards shall be governors and subordinates of each other according to their rank and rank.

38.4. A border guard shall be awarded a military rank specified in the Law on Military Service, taking into account his / her position and length of service.

38.5 The Government shall approve the procedure for contracted border service in the State Border Protection Organization.

38.6. A contracted border guard shall enjoy the same salary and benefits specified in the legislation as a leader serving in the state border protection organization.

38.7. The President of Mongolia shall approve the design and application procedure of the uniform of the State Border Protection Organization, the Government shall approve the service life, and the supply instructions shall be approved by the Head of the State Border Protection Organization.

38.8. It shall be prohibited for citizens and organizations to use the uniforms of the state border protection organization except in cases provided by law.

Article 39 Legal guarantees of border guards and citizens performing official duties at the state border

A border guard or a citizen performing official duties at the state border shall have the right to be a state representative and to make legal demands on citizens and officials in the interests of the state and to ensure their fulfillment.

39.2. If a citizen dies as a result of a criminal offense while performing official duties at the state border, his / her family shall be provided with a one-time non-refundable allowance equal to five years' average salary specified in Article 39.8 of this Law.

39.3. In case of injury or damage to health while performing official duties, the state shall be responsible for medical expenses, allowances in case of loss of ability to work, difference in basic salary, and expenses for prostheses.

39.4. Border guards serving at the state border shall be provided with jobs on a first-come, first-served basis, and in case of non-employment, health and social insurance premiums for the period of unemployment shall be paid from the state budget.

39.5. Border guards serving in the border branch and guard shall be provided with food supply and the amount of food supply shall be determined by the Government.

39.6. If a border guard and his / her family are on vacation in their homeland (husband and wife), the state shall be responsible for transportation expenses once every two years.

39.7. Officers and captains serving at the state border for more than five years shall receive a one-time cash bonus of 50 percent of their basic monthly salary in the border sector, 35 percent in the border military unit located in a non-residential area; in the air force, at a rate of 25 percent every five years.

39.8. The basic monthly salary of a citizen or conscript specified in Articles 39.2 and 39.3 of this Law shall be equal to the salary of the head of the state border protection organization.

39.9. The discounts specified in Articles 39.2, 39.3, 39.4, 39.5 and 39.6 of this Law shall not be applied in duplicate with the discounts specified in other legislation.

CHAPTER FIVE USE OF POWER, SPECIAL EQUIPMENT AND FIRE

Article 40 Use of physical force

40.1. Border force shall be used in the following cases:

40.1.1. Failure to comply with the legal requirements of the border guard or objection;

40.1.2. Protested during the arrest or detention;

40.1.3. In cases specified in this law for the use of special means and firearms.

40.2. It shall be prohibited for a border guard to use physical force on a person, a child, a pregnant woman, a person with a disability or a person who is obviously injured, except in the following cases:

40.2.1. Assault in a manner that may cause harm to his / her life or health of others;

40.2.2. The person may commit an act that may endanger his / her life or health;

40.2.3. May cause serious damage to other people's property.

Explanation: The term "use of physical force" in this article refers to the use of one's own physical or professional training to restrict the movement of others.

Article 41 Types of special tools

41.1. The state border protection organization and border guard shall use the following special tools:

41.1.1. For each;

41.1.2. To affect many people;

41.1.3. other.

41.2. Vehicles equipped with special means such as helicopters, armored personnel carriers, land and water carriers, vehicle stop, breakers, firearms, service dogs and other special means may be used for state border protection activities.

41.3. Border guards shall be provided with special means while performing their official duties.

41.4. Instructions on the use of special equipment and physical force shall be approved by the Government member in charge of state border protection in consultation with the General Prosecutor.

41.5. The head of the state border protection organization shall approve the instructions related to storage, possession and supply of firearms and all types of special equipment at the border military unit, branch and border crossing point.

Article 42 Special tools for each

The following instruments shall be included in each special instrument:

42.1.1.gav;

42.1.2. Horses, shirts and other means of restricting movement;

42.1.3. A truncheon;

42.1.4. Electric shock;

42.1.5. A gun or shower filled with tear gas or choking;

42.1.6. Rifles with rubber and plastic bullets;

42.1.7. other.

Article 43 Use special tools for each

43.1. Special means for each frontier guard shall be used in the following cases:

43.1.1. To stop the danger to his / her life and health of others;

43.1.2. To stop violations of the border and border regime, to detain and arrest the person who committed the violation;

43.1.3. To arrest an armed person or a person who may protest with the use of weapons;

43.1.4. To deliver an arrested or detained person in armor;

43.1.5. For the purpose of preventing the person under control from committing suicide, causing bodily injury or fleeing;

43.1.6. If he / she is unable to control himself / herself due to mental illness or severe emotional distress, as well as uses alcohol, drugs or psychotropic substances, or behaves violently and harms the life, health and property of others;

- 43.1.7. Fleed without complying with the request of the official authorized to stop the vehicle;
 - 43.1.8. In cases where this law provides for the use of firearms.
- 43.2. It shall be prohibited for a border guard to use special equipment for a child, pregnant woman, disabled person, elderly person or a person who is known to have injuries, except in the following cases:
- 43.2.1. Armed or in a group attack that may cause harm to the life or health of a border guard or others;
 - 43.2.2. A person armed with firearms, items that may cause harm to human life or health has failed to comply with or resisted the requirement to confiscate his / her weapon;
 - 43.2.3. If there is a possibility of suicide.
- 43.3. The decision to use special equipment for each unit shall be made independently by the border guard in accordance with the circumstances.

Article 44 A special tool that affects many people

The following means shall be included in special means affecting many people:

- 44.1.1. Tearful or suffocating affecting many people;
- 44.1.2. Water bellows;
- 44.1.3. Smoke curtain generator;
- 44.1.4. other.

Article 45 Use special tools that affect many people

45.1. The decision to use special means to influence many people shall be made by the head of the state border protection organization and the official in charge of the operation upon his / her authority.

45.2. Special means to influence many people shall be used in the following cases:

45.2.1. A group attack or protest in a manner that may cause harm to the life or health of a border guard or others;

45.2.2. A group attack or attempted attack on an object under the protection of the state border protection organization;

45.2.3. To stop or arrest a group of crimes that may cause harm to human life and health;

45.2.4. A group armed with firearms or other items that may cause serious damage to human life or health has failed to comply with the requirement to confiscate their weapons;

45.2.5. In the event of a group violation of the border or border regime, or the cessation of public disorder at the border crossing, or the forcible dispersal of a violent demonstration or assembly.

45.3. The following measures shall be taken before using special means to affect many people:

45.3.1. To warn about the use of special tools;

45.3.2. To inform about the impact of special means.

45.4. The warnings and information specified in 45.3 of this Law shall be organized using all possible means to deliver to the majority of people who may be affected by special means.

45.5. Special means of influencing the public shall be used immediately if the action is not stopped within the specified period after the warning specified in 45.3.1 of this Law, the requirements are not met, or there is a situation that endangers human life and health.

45.6. After using special means to affect many people, the organization that carried out the operation shall take the following measures in cooperation with the relevant professional organization: 45.6.

45.6.1. To inspect and make safe the presence of poisoned people, animals, sources of explosions, chemical and hazardous toxic substances, and fires;

45.6.2. To provide first aid and other necessary services;

45.6.3. To notify the relevant authority on taking measures to disinfect and clean the environment;

45.6.4. To conduct patrols and protection in the area and give advice and warnings until the special equipment expires or the dangerous situation disappears.

Article 46 Special means of forcible stopping of vehicles

46.1. Special means for compulsory stop of border vehicles shall be used in the following cases:

46.1.1. There is a need to stop the actual danger to his / her life or health of others;

46.1.2. The trespasser fled by driving the vehicle or fled by transporting the trespasser;

46.1.3. Failed to comply with the requirements set by the authorized official to stop the vehicle and fled.

46.2. It shall be prohibited to use special means of involuntary stopping of vehicles in high traffic areas and in case of danger to the public.

Article 47 Use a service dog

47.1. A border guard may use an official dog for the purpose of preventing, detecting, suppressing border violations and maintaining the border and border regime.

47.2. The member of the Government in charge of state border protection shall approve the procedure for training, use and protection of official dogs.

Article 48 Grounds for the use of firearms

48.1. Border troops, branches and border guards shall use firearms without prior warning in the following cases:

48.1.1. To repel an armed attack on the territory of Mongolia;

48.1.2. To stop armed provocations and sabotage operations occurring at the state border;

48.1.3. To suppress the armed resistance of the trespasser;

48.1.4. During hostage-taking or counter-terrorist special operations in border areas, border crossings and zones;

48.1.5. Violently attacked or attempted to attack an object under the protection of the state border protection organization.

48.2. Border guards shall issue firearms in advance, but if the attack continues, firearms shall be used in the following cases:

48.2.1. It is not possible to stop provocations and actions of border violators by other means;

48.2.2. Measures have been taken to protect civilian property from armed attack but shall not be terminated;

48.2.3. Threats to the life and safety of a border guard shall not be stopped without the use of weapons.

48.3. Border guards may use firearms to protect themselves and others from wild animals.

48.4. Hunting and cross-border shooting shall be prohibited.

48.5. The state border protection organization and border guard shall not be liable for the consequences arising from the use of firearms, special equipment, service dogs and physical force in accordance with the grounds and procedures specified in the law.

CHAPTER SIX RIGHTS AND RESPONSIBILITIES OF STATE AND LOCAL ADMINISTRATIVE ORGANIZATIONS TO ENSURE BORDER SECURITY

Article 49 Rights and responsibilities of government organizations and officials

A member of the Government in charge of state border protection shall have the following rights and responsibilities:

49.1.1. Improve the unified state border protection system and ensure the implementation of the border policy in the field of ensuring the inviolability of the state border and security of the border area;

49.1.2. Submit the state border protection charter to the President of Mongolia for approval based on the proposal of the state border protection organization;

49.1.3 approve the structure and staffing of the state border protection organization;

49.1.4. To develop projects and programs related to state border protection and ensure their implementation.

49.2. The State Central Administrative Body, state administrative body and official shall perform the functions of ensuring state border security in accordance with the relevant law.

49.3. Other state administrative organizations and business entities shall implement the border legislation of Mongolia, provide support and assistance to the state border protection organization, and provide products required for border protection in the first place.

Article 50 Powers of the Governor of the administrative and territorial unit

50.1. Governors of border aimags and soums shall have the following full rights:

50.1.1. To assist in the supply and service of the state border protection organization located in the territory under its jurisdiction and to monitor the observance of the border legislation of Mongolia by citizens, officials, business entities and organizations;

50.1.2. To provide necessary support and assistance for maintaining the state border and border regime;

50.1.3. To involve citizens in state border protection on a voluntary basis;

50.1.4. To organize citizens as an auxiliary force for state border protection by their work, production and territorial location and to involve them in border protection;

50.1.5. Include additional expenditures for state border protection in the budgets of border aimags and soums.

50.2. Governors of border aimags and soums shall have a non-staff council (hereinafter referred to as "council") of the state auxiliary forces for the purpose of exercising their powers specified in 50.1 of this law.

50.3. The State Border Protection Organization, the Border Aimag and Soum State Border Guard Auxiliary Forces Council may provide incentives to members of the Auxiliary Forces who actively participated in border protection.

50.4. The President of Mongolia shall approve the procedure for participation of citizens in state border protection.

CHAPTER SEVEN PARTICIPATION, CIVIL RIGHTS AND OBLIGATIONS IN STATE BORDER GUARDS

Article 51 Involve auxiliary forces in state border protection

51.1. Auxiliary forces for state border protection shall participate in maintaining the border and border regime in the border area.

51.2. Auxiliary forces for state border protection shall be established by the order of the aimag governor based on the proposal of the state border protection organization at the border aimags, soums, bagh centers, border ports, border military units, branches, settlements, railway stations, crossings and other necessary places.

51.3. When registering a citizen of Mongolia who has reached the age of 18 and is a permanent resident of the border area as a member of the State Border Protection Auxiliary Forces, it shall be discussed and approved by the Aimag or Soum Auxiliary Forces Council based on his / her written request.

Article 52 Management of auxiliary forces for state border protection

52.1. Border aimag and soum governors, their subordinate councils and state border protection organizations shall provide guidance to the state border protection auxiliary forces within their respective powers.

52.2. The Chairman of the Council shall be the Governor of the border aimag or soum, his / her Deputy Chairman shall be the Head of the Border Troops, and the Secretary shall be the Head of the Border Aimag and Soum Governor's Office.

52.3 The composition of the Council shall be appointed by the decree of the Governor of the aimag or soum.

Article 53 The role of the board

The Council shall have the following responsibilities:

53.1.1. To organize assistance in border protection based on the proposal of the state border protection organization in its territory;

53.1.2. To organize the participation of auxiliary forces in border protection in cooperation with the state border protection organization;

53.1.3 monitor the expenditure of budgeted expenditures for state border protection;

53.1.4. To organize the participation of members of the auxiliary forces engaged in work and production in border protection at the place of residence with the appropriate permission of the state border protection organization in the state border strip and zone;

53.1.5. To submit to the relevant authority a proposal to transfer a citizen of Mongolia who has intentionally or repeatedly violated the state border and border regime to a legal entity;

53.1.6. Reward and reward members of the auxiliary forces who have worked diligently for the protection of the state border and have repeatedly detected violations of the border and border regime, and take measures to remove members who have committed violations from the auxiliary forces.

Article 54 Duties of a member of the State Border Guard Auxiliary Forces

A member of the State Border Guard Auxiliary Forces shall have the following responsibilities:

54.1.1. To participate in the state border protection at the location of permanent or temporary residence and production in the border area;

53.1.2. To notify the state border protection organization in a timely manner of the border violation detected during the inspection;

54.1.3 monitor the implementation of regulations to be followed in border strips, ports and zones;

54.1.4. To be ready to work promptly according to the time situation;

54.1.5 take measures to prevent livestock from crossing the border and notify the state border protection organization.

Article 55 Rights of members of the State Border Guard Auxiliary Forces

A member of the auxiliary force acting in the state border protection shall have the following rights:

55.1.1. To detain and immediately inform the trespasser;

55.1.2. To check passenger documents in the state border strip and zone;

55.1.3. To travel freely on the state border;

55.1.4. To be provided with transportation and food;

55.1.5. To receive bonuses and monetary rewards for active participation in state border protection;

55.1.6. To submit proposals and requests related to the state border protection to the management of the state border protection organization.

Article 56 Duties of a citizen of Mongolia

A citizen of Mongolia shall have the following obligations:

- 56.1.1. To assist in state border protection;
- 56.1.2. To comply with the requirements of the state border and border regime;
- 56.1.3. To participate in state border protection at the location of the work or production, if he / she permanently or temporarily resides in the state border strip or zone;
- 56.1.4. To inform the state border protection organization about the violation of the state border and border regime.

CHAPTER EIGHT MISCELLANEOUS

Article 57 Liability for violators

57.1. If the actions of an official violating this Law are not of a criminal nature, he / she shall be subject to liability specified in the Civil Service Law.

57.2. A person or legal entity that violates this Law shall be subject to liability specified in the relevant law.

Article 58 Entry into force of the law

58.1. This law shall enter into force on February 1, 2017.

CHAIRMAN OF THE PARLIAMENT OF MONGOLIA M.ENKHBOLD