

# Changes in quota for foreign employees



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The Government Resolution No.339 of 2021, which determined the quota for foreign employees for 2022, was revoked by the Government Resolution No.231 dated 8 June 2022.

This is in line with the Government's New Revival Policy, approved by the Parliament Resolution No.106, 2021 aiming to support businesses to bring foreign labour force when there is a lack of domestic workforce supply in order to mitigate the negative economic impact of the Covid-19 pandemic and implementing the Labour Migration Law.



## What has changed?

After the approval of the Resolution 231 on 8 June 2022, legal entities operating in Mongolia no longer have restrictions on the number of foreign workers depending on the total number of local employees. Hence employment visas and work permits should be granted by the respective state authority to foreign nationals as long as eligibility and documentation requirements are met until the end of 2022.

However, according to the Labour Migration Law (the "LML") effective from 1 July 2022, the number of foreign employees to work in Mongolia in 2023 for different economic sectors will be determined by the Government in October, this year and updated annually afterwards. Importantly, the number of foreign employees will not be determined based on the total number of employees of the organization in the future. The Government will also approve a list of occupations for skilled foreign workers in October 2022. It is not clear at this stage that how the sector specific limit for foreign workers will affect the request of a specific employer to employ foreign workers in Mongolia.

Pursuant to the LML, the Government may approve additional number of foreign workers for projects and programs funded via concessional loans and grants provided by the foreign governments in the event that the labour force cannot be supplied domestically. Going forward, the Government will no longer adopt a separate resolution approving additional number of foreign workforce for nationwide large projects, programs and the construction of buildings and facilities which are financed by private sector.

Furthermore, employers are obliged to employ or provide internship opportunities for registered unemployed persons not less than 30 percentage of the total number foreign employees when requested by the respective labour authority as specified in the LML. Please note that the failure to fulfill the above-mentioned obligation shall result in suspension of the employer's ability to invite foreign employees for a period of **2 years**.



For more in-depth discussion and any other questions you may have, please do not hesitate to contact us.

For further details, please visit:

<https://legalinfo.mn/mn/detail?lawId=16530578988091>



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