

No. 16857

**POLAND
and
MONGOLIA**

**Convention concerning the regulation and prevention of
dual citizenship. Signed at Ulan Bator on 23 May 1975**

Authentic texts: Polish and Mongolian.

Registered by Poland on 13 July 1978.

**POLOGNE
et
MONGOLIE**

**Convention portant réglementation des cas de double
nationalité et des moyens destinés à les prévenir. Signée
à Oulan-Bator le 23 mai 1975**

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Enregistrée par la Pologne le 13 juillet 1978.

[TRANSLATION—TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE MONGOLIAN PEOPLE'S REPUBLIC CONCERNING THE REGULATION AND PREVENTION OF DUAL CITIZENSHIP

The Government of the Polish People's Republic and the Government of the Mongolian People's Republic,

Considering that there are a number of persons whom both Contracting Parties, in accordance with their legislation, regard as their citizens,

Desiring to eliminate the dual citizenship of such persons on the basis of their free choice and to prevent dual citizenship from arising,

Have resolved to conclude this Convention and for this purpose have appointed as their plenipotentiaries:

The Government of the Polish People's Republic: Bogusław Stachura, Under-Secretary of State in the Ministry of the Interior of the Polish People's Republic,

The Government of the Mongolian People's Republic: Sodnombalzhiryn Budragchaa, First Deputy Minister of Public Security of the Mongolian People's Republic,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1. Persons whom both Contracting Parties, under their legislation, regard as their citizens may, in accordance with this Convention and on the basis of free choice, opt for the citizenship of either Party.

Article 2. 1. Persons referred to in article 1 who opt for the citizenship of the Contracting Party in the territory of which they are resident shall file a written declaration of option with the competent authorities in accordance with the legislation of their State of residence.

2. Persons referred to in article 1 who are resident in the territory of one Contracting Party and who opt for the citizenship of the other Contracting Party shall file a written declaration of option with the diplomatic representative or consular office of such other Contracting Party.

3. Persons referred to in article 1 who are resident in the territory of a third State shall file a written declaration of option with the diplomatic representative or consular office of the Contracting Party for whose citizenship they opt.

4. The time-limit for filing declarations of option, which must be filed in duplicate, shall be one year from the date of the entry into force of this Convention.

Article 3. 1. The declarations referred to in article 2 may be filed only by persons of full age.

¹ Came into force on 1 January 1976, i.e., 30 days after the date of the exchange of the instruments of ratification, which took place at Warsaw, in accordance with article 16 (1).

2. For the purpose of this Convention the expression “persons of full age” means persons who have attained the age of 18 years and persons under that age if they are married and if the legislation of the Contracting Parties is not thereby contravened.

3. The parents of children in the Polish People’s Republic between the ages of 16 and 18 years, and in the Mongolian People’s Republic between the ages of 15 and 18 years, shall opt for their citizenship by filing a declaration with the child’s consent. The declaration of the parents and the consent of the child shall be drawn up in writing.

Article 4. 1. Children, up to the age of 16 years, resident in the Polish People’s Republic, and children, up to the age of 15 years, resident in the Mongolian People’s Republic, who, on the date of the entry into force of this Convention, simultaneously possess the citizenship of both Contracting Parties shall have only the citizenship of the parents, if the parents have, or in accordance with the provisions of this Convention will have, the same citizenship.

2. Where one parent is a citizen of one Contracting Party, and the other parent is a citizen of the other, and where, in accordance with this Convention, one parent opts for the citizenship of one Contracting Party, and the other parent opts for the citizenship of the other, the citizenship of a child within the age limits specified in paragraph 1 of this article who has dual citizenship shall be determined by an agreement between the parents. The agreement of the parents shall be set out in the declaration filed in accordance with the provisions of article 2.

3. In the absence of agreement between the parents, children within the age limits specified in paragraph 1 of this article shall retain the citizenship of the Contracting Party in the territory of which they are resident upon the expiration of the time-limit specified in article 2, paragraph 4.

4. Children as referred to in paragraph 2, within the age limits specified in paragraph 1, who are resident in the territory of a third State, shall—in the absence of agreement between the parents—retain only the citizenship of the Contracting Party in the territory of which the parents were resident immediately before departure for the third State, and, where the parents were not resident in the territory of either Contracting Party, the children shall retain only the citizenship of the mother.

5. Children within the age limits specified in paragraph 1 shall, where one of the parents has died or has been deprived of parental power, retain only the citizenship of the parent having parental power.

6. Children within the age limits specified in paragraph 1 possessing dual citizenship, whose parents have died or the whereabouts of whose parents are not known, and children placed under guardianship by reason of the parents being deprived of parental power, shall have the citizenship of only one Contracting Party in conformity with the provisions of paragraph 3 or paragraph 4.

Article 5. 1. Persons who, in the manner specified in article 2, have filed a declaration whereby they opt for the citizenship of one Contracting Party shall be regarded as citizens solely of that Contracting Party.

2. If one of the Contracting Parties states that a declaration whereby a person opts to retain its citizenship was filed by a person not possessing the

citizenship of the country in which the declaration was filed, then such person shall be treated as not having filed a declaration.

Article 6. 1. Persons who fail to file a declaration of option in the manner and within the time-limit specified in article 2 shall retain only the citizenship of the Contracting Party in the territory of which they are resident.

2. Persons resident in the territory of a third State who fail to file a declaration of option in the manner and within the time-limit specified in article 2 shall retain only the citizenship of the Contracting Party in the territory of which they were resident immediately before their departure therefrom.

Article 7. Persons resident in the territory of one Contracting Party who opt for the citizenship of the other Contracting Party may remain in their temporary place of residence.

Article 8. The Contracting Parties shall, 18 months from the date on which this Convention enters into force, transmit to each other, through the diplomatic channel, lists of persons who, in the manner and within the time-limit specified in article 2, have filed declarations of option for citizenship. The lists shall be accompanied by one copy of each written declaration.

Article 9. 1. Parents, in a case where one of them is a citizen of one Contracting Party, and the other a citizen of the other Contracting Party, may by agreement between them opt, on behalf of a child born after the date of the entry into force of this Convention, for the citizenship of either Contracting Party.

2. The parents shall opt for citizenship on behalf of the child by filing a declaration in writing with the competent authorities of the Contracting Party whose citizenship is being opted for.

3. A written declaration of option on behalf of the child shall be filed by the parents, in duplicate, within a period of three months from the date of the child's birth.

4. If, before the expiration of the period specified in paragraph 3, one of the child's parents dies, or the whereabouts of one parent are not known, or one parent has been deprived of parental power, the child shall retain only the citizenship of the parent upon whom he is dependent.

5. The competent authorities, for the purposes of receiving declarations of option, shall be:

- The authorities competent in respect of the parents' place of residence, if the citizenship opted for is that of the Contracting Party in the territory of which the parents are resident;
- The diplomatic representative or consular office of the Contracting Party whose citizenship is being opted for, if the parents are resident in the territory of the other Contracting Party or in the territory of a third State.

Article 10. A child on behalf of whom the parents have not filed a written declaration of option as provided in article 9 of this Convention shall:

- (1) If born in the territory of one of the Contracting Parties, retain only the citizenship of that Party;
- (2) If born in the territory of a third State, retain only the citizenship of the Party in the territory of which the parents were resident before departure for the

third State; if the parents were not resident in the territory of either Contracting Party, the child shall retain only the citizenship possessed by the mother or by the parent upon whom he is dependent.

Article 11. A child whose parents have died, or whose parents' whereabouts are not known, or whose parents have been deprived of parental power, shall retain only the citizenship of the Contracting Party in the territory of which he is resident upon the expiration of the period specified in article 9, paragraph 3.

Article 12. The Contracting Parties shall, in the first quarter of each year, transmit to each other, through the diplomatic channel, lists of the children on behalf of whom in the preceding year written declarations of option for citizenship were filed in accordance with the provisions of article 9, paragraph 3, of this Convention. The lists shall be accompanied by one copy of each written declaration of the parents.

Article 13. Persons who, in accordance with this Convention, have filed, or on behalf of whom there has been filed, a written declaration of option for citizenship shall, from the date on which the declaration is filed, retain only the citizenship opted for. Persons who have not filed, or on behalf of whom there has not been filed, a written declaration shall retain only the citizenship provided for in this Convention.

Article 14. Declarations of option filed in accordance with this Convention shall not be subject to any taxes.

Article 15. 1. Any questions which may arise in connection with the interpretation or application of this Convention shall be resolved through the diplomatic channel.

2. The Contracting Parties shall draw up a standard form for the declaration of option for citizenship.

Article 16. 1. This Convention shall be ratified and shall enter into force 30 days after the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

2. This Convention is concluded for a term of five years from the date of its entry into force. It shall be extended for an additional period of five years unless it is denounced by one of the Contracting Parties six months before its expiry.

DONE at Ulan Bator, on 23 May 1975, in duplicate, in the Polish and Mongolian languages, both texts being equally authentic.

IN WITNESS WHEREOF the above-named plenipotentiaries have signed this Convention and have affixed thereto their seals.

For the Government
of the Polish People's Republic:
[BOGUSŁAW STACHURA]

For the Government
of the Mongolian People's Republic:
[SODNOMBALZHIRYN BUDRAGCHAA]