

unofficial translation

SUPREME COURT OF THE REPUBLIC OF BELARUS

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The Supreme Court of Belarus has in supervisory order examined a case on your appeal against the actions Department on Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus.

By the decision of the District Court of Central District of Minsk of 6 June 2007 your appeal was dismissed.

By a ruling of the Civil Cases Division of Minsk City Court of 30 August 2007 the decision was affirmed.

In your supervisory appeal you state that the court decrees on this case are unlawful and unjustified and ask to protest them for their cancellation.

Your appeal can not be satisfied due to the following reasons.

According to Part 1 of Article 448 of Code of Civil Procedure of the Republic of Belarus court decrees can be cancelled in supervisory order if proved that they are unjustified or there are severe violations of provisions of material or procedural law.

It is seen from the materials of the case that you have been granted refugee status in the Republic of Belarus by a decision of Committee on Migration of Ministry of Labor of the Republic of Belarus adopted on 2 June 2000, and received the refugee certificate valid until 10 October 2019. Liozno's District Department of Internal Affairs of Vitebsk region has issued you a residence permit in the Republic of Belarus valid until 9 January 2006 and a travel document with term of validity from 23 April 2004 until 26 March 2005.

By order no. 81 of the Head of Department on Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus adopted on 9 June 2006 you are deprived of your refugee status in the Republic of Belarus according to paragraph 5 of Article 35 of Law on Refugees of the Republic of Belarus, as you have left the Republic of Belarus and failed to return within the terms indicated in you travel document. Your refugee certificate is declared invalid.

The court established that while having a refugee status in the Republic of Belarus you have repeatedly departed to the Russian Federation.

According to the Department for Internal Affairs on Transport of the Ministry of Internal Affairs of the Republic of Belarus the last time you left on 6 June 2004 and after that you have not purchased any tickets to enter Republic of Belarus from the Russian Federation for more than two years.

It can be seen from the provided evidence that you have not resided in the place of your residence registration (Vitebsk region, Liozno, Sadovaya str., 15). You also have not prolonged the rent contract for the mentioned dwelling, which expired on 9 November 2005.

Your claims that you were unable to find a job in Liozno, and therefore occasionally had to reside in Minsk and Vitebsk, were thoroughly verified during the court examination on the case and were not confirmed.

You have not de-register with the Vitebsk Section on Citizenship and Migration of the Department for Internal Affairs of Vitebsk region, and have not informed them about your intention of changing the place of residence in the Republic of Belarus.

Furthermore, residency permit in the Republic of Belarus issued to you has expired on 9 January 2006 and you have not applied for its prolongation.

In the presence of these facts the court has come to the right conclusion that the order no. 81 by the Head of Department on Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus adopted on 9 June 2006 to deprive you of refugee status is lawful and justified.

The arguments stated by you in supervisory appeal on the court's incorrect application of material law cannot be admitted as valid. When issuing the order you appeal against, the Head of the Department correctly applied the version of paragraph 5 of Article 35 of the Law on Refugees of the Republic of Belarus, which was in force at that moment. Besides that, the new version of the Law sets the one year term, within which you must return to the Republic of Belarus after the expiry of the travel document, and you have failed to do so as well, as your travel document expired on 26 March 2005 and you have applied to the law-enforcement authorities of the Republic of Belarus only in November 2006.

In your complaint you assert that paragraph 5 of Article 35 of the Law on Refugees of the Republic of Belarus is contrary to the 1951 Convention relating to the Status of Refugees, which does not have the provisions according to which a person can be deprived of refugee status due to not having returned to the country that issued a travel document.

However, according to the Article 2 of the above mentioned Convention, every refugee has duties to the country in which he finds

himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Therefore your argument that paragraph 5 of Article 35 of the Law on Refugees of the Republic of Belarus can not be applied for the deprivation of your refugee status, is unjustified.

The court has established the facts of the case fully and correctly, the examined evidence has been evaluated appropriately, the court decrees on this case have been made according to the norms of legislation.

Due to the above listed reasons your appeal is dismissed.

Deputy Chief Justice of the Supreme Court
of the Republic of Belarus

/signature/

V.N. Vyshkevich