



THE NATIONAL LEGAL INTERNET PORTAL OF THE REPUBLIC OF BELARUS

Legal Acts

On Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus

Law of the Republic of Belarus

No. 2339-XII of June 3, 1993

[Law contains all the later amendments and alterations. Last amendments of this Law:
Law of the Republic of Belarus No. 300-Z of December 26, 2007]

The present Law aims at defining legal status of foreign citizens and stateless persons what includes establishment of the order of their entry into the Republic of Belarus, staying in the Republic of Belarus and leaving the Republic of Belarus as well as regulation of other legal relations connected with staying of mentioned persons in the Republic of Belarus.

CHAPTER 1 GENERAL PROVISIONS

Article 1. Basic Terms Used in the Present Law and Their Definitions

For the purposes of the present Law the following basic terms and their definitions are used:

close relatives – parents, adoptive parents, children, adopted children, brothers and sisters, grandmother, grandfather, grandchildren;

permit for residence in the Republic of Belarus (hereinafter – residence permit) – document identifying foreign citizen, stateless person (hereinafter – foreigners, unless otherwise provided by the present Law) that confirms receiving by foreigner a permit for permanent residence in the Republic of Belarus (hereinafter – permit for permanent residence);

visa of the Republic of Belarus (hereinafter – visa) – the permit that gives foreigner the right to cross the State border of the Republic of Belarus (hereinafter – State border) with the purpose of entering the Republic of Belarus and (or) leaving the Republic of Belarus, staying in the Republic of Belarus or transit passing (transit) through the territory of the Republic of Belarus within the term indicated in the given permit and is issued in order established by the legislation of the Republic of Belarus;

foreigner staying temporarily in the Republic of Belarus – the person arrived in the Republic of Belarus for the term no more than ninety days a year from the date of entering the Republic of Belarus under the visa or in the order not requiring visa issuance and not having permit for temporary residence in the Republic of Belarus (hereinafter – permit for temporary residence) or permit for permanent residence;

foreigner residing temporarily in the Republic of Belarus – the person received permit for temporary residence in order established by the legislation of the Republic of Belarus;

exile from the Republic of Belarus (hereinafter – exile) – expulsion of foreigner from the Republic of Belarus in accordance with the present Law;

immigration quota – maximum annual number of foreigners that can be received for permanent residence in the Republic of Belarus;

foreign citizen – the person that is not the citizen of the Republic of Belarus and has evidences of his belonging to citizenship of the other state;

stateless person – the person that is not a citizen of the Republic of Belarus and does not have evidences of his belonging to citizenship of the other state;

migration card – the document that contains information about foreigner entering the Republic of Belarus and leaving the Republic of Belarus and serves for controlling his temporary staying or temporary residence in the Republic of Belarus;

bodies of registration – Ministry of Foreign Affairs of the Republic of Belarus (hereinafter – Ministry of Foreign Affairs), body of internal affairs of the Republic of Belarus (hereinafter – body of internal affairs), hotel that perform registration of foreigners arrived in the Republic of Belarus;

foreigner residing permanently in the Republic of Belarus – the person that received a permit for permanent residence in order established by the legislation of the Republic of Belarus;

permit for temporary residence – the document that gives foreigner the right to reside in the Republic of Belarus within the term of permit's validity and is issued in order established by the legislation of the Republic of Belarus;

permit for permanent residence – decision of the Ministry of Internal Affairs of the Republic of Belarus (hereinafter – Ministry of Internal Affairs), other bodies of internal affairs that gives foreigner the right to reside permanently in the Republic of Belarus;

transit passing (transit) of foreigner across the territory of the Republic of Belarus – entering the Republic of Belarus of foreigner from one state, passing by the established rout across the territory of the Republic of Belarus and leaving the Republic of Belarus of foreigner to another state.

Article 2. Citizenship of Foreign Citizens Who Have Multiple Citizenship

Foreign citizens who have citizenship of two or more states are considered in the Republic of Belarus to be the citizens of that state under documents of which they have entered the Republic of Belarus.

Article 3. Legislation on Legal Status of Foreigners in the Republic of Belarus

Legislation on legal status of foreigners in the Republic of Belarus is based on the Constitution of the Republic of Belarus and consists of the present Law and other acts of legislation of the Republic of Belarus as well as international treaties of the Republic of Belarus.

If an international treaty of the Republic of Belarus establishes other rules than those making part of the present Law, the rules of the international treaty shall be applied.

Article 4. Fundamental Principles of Legal Status of Foreigners in the Republic of Belarus

Foreigners on the territory of the Republic of Belarus enjoy rights and freedoms and fulfill duties equally as the citizens of the Republic of Belarus do, unless otherwise provided by the Constitution of the Republic of Belarus, the present Law, other laws and international treaties of the Republic of Belarus.

Peculiarities of legal status of foreigners petitioning for their recognition as refugees or provision of asylum for them in the Republic of Belarus as well as foreigners having been recognized refugees or provided asylum in the Republic of Belarus and members of their families shall be regulated by special legislative acts of the Republic of Belarus.

In case if the other state restricts or violates universally recognized norms of legal status of foreign citizens in respect to citizens of the Republic of Belarus, reciprocal restrictions in relation to rights and freedoms of the citizens of this state can be established in the Republic of Belarus. In case of their establishment the given restrictions shall not be applied to foreigners mentioned in part two of the present article.

Article 5. Responsibility for Violation of the Present Law

Persons guilty of violation of the present Law bear responsibility in accordance with legislative acts of the Republic of Belarus.

Article 6. Financing and Logistical Support of Measures Provided by the Present Law

Financing and logistical support of measures provided by the present law are performed at the cost of the means of republican budget envisaged for maintenance of appropriate republican bodies of state administration of the Republic of Belarus and other sources in accordance with legislation of the Republic of Belarus.

CHAPTER 2

RIGHTS, FREEDOMS, DUTIES AND RESPONSIBILITY OF FOREIGNERS IN THE REPUBLIC OF BELARUS

Article 7. Personal rights and freedoms

In accordance with the Constitution of the Republic of Belarus and laws of the Republic of Belarus foreigners are guaranteed personal immunity and inviolability of dwelling, other personal rights and freedoms.

Detained or arrested foreigners should be immediately informed in comprehensible for them language about the reasons of detention or arrest and about the rights they have in accordance with the legislation of the Republic of Belarus.

The body detained or arrested a foreigner notifies the Ministry of Foreign Affairs of the fact not later than 3 days from the day of detention or arrest with a view to inform about all happened the diplomatic mission or consular establishment of the state of civil belonging or usual place of residence of the detained or arrested person.

Article 8. Movement and Choosing Place of Residence within the Territory of the Republic of Belarus

Foreigners have the right to move freely and choose place of residence within the territory of the Republic of Belarus in accordance with the present Law and other acts of legislation of the Republic of Belarus.

The order of movement of foreigners and choosing place of residence by them within the territory of the Republic of Belarus is specified by Rules of stay of foreign citizens and stateless persons in the Republic of Belarus that shall be approved by the Council of Ministers of the Republic of Belarus (hereinafter – Rules of stay).

Foreigners may move freely across the territory of the Republic of Belarus except for places for visiting which a special permit is needed issued by bodies of internal affairs or authorized organizations as well as objects arrival at and stay in the territory of which requires special permit issued by the administration of these objects.

The list of places and objects for entry to and stay in which foreigners need special permit as well as of organizations authorized to issue such permits shall be defined by the Council of Ministers of the Republic of Belarus.

Article 9. Membership in Political Parties and Other Public Associations of the Republic of Belarus

Foreigners may join trade unions and other public associations of the Republic of Belarus if it is envisaged by their Statutes.

Foreigners may not be members of political parties of the Republic of Belarus and other public associations of the Republic of Belarus that pursue political aims.

Article 10. Socio-Economic Rights

Foreigners residing permanently in the Republic of Belarus, carrying out labour, entrepreneurial or other activities on legal grounds have all socio-economic rights citizens of the Republic of Belarus enjoy including the right to social security.

Socio-economic rights of foreigners staying temporarily and residing temporarily in the Republic of Belarus and carrying out labour, entrepreneurial or other activities on legal grounds in the Republic of Belarus shall be defined by laws and international treaties of the Republic of Belarus.

Article 11. Carrying out Labour, Entrepreneurial and Other Activity in the Republic of Belarus

Foreigners in the Republic of Belarus have the right to dispose freely of their abilities to labour, to choose the kind of activity and profession as well as the right to free use of their abilities and property for labour, entrepreneurial and other activity in accordance with the legislation of the Republic of Belarus.

Foreigners staying temporarily and residing temporarily in the Republic of Belarus have the right to carry out labour, entrepreneurial and other activity on the ground of special permits issued in the order established by the Council of Ministers of the Republic of Belarus.

Article 12. Property Rights and Personal Non-Property Rights

Foreigners in the Republic of Belarus may own property, inherit or bequeath it, enjoy other property and personal non-property rights in the order established by the legislation of the Republic of Belarus including international treaties of the Republic of Belarus.

Article 13. Right to Health Care

Foreigners residing permanently in the Republic of Belarus enjoy the rights in the sphere of health care equally as citizens of the Republic of Belarus do, unless otherwise provided by laws and international treaties of the Republic of Belarus.

Foreigners staying temporarily and residing temporarily in the Republic of Belarus are rendered medical assistance on the basis of payment in accordance with legislation of the Republic of Belarus, unless otherwise provided by international treaties of the Republic of Belarus.

Article 14. Right to Education

Foreigners permanently residing in the Republic of Belarus have the right to education equal to the right of the citizens of the Republic of Belarus, unless otherwise provided by laws and international treaties of the Republic of Belarus.

Foreigners staying temporarily and residing temporarily in the Republic of Belarus have the right to education in the Republic of Belarus in accordance with international treaties of the Republic of Belarus or on the base of agreements on education concluded with establishments of education or scientific organizations of the Republic of Belarus in order established by the legislation of the Republic of Belarus including international treaties of the Republic of Belarus.

Article 15. Right to Preservation of National Culture and Respect for National Dignity

Foreigners in the Republic of Belarus have the right to preservation and development of own national language and culture, observation of national traditions and customs in accordance with legislation of the Republic of Belarus.

Insulting national dignity of foreigners entails responsibility in accordance with legislative acts of the Republic of Belarus.

Article 16. Protection of Rights and Freedoms

Foreigners in the Republic of Belarus shall use all means of legal protection of rights and freedoms of individual provided by the legislation of the Republic of Belarus.

Article 17. Restriction of Rights and Freedoms

Restrictions of rights and freedoms of foreigners may be established only in cases provided by the present Law and other laws of the Republic of Belarus in the interests of national security of the Republic of Belarus, public order, protection of morality, population health, rights and freedoms of the citizens of the Republic of Belarus and other persons.

Article 18. Restriction of Participation in Elections and Referenda

Foreigners may not elect and be elected into elected state bodies of the Republic of Belarus as well as participate in referenda.

Article 19. Restriction of Assuming Certain Posts

Foreigners may not assume posts the appointment on which in accordance with the legislation of the Republic of Belarus is connected with belonging to citizenship of the Republic of Belarus.

Article 20. Performance of Duty of Military Service

Foreigners staying in the Republic of Belarus do not perform the duty of military service.

Article 21. Observance of the Legislation of the Republic of Belarus and Respect for Its National Traditions

Foreigners staying on the territory of the Republic of Belarus are obliged to observe the Constitution of the Republic of Belarus and other acts of legislation of the Republic of Belarus, respect its national traditions.

Article 22. Duty of Registration

Foreigners arrived in the Republic of Belarus are obliged to register themselves at the bodies of registration in order established by the present Law and Rules of stay, unless otherwise provided by the present Law.

Article 23. Duty of Leaving the Republic of Belarus

Foreigners are obliged to leave the Republic of Belarus before expiration of the term of temporary staying or temporary residence in the Republic of Belarus.

Foreigners not performed the duty of leaving the Republic of Belarus shall bear responsibility in accordance with the legislative acts of the Republic of Belarus.

Article 24. Responsibility of Foreigners

Foreigners committed crimes, administrative or other offences on the territory of the Republic of Belarus shall bear responsibility in accordance with the legislative acts of the Republic of Belarus.

CHAPTER 3

ENTRY OF FOREIGNERS INTO THE REPUBLIC OF BELARUS AND LEAVING OF FOREIGNERS THE REPUBLIC OF BELARUS. TRANSIT PASSING (TRANSIT) OF FOREIGNERS ACROSS THE TERRITORY OF THE REPUBLIC OF BELARUS

Article 25. Entry of Foreigners into the Republic of Belarus and Leaving of Foreigners the Republic of Belarus

Foreigner may enter the Republic of Belarus and leave the Republic of Belarus under a valid passport or other document substituting it and provided for traveling abroad and issued by an appropriate body of state of civil belonging or usual place of residence of foreigner or by international organization (hereinafter – document for traveling abroad), when there is visa, unless otherwise provided by international treaties of the Republic of Belarus.

The President of the Republic of Belarus has the right to establish non-visa procedure of entry of foreigners into the Republic of Belarus and their leaving the Republic of Belarus.

Article 26. Visas

Visas are issued to foreigners by diplomatic missions or consular establishments of the Republic of Belarus, the Ministry of Foreign Affairs, bodies of internal affairs, unless otherwise provided by legislative acts of the Republic of Belarus.

The types of visas and the order of their issuance shall be defined by the Council of Ministers of the Republic of Belarus.

Article 27. Migration Card

When entering the Republic of Belarus a foreigner shall fill in a migration card which is presented to an officer of the border troops of the Republic of Belarus (hereinafter – border troops) along with the document for traveling abroad at the State border checkpoint. When leaving the Republic of Belarus foreigner is obliged to hand in the migration card to the officer of the border troops at the State border checkpoint. The officer of border troops shall put the mark on the migration card about foreigner's entry into the Republic of Belarus or his leaving of the Republic of Belarus.

Form of the migration card and order of its usage shall be defined by the Council of Ministers of the Republic of Belarus, unless otherwise provided by international treaties of the Republic of Belarus.

Legislative acts and international treaties of the Republic of Belarus may establish categories of foreigners who shall not fill in migration cards when entering the Republic of Belarus and shall not present them when leaving the Republic of Belarus.

Article 28. Refusal of Issuance of Visa for Entering the Republic of Belarus or Entry into the Republic of Belarus

Foreigner may be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus if: foreigner at the State border checkpoint violated the rules of crossing State border, customs rules – until elimination of the violation;

term of validity of the document for traveling abroad does not exceed ninety days before the day of supposed leaving of foreigner of the Republic of Belarus;

foreigner is convicted on the territory of the Republic of Belarus or other state for committing crime that does not present serious social danger or less grave crime recognized as such in accordance with legislative acts of the Republic of Belarus and record of conviction is not expunged or cancelled;

foreigner during his previous stay in the Republic of Belarus was brought to administrative responsibility for violation of the legislation of the Republic of Belarus repeatedly (two or more times) within a year.

Foreigner is refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus if:

while presenting to appropriate state bodies of the Republic of Belarus the documents necessary for reception of visa for entering the Republic of Belarus or for taking the decision about his entry into the Republic of Belarus foreigner provided false information, did not presented necessary documents or presented false, forged or invalid documents;

foreigner is included in the List of Individuals entry of which into the Republic of Belarus is forbidden or undesirable;

the Republic of Belarus declared foreigner unacceptable or undesirable (persona non grata);

there is information that foreigner is related to terrorist, extremist, contraband or other activity directed at causing damage to national security of the Republic of Belarus, illegal trade of arms, ammunition or explosives, illegal trafficking of drugs, psychotropic substances and their precursors, organization of illegal migration of foreigners;

foreigner is or was a member of terrorist or extremist organizations or a person having on aim violent transformation of constitutional system or propagandizing war, social, national, religious or racial hostility;

foreigner was convicted on the territory of the Republic of Belarus or other state for committing grave or particularly grave crime that is recognized as such in accordance with the legislative acts of the Republic of Belarus and the record of conviction is not expunged or cancelled;

foreigner can not confirm availability of means necessary for covering expenses of his stay in the Republic of Belarus and his leaving of the Republic of Belarus or present guarantees of provision of such means in order and amount established by the Council of Ministers of the Republic of Belarus;

foreigner who is subject to compulsory medical insurance in accordance with the laws and acts of the President of the Republic of Belarus but doesn't have the contract of compulsory medical insurance concluded with the state insurance institution of the Republic of Belarus or the contract of medical insurance concluded with foreign insurance institution being valid in the territory of the Republic of Belarus;

foreigner has a disease included in the list of diseases putting a threat to the health of the population.

In case of taking decision on refusing foreigner entry into the Republic of Belarus visa having been issued previously for entering the Republic of Belarus is annulled.

The decision on refusing entry into the Republic of Belarus entails inclusion of foreigner into the List of individuals entry of which is forbidden or undesirable.

Article 29. Bodies Taking Decisions on Refusal of Issuance of Visa for Entering the Republic of Belarus, Refusal of Entry into the Republic of Belarus and Annulment of Visa for Entering the Republic of Belarus

The decision on refusal of issuance of visa for entering the Republic of Belarus is taken by the Ministry of Foreign Affairs, diplomatic mission or consular establishment of the Republic of Belarus.

The decision on refusal of entry into the Republic of Belarus is taken by border troops, body of internal affairs or body of state security of the Republic of Belarus (hereinafter – body of state security).

Bodies that have taken the decision on refusal of entry of foreigner into the Republic of Belarus have the right to allow him to enter the Republic of Belarus for the term not exceeding thirty days.

The decision on annulment of visa for entering the Republic of Belarus is taken by the Ministry of Foreign Affairs, diplomatic mission or consular establishment of the Republic of Belarus before entry of foreigner into the Republic of Belarus or border troops on the basis of the decision on refusal of entry into the Republic of Belarus.

Bodies taken the decision on refusal of issuance of visa for entering the Republic of Belarus, refusal of entry into the Republic of Belarus or annulment of visa for entering the Republic of Belarus are not obliged to inform foreigner about the reasons and grounds of taking such decisions.

Article 30. List of Individuals Entry of Which into the Republic of Belarus is Forbidden or Undesirable

The rules of inclusion of foreigners into the List of individuals entry of which into the Republic of Belarus is forbidden or undesirable and exclusion of foreigners from this List as well as the order of keeping such a List shall be defined by the Council of Ministers of the Republic of Belarus.

Article 31. Refusal of Issuance of Visa for Entering the Republic of Belarus or Entry into the Republic of Belarus

Foreigner may be refused issuance of visa for entering the Republic of Belarus or leaving the Republic of Belarus if:

he is a suspect or accused under the criminal case – until termination of proceedings or entry in force of the sentence on this case;

he is convicted in the Republic of Belarus for a committed crime – until execution of punishment or relief from punishment;

he has not fulfilled property, tax or other obligations in relation to the Republic of Belarus, natural persons or legal entities, established by court decisions having entered into force – until fulfillment of these obligations;

in accordance with the legislative acts of the Republic of Belarus he is brought to administrative responsibility for committing an administrative offence on the territory of the Republic of Belarus – until termination of proceedings on administrative offence or execution of administrative penalty;

he has indebtedness for tax liability provided by the legislative acts of the Republic of Belarus – until paying off this indebtedness;

his leaving contradicts the interests of national security of the Republic of Belarus – until dissolution of circumstances that prevent the leaving;

he is included in the List of individuals who are refused leaving of the Republic of Belarus.

In case of taking decision on refusal to foreigner of leaving the Republic of Belarus visa for leaving the Republic of Belarus issued previously shall be annulled.

The decision on refusal of leaving of the Republic of Belarus entails inclusion of foreigner into the List of individuals who were refused leaving of the Republic of Belarus.

Article 32. Bodies Taking Decisions on Refusal of Issuance of Visa for Leaving the Republic of Belarus, on Leaving the Republic of Belarus and on Annulment of Visa for Leaving the Republic of Belarus

The decision on refusal of issuance of visa for leaving the Republic of Belarus is taken by body of internal affairs.

The decision on refusal of leaving the Republic of Belarus is taken by border troops, body of internal affairs or body of state security.

The decision on annulment of visa for leaving the Republic of Belarus is taken by border troops or body of internal affairs.

The decisions on refusal of issuance of visa for leaving the Republic of Belarus, refusal of leaving the Republic of Belarus or annulment of visa for leaving the Republic of Belarus taken in relation to foreigners staying temporarily or residing temporarily in the Republic of Belarus are the ground for prolonging of the term of temporary staying or temporary residence for them for the term necessary to elimination of the grounds of refusal of issuance of visa for leaving the Republic of Belarus, refusal of leaving the Republic of Belarus or annulment of visa for leaving the Republic of Belarus.

Article 33. List of Individuals who are Refused Leaving of the Republic of Belarus

The rules of inclusion of foreigners into the List of individuals who are refused leaving of the Republic of Belarus and exclusion of foreigners from this List as well as the order of keeping such a List shall be defined by the Council of Ministers of the Republic of Belarus.

Article 34. Travel Document of the Republic of Belarus

Travel document of the Republic of Belarus (hereinafter – travel document) identifies foreigner's person and the right for entry and leaving the Republic of Belarus indicated in part two of the present article within the term of its validity, unless otherwise indicated in the travel document.

Travel document is issued to:

foreigners who are recognized refugees or who were provided asylum in the Republic of Belarus;

stateless persons residing permanently in the Republic of Belarus;

foreign citizens residing permanently in the Republic of Belarus who do not have valid documents for traveling abroad during two years.

The order of issuance, seizure of travel document as well as its pattern and description shall be defined by the Council of Ministers of the Republic of Belarus.

Article 35. Transit Passing (Transit) of Foreigners Across the Territory of the Republic of Belarus

Transit Passing (transit) of foreigners across the territory of the Republic of Belarus is conducted within the term not exceeding two days from the day of entry into the Republic of Belarus except for the case of forced stop in accordance with the Rules of transit passing (transit) of foreigners across the territory of the Republic of Belarus that shall be approved by the Council of Ministers of the Republic of Belarus (hereinafter – Rules of transit).

As a forced stop there is recognized stay of foreigner on the territory of the Republic of Belarus more than two days from the day of entry into the Republic of Belarus in a result of:

- natural calamity which hampers movement of transportation vehicle;
- necessity of repair of damaged transportation vehicle;
- diseases or health state if under the conclusion of the health establishment of the Republic of Belarus further movement of foreigner and (or) individual accompanying him is considered to be dangerous for their lives and health;
- unscheduled delays while changing one kind of transport for the other at change point;
- occurrence of unforeseen circumstances that hamper further movement of foreigner.

In case of forced stop prolongation of the term of staying in the Republic of Belarus for the foreigner, issuing visa for leaving the Republic of Belarus is performed by body of internal affairs at the place of forced stop on the basis of foreigner's application.

**CHAPTER 4
REGISTRATION OF FOREIGNERS IN THE REPUBLIC OF BELARUS**

Article 36. Order of Registration of Foreigners

Foreigner arrived in the Republic of Belarus is obliged to register himself at the body of registration at the place of actual residence within three days excluding non-working days, state holidays and red-letter days declared non-working days by the President of the Republic of Belarus, unless otherwise provided by the present Law.

Foreigners are obliged to reside in the Republic of Belarus only at that place of residence at which they have been registered at the bodies of registration except for foreigners indicated in part one of article 39 of the present Law.

While changing place of residence foreigner is obliged to register himself at the body of registration at the new place of residence within three days excluding non-working days, state holidays and red-letter days declared non-working days by the President of the Republic of Belarus, except for foreigners indicated in part one of article 39 of the present Law.

Registration of foreigners at the bodies of registration is performed on the basis of foreigner's personal appeal or written petitions of hosting organizations.

Citizens of states with the visa regime of entry into the Republic of Belarus are registered for the term indicated in their personal appeal or petition of hosting organization but no more than the term of validity of the visa of the Republic of Belarus.

Citizens of states with non-visa regime of entry into the Republic of Belarus are registered for the term not exceeding the term provided by international treaty of the Republic of Belarus with the corresponding state. In case of absence of such international treaty or absence of indication in the international treaty of the term of non-visa staying, registration is performed for the term indicated in the personal appeal of foreigner or petition of hosting organization, but no more than ninety days a year from the day of entry into the Republic of Belarus.

Article 37. Registration of Foreigners at the Bodies of Internal Affairs

At the bodies of internal affairs foreigners register themselves except for foreigners indicated in articles 38 – 40 of the present Law.

Article 38. Registration of Foreigners at Hotels

In the hotels all residing there foreigners are registered, unless otherwise provided by the present Law.

After registration of foreigner administration of hotel directs the information about the foreigner having been registered in order established by the legislation of the Republic of Belarus to the body of internal affairs at the place of location of the hotel.

Article 39. Registration of Foreigners at the Ministry of Foreign Affairs

At the Ministry of Foreign Affairs the following individuals are registered:

heads and officers of foreign diplomatic missions and consular establishments, staff of the military attache office, officers of trade representations of foreign states in the Republic of Belarus as well as members of their families, guests of heads and officers of foreign diplomatic missions and consular establishments if these guests reside at their residences or on the territory of the mentioned missions and establishments;

officers of representative offices of international organizations in the Republic of Belarus which in accordance with their constituent documents or appropriate international treaties enjoy privileges and immunities as well as members of their families.

Foreigners indicated in part one of the present article and having been registered are issued diplomatic, consular or service cards except for guests of heads and officers of foreign diplomatic missions and consular establishments.

Foreigners indicated in part one of the present article are exempted from registration at hotels or bodies of internal affairs at the place of residence.

Ministry of Foreign Affairs has the right to perform registration of state and public men of foreign states and members of their families arrived in the Republic of Belarus under the petition of organizations hosting them, diplomatic missions or consular establishments as well as officers of international organizations not indicated in part one of the present article and article 40 of the present Law. In these cases foreigners are exempted from registration at hotels or bodies of internal affairs at the place of residence.

Article 40. Foreigners Not Subject to Registration in the Republic of Belarus

In the Republic of Belarus following individuals are not subject to registration:

heads of states and governments of foreign states, chairmen and members of parliamentarian, governmental and other official delegations, technical staff of these delegations and foreigners arrived in the Republic of Belarus under the invitation of the President of the Republic of Belarus, chambers of National Assembly of the Republic of Belarus, Council of Ministers of the Republic of Belarus, Constitutional court of the Republic of Belarus, Supreme court of the Republic of Belarus, Supreme Economic court of the Republic of Belarus, Committee of State Control of the Republic of Belarus, Prosecutor Office of the Republic of Belarus, republican bodies of state administration, local executive and regulatory bodies of the Republic of Belarus as well as members of their families;

foreigners arrived in the Republic of Belarus under the passports issued by United Nations Organization;

foreigners arrived in the Republic of Belarus for holidays, state holidays and red-letter days declared by the President of

the Republic of Belarus as non-working days or for the term less than 3 days at routine days if their leaving of the Republic of Belarus will take place during these days;

- members of crews of military aircrafts arrived in the Republic of Belarus in the established order;
- foreigners being members of crews of civil aircrafts of international airlines, groups of workers of trains of international railway communication when staying in airport or at the station indicated in train schedule;
- foreigners being members of crews of foreign motor vehicles and means of river transport performing transportation of cargos and passengers of international communication or staying in cities and other inhabited localities on the routes of performing transportation what includes other destinations.

Article 41. Documents Necessary for Registration of Foreigners in the Republic of Belarus

Registration of foreigner in the Republic of Belarus is performed when there are available migration card with the mark of the officer of border troops about entry of foreigner into the Republic of Belarus and document for traveling abroad, except for foreigners indicated in part two of the present article.

Foreigners who do not fill in migration cards entering the Republic of Belarus and do not present them leaving the Republic of Belarus in accordance with legislative acts and international treaties of the Republic of Belarus are registered on the basis of document for traveling abroad.

CHAPTER 5 STAY OF FOREIGNERS IN THE REPUBLIC OF BELARUS

Article 42. Regimes of Stay of Foreigners in the Republic of Belarus

Foreigners may stay temporarily, reside temporarily or permanently in the Republic of Belarus.

Order of staying temporarily, residing temporarily or permanently of foreigners in the Republic of Belarus shall be established by the present Law and other acts of legislation of the Republic of Belarus.

Article 43. Temporary Staying of Foreigners in the Republic of Belarus

The term of temporary staying of foreigner in the Republic of Belarus shall be determined by the term of validity of visa issued for him and can not exceed ninety days a year from the day of entry into the Republic of Belarus.

The term of temporary staying in the Republic of Belarus of foreigner arrived in the Republic of Belarus in order not requiring visa issuance can not exceed ninety days from entry into the Republic of Belarus.

Foreigner staying temporarily in the Republic of Belarus is obliged to leave the Republic of Belarus before expiration of the term of visa validity or term provided by part one or two of the present article if for the moment of expiration of the mentioned terms the term of temporary staying was not prolonged by him or permit for temporary residence or permit for permanent residence was not received.

Term of temporary staying in the Republic of Belarus of foreigner may be prolonged or shortened in case of change or dissolution of grounds under which foreigner was allowed entry into the Republic of Belarus.

Article 44. Refusal of Prolongation and (or) Shortening of Term of Temporary Staying of Foreigners in the Republic of Belarus

Prolongation of the term of temporary staying in the Republic of Belarus of foreigner may be refused and (or) the term of temporary staying in the Republic of Belarus of foreigner may be shortened if:

- there are established grounds under which he may be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with part one of article 28 of the present Law;
- foreigner repeatedly (two or more times) within a year violated the Rules of stay and (or) the Rules of transit.

The term of temporary staying in the Republic of Belarus of foreigner shall not be prolonged and (or) shall be shortened: if there are established the grounds under which he must be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with part two of article 28 of the present Law;

- if presenting to appropriate state bodies of the Republic of Belarus documents necessary for taking decision on prolongation of the term of temporary staying in the Republic of Belarus foreigner provided false information about him, did not present necessary documents or presented false, forged or invalid documents;
- if there are no grounds for his stay in the Republic of Belarus;
- in case of deportation or exile.

In case of taking decision on refusal of prolongation and (or) shortening of the term of temporary staying of foreigner in the Republic of Belarus the term of validity of the visa issued to foreigner and (or) term of his registration shall be shortened if there are no grounds for his stay in the Republic of Belarus.

In case if the term of temporary staying of foreigner in the Republic of Belarus is shortened and there are no other grounds for his stay in the Republic of Belarus, foreigner is obliged to leave the Republic of Belarus within ten days from the day of his acquaintance with the decision on shortening of the term of temporary staying.

Article 45. Bodies Taking Decisions on Prolongation of the Term of Temporary Staying of Foreigner in the Republic of Belarus and Refusal of Prolongation and (or) Shortening of the Term of Temporary Staying in the Republic of Belarus

Decision on prolongation of the term of temporary staying of foreigner in the Republic of Belarus is taken by the body of internal affairs and in relation to foreigners registered at the Ministry of Foreign Affairs – by the Ministry of Foreign Affairs.

Decision on refusal of prolongation and (or) shortening of the term of temporary staying of foreigner in the Republic of Belarus is taken:

- at the moment of foreigner's stay in the Republic of Belarus – independently by the body of internal affairs or under the petition of appropriate state bodies of the Republic of Belarus;
- in relation to foreigners registered at the Ministry of Foreign Affairs or declared by the Republic of Belarus as unacceptable or undesirable (*persona non grata*) – by the Ministry of Foreign Affairs.

Article 46. Permit for temporary residence

Permit for temporary residence is issued to foreigners arrived in the Republic of Belarus for the term more than ninety days a year:

- for study in establishments of education in the Republic of Belarus – for the term of study, but no more than one year;
- to spouse, close relatives who are citizens of the Republic of Belarus and reside permanently in the Republic of Belarus – for the term of stay, but no more than one year;
- for carrying out labour, entrepreneurial and other activity on the territory of the Republic of Belarus in order established by the legislation of the Republic of Belarus – for the term of stay, but no more than one year;

- if in order established by the legislation of the Republic of Belarus they petitioned for recognition them as refugees or provision of asylum to them in the Republic of Belarus or submitted application for issuing a permit for permanent residence to them – for the term of consideration of their petition or application;

- if they have real estate on the right of ownership in the Republic of Belarus – for the term of stay, but no more than ten hundred eighty days a year;

on other grounds provided by the legislation of the Republic of Belarus including international treaties of the Republic of Belarus.

The order of issuance of permit for temporary staying shall be approved by the Council of Ministers of the Republic of Belarus.

Foreigner residing temporarily in the Republic of Belarus is obliged to leave the Republic of Belarus before the term of validity of permit for temporary residence expires if at the moment of expiration of the mentioned term he has not received a new permit for temporary residence or permit for permanent residence.

Article 47. Refusal of Issuance of Permit for Temporary Residence

Foreigner may be refused issuance of permit for temporary residence if:

there are established the grounds on which he may be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with part one of article 28 of the present Law;

foreigner repeatedly (two and more times) within one year violated the Rules of stay and (or) the Rules of transit.

Permit for temporary residence shall not be issued to foreigner if:

there are established grounds on which he may be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with part one of article 28 of the present Law;

while presenting to appropriate state bodies of the Republic of Belarus documents necessary for taking decision on issuance of permit for temporary residence to him, foreigner provided false information about him, did not present necessary documents or presented false, forged or invalid documents;

there are no grounds for his temporary residence in the Republic of Belarus.

In case of taking decision on refusal of issuance of permit for temporary residence the term of validity of the visa issued to foreigner and (or) the term of his registration are shortened, if there are no grounds for his stay in the Republic of Belarus.

Article 48. Annulment of Permit for Temporary Residence

Permit for temporary residence may be annulled if:

there are established the grounds on which foreigner may be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with part one of article 28 of the present Law;

foreigner repeatedly (two and more times) within one year violated the Rules of stay and (or) the Rules of transit.

Permit for temporary residence shall be annulled:

if there are established the grounds on which foreigner must be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with paragraphs two-seven and nine-ten of part two of article 28 of the present Law;

if presenting to appropriate state bodies of the Republic of Belarus documents necessary for taking decision on issuance of permit for temporary residence to him, foreigner provided false information about him, did not present necessary documents or presented false, forged or invalid documents;

if foreigner can not present evidences of the ability to keep himself and members of his family in the Republic of Belarus within the limits of subsistence minimum, except for the case if foreigner is recognized disabled;

if foreigner left the Republic of Belarus for foreign state for permanent residence;

in case of deportation or exile of foreigner;

in case of dissolution of grounds in accordance with which the decision on issuance of permit for temporary residence to foreigner was taken.

In case of taking decision on annulment of decision on temporary residence the term of validity of visa issued to foreigner and (or) term of his registration are shortened if there are no grounds for his stay in the Republic of Belarus.

In case if permit for temporary residence issued to foreigner is annulled and there is no other grounds for his stay in the Republic of Belarus foreigner is obliged to leave the Republic of Belarus within fifteen days from the day of his acquaintance with the decision on annulment of permit for temporary residence.

Article 49. Bodies Taking Decisions on Issuance of Permit for Temporary Residence, on Refusal of Issuance and on Annulment of Permit for Temporary Residence

The decision on issuance of permit for temporary residence is taken by the body of internal affairs.

The decisions on refusal of issuance and annulment of permit for temporary residence are taken independently by the body of internal affairs or under the petition of appropriate state bodies of the Republic of Belarus and are noted by putting a corresponding mark on a document for traveling abroad. The form of mark and order of its putting shall be defined by the Ministry of Internal Affairs.

Article 50. Permit for Permanent Residence

Permit for permanent residence is issued to foreigners who:

are spouses, close relatives to citizen of the Republic of Belarus residing permanently in the Republic of Belarus;

married foreigners residing permanently in the Republic of Belarus;

are recognized refugees or are individuals provided asylum in the Republic of Belarus;

have the right to family reunification;

have resided on legitimate grounds in the Republic of Belarus last seven and more years;

have grounds for acquisition of citizenship of the Republic of Belarus in order of registration;

are employees and specialists the Republic of Belarus needs;

possess unique abilities and talent or have outstanding merits in relation to the Republic of Belarus, high achievements in the field of science, techniques, culture and sport;

have invested not less than one hundred fifty thousand Euro into the economy of the Republic of Belarus or into implementation of state programs of the Republic of Belarus.

Permit for permanent residence may be issued to other foreigners not mentioned in part one of the present article on the basis of decision of the Council of Ministers of the Republic of Belarus in coordination with the President of the Republic of Belarus.

The order of issuance of permit for permanent residence shall be approved by the Council of Ministers of the Republic of Belarus.

Article 51. Immigration Quota

For the purpose of state regulation of the process of entry of foreigners into the Republic of Belarus for permanent residence the Council of Ministers of the Republic of Belarus may establish immigration quota which shall be defined separately for every state.

Foreigners who have the right to family reunification enter the Republic of Belarus for permanent residence in the purpose of joint residence and joint housekeeping beyond the established immigration quota.

The President of the Republic of Belarus may take decision on allowing foreigners for permanent residence in the Republic of Belarus in excess of the established immigration quota.

Article 52. Right to Family Reunification

Spouse, children under age and adopted children as well as unmarried children and adopted children after eighteen year, disabled parents and adoptive parents who have an invitation from spouse, parents, adoptive parents, children, adopted children being citizens of the Republic of Belarus or foreigners residing permanently in the Republic of Belarus have the right to family reunification.

In certain cases the right to family reunification may be provided to other relatives of the citizens of the Republic of Belarus and foreigners residing permanently in the Republic of Belarus not mentioned in part one of the present article when inviting person has sufficient housing facilities and legitimate source of receiving incomes that provide him and members of his family subsistence minimum.

In case of reunification of family foreigner wishing enter the Republic of Belarus for permanent residence or person inviting him is obliged to present documents confirming the right to family reunification.

Article 53. Refusal of Issuance of Permit for Permanent Residence

Issuance of permit for permanent residence may be refused if:

there are established the grounds on which he might be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with paragraphs four and five of part one of article 28 of the present Law; foreigner repeatedly (two or more times) within one year violated the Rules of stay and (or) the Rules of transit.

Permit for permanent residence is not issued to foreigner if:

there are established the grounds on which he must have been refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with paragraphs two-seven and ten of part two of article 28 of the present Law;

while presenting to appropriate state bodies of the Republic of Belarus documents necessary for taking decision on issuance of permit for permanent residence to him, foreigner provided false information about him, did not present necessary documents or presented false, forged or invalid documents;

there are no grounds for his permanent residence in the Republic of Belarus.

In case of taking decision on refusal of issuance of permit for permanent residence the term of validity of visa issued to foreigner and (or) the term of his registration are shortened, if there are no grounds for his stay in the Republic of Belarus.

Article 54. Annulment of Permit for Permanent Residence

Permit for permanent residence may be annulled:

if there are established the grounds on which foreigner might be refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with paragraphs four and five of part one of article 28 of the present Law;

if foreigner repeatedly (two or more times) within one year violated the Rules of stay and (or) the Rules of transit;

in case of dissolution of grounds on which the decision on issuance of permit for permanent residence to foreigner was taken;

if foreigner stayed outside the Republic of Belarus more than one hundred eighty three days in calendar year.

Permit for permanent residence shall be annulled:

if there are established the grounds on which foreigner must have been refused issuance of visa for entering the Republic of Belarus or entry into the Republic of Belarus in accordance with paragraphs two-seven of part two of article 28 of the present Law;

if marriage effected by foreigner with the citizen of the Republic of Belarus or foreigner permanently residing in the Republic of Belarus and served the ground to issuance of permit for permanent residence have been recognized invalid in order established by the legislation of the Republic of Belarus;

if presenting to appropriate state bodies of the Republic of Belarus documents necessary for taking decision on issuance of permit for permanent residence to him, foreigner provided false information about him, did not present necessary documents or presented false, forged or invalid documents;

if foreigner left the Republic of Belarus for foreign state for permanent residence;

if foreigner received permit for permanent residence in foreign state;

in case of deportation or exile of foreigner.

Annulment of permit for permanent residence entails annulment of visa for entering the Republic of Belarus and seizure of residence permit.

In case if permit for permanent residence issued to foreigner is annulled and there is no other grounds for his stay in the Republic of Belarus, foreigner is obliged to leave the Republic of Belarus within thirty days from the day of his acquaintance with the decision on annulment of permit for permanent residence.

Article 55. Bodies Taking Decisions on Issuance of Permit for Permanent Residence, on Refusal of Issuance and on Annulment of Permit for Permanent Residence

Decision on issuance of permit for permanent residence to foreigners indicated in paragraphs two-eight of part one of article 50 of the present Law is taken independently by body of internal affairs or under the petition of appropriate state bodies of the Republic of Belarus.

Decision on issuance of permit for permanent residence to foreigners indicated in paragraphs eight-ten of part one of article 50 of the present Law is taken by the Ministry of Internal Affairs under petition of appropriate state bodies of the Republic of Belarus.

Decision on issuance of permit for permanent residence to foreigners indicated in part two of article 52 of the present Law is taken by the Ministry of Internal Affairs under petition of the inviting person in order established by the Council of Ministers of the Republic of Belarus.

Decision on refusal of issuance of permit for permanent residence is taken independently by the Ministry of Internal Affairs or other body of internal affairs or under petition of appropriate state bodies of the Republic of Belarus.

Decision of annulment of permit for permanent residence is taken judicially in cases provided by paragraph four of part one and paragraph three of part two of article 54 of the present Law, in other cases provided by article 54 of the present Law independently by body of internal affairs or under petition of appropriate state bodies of the Republic of Belarus.

Article 56. Residence Permit

Foreigners received permit for permanent residence are issued residence permit.

Order of issuance and seizure of residence permit as well as its pattern and description shall be defined by the Council of Ministers of the Republic of Belarus.

Article 57. State Duty and Consular Fee

Foreigners are charged with state duty and consular fee for issuance of visas, registration, prolongation of the term of temporary staying as well as for issuance of permit for temporary residence, permit for permanent residence, travel document and residence permit in order and at the rates established by the legislation of the Republic of Belarus.

Article 58. Centralized Registering of Foreigners

With a view to register foreigners staying temporarily, residing temporarily and permanently in the Republic of Belarus central databank of registering of foreigners arriving in the Republic of Belarus shall be created.

Order of creation and keeping central databank of registering of foreigners arriving in the Republic of Belarus and order of using information of this databank shall be established by the Council of Ministers of the Republic of Belarus.

Article 59. Control over Staying of Foreigners in the Republic of Belarus

Control over temporary staying, temporary and permanent residence of foreigners in the Republic of Belarus as well as transit passing (transit) of foreigners across the territory of the Republic of Belarus is performed by the bodies of internal affairs in counteraction with bodies of state security, border troops and the Ministry of Foreign Affairs.

CHAPTER 6 DEPORTATION. EXILE

Article 60. Deportation

Foreigners may be subject to deportation in cases and in order provided by legislative acts of the Republic of Belarus.

Article 61. Exile

Foreigner may be exiled from the Republic of Belarus in the interests of national security of the Republic of Belarus, public order, protection of morality, population health, rights and freedoms of citizens of the Republic of Belarus and other individuals, if he can not be subject to deportation.

Decision on exile is taken by body of internal affairs or body of state security.

Exile may be performed by means of voluntary leaving of foreigner of the Republic of Belarus or by enforcement.

Procedure of performing exile shall be established by the Council of Ministers of the Republic of Belarus.

Article 62. Exile by Voluntary Leaving

Foreigner in relation to which body of internal affairs or body of state security has taken the decision on exile by means of voluntary leaving is obliged to leave the Republic of Belarus within the term established in the decision.

Article 63. Exile by Enforcement

Exile by enforcement is performed if:

there are grounds to suppose that foreigner may evade execution of decision on exile by voluntary leaving;

foreigner did not leave the Republic of Belarus within the term established in the decision on exile by voluntary leaving.

After taking decision on exile by enforcement body of internal affairs or body of state security shall take measures under prosecutor's authorization on detention of foreigner for a term necessary for exile.

Article 64. Suspension of Exile

Exile may be suspended if foreigner petitioned appropriate state body of the Republic of Belarus for recognition him as refugee or provision of asylum in the Republic of Belarus to him.

Article 65. Expenditures Connected to Deportation and Exile

Expenditures connected to deportation and exile are paid at the cost of foreigner or legal entity or natural person that petitioned for his entry into the Republic of Belarus.

In cases if compensation of expenditures at the cost of the means of persons indicated in part one of the present article is impossible, deportation and exile are performed at the cost of means of republican budget.

Article 66. Consequences of Deportation or Exile

On the basis of decision on deportation or exile foreigner shall be included into the List of individuals entry of which into the Republic of Belarus is forbidden or undesirable. Deported, exiled foreigner may be forbidden entry into the Republic of Belarus for the term from one year up to ten.

In case of deportation or exile of foreigner in his document for traveling abroad an appropriate mark is put. The form of mark and the order of its putting shall be defined by State Committee of border troops of the Republic of Belarus and the Ministry of Internal Affairs.

CHAPTER 7 APPEAL AGAINST DECISIONS AND ACTIONS (OMISSIONS) OF STATE BODIES AND OFFICIALS OF THE REPUBLIC OF BELARUS CONNECTED WITH IMPLEMENTATION OF THE PRESENT LAW

Article 67. Right to Appeal against Decisions and Actions (Omissions) of State Bodies and Officials of the Republic of Belarus Connected with Implementation of the Present Law

Foreigners as well as their legitimate representatives have the right to appeal against decisions and actions (omissions) of state bodies and officials of the Republic of Belarus connected with implementation of the present Law to superior state body (superior official) and (or) court.

Article 68. Appeal against Decisions of State Bodies and Officials of the Republic of Belarus to Court

Complaint of foreigner for a decision of state body or official of the Republic of Belarus on refusal of prolongation and (or) shortening of the term of his temporary staying in the Republic of Belarus may be filed to court not later than ten days from the day of acquaintance of foreigner with such a decision.

Complaint of foreigner for decision of state body or official of the Republic of Belarus on refusal of issuance of permit for temporary residence or annulment of permit for temporary residence, refusal of issuance of permit for permanent residence or annulment of permit for permanent residence, refusal of issuance of visa for leaving the Republic of Belarus or of leaving the Republic of Belarus may be filed to court within thirty days from the day of acquaintance of foreigner with such a decision.

Complaint of foreigner for decision of state body or official of the Republic of Belarus on exile may be filed to court within thirty days from the day of acquaintance of foreigner with such a decision.

Appeal against decisions of state bodies or officials of the Republic of Belarus provided by part one and three of the present article shall not be the ground for staying of foreigner in the Republic of Belarus.

** unofficial translation **



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