

**LAW  
OF THE REPUBLIC OF BELARUS  
of 23 June 2008 No. 354-Z**

**On Granting Refugee Status, Complementary and Temporary  
Protection to Foreign Citizens and Stateless Persons in the  
Republic of Belarus**

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This Law defines the grounds and procedure of granting refugee status, complementary and temporary protection to foreign citizens and stateless persons in the Republic of Belarus, as well as grounds for loss, withdrawal of refugee status and complementary protection, and it institutes the legal, economic and social guarantees of protection of the rights and legal interests of foreign citizens and stateless persons applying for refugee status or complementary protection in the Republic of Belarus, and foreign citizens and stateless persons granted refugee status or complementary or temporary protection in compliance with the legislation of the Republic of Belarus, including international treaties of the Republic of Belarus, generally recognized principles and norms of the international law.

**Section I**

**GENERAL PROVISIONS. GOVERNMENT REGULATION AND ADMINISTRATION IN THE FIELD OF  
FORCED MIGRATION**

**Chapter 1**

**GENERAL PROVISIONS**

**Article 1. Legislation of the Republic of Belarus on Refugee Status, Complementary and Temporary Protection**

The legislation of the Republic of Belarus on refugee status, complementary and temporary protection is based on the Constitution of the Republic of Belarus and it comprises this Law, the Law of the Republic of Belarus of 3 June, 1993 “On the Legal Status of Foreign Citizens and Persons without Citizenship in the Republic of Belarus” (Vedamastsi Vyarhounaha Saveta Respubliki Belarus, 1993, # 21, Art. 250; National Register of Legal Acts of the Republic of Belarus, 2005, # 121, 2/1138), other regulatory legal acts of the Republic of Belarus as well as international treaties of the Republic of Belarus.

If an international treaty whereof the Republic of Belarus is a party has other provisions than the provisions of this Law, the provisions of the international treaty shall apply.

**Article 2. Main Terms and Definitions as Applied in this Law**

For the purposes of this Law, the following main terms are applied:

Safe country is a country of nationality or former habitual residence of the foreign citizen or stateless person (hereinafter referred to as aliens) where, taking into account the legislation and the political situation, there are no persecutions for reason of race, religion, citizenship, nationality,

membership of a particular social group or political opinion, and where international human rights standards established by universal and regional international legal acts are followed, including provisions prohibiting torture and other cruel, inhumane or degrading treatment or punishment, and where international organizations are able to monitor human rights;

Family reunification refers to arrival with the purpose of co-habitation to the territory of the Republic of Belarus of members of family of an alien who was granted refugee status (hereinafter referred to as alien who was granted refugee status), or alien who was granted complementary protection in the Republic of Belarus (hereinafter referred to as alien who was granted complementary protection);

Temporary protection is the entirety of rights and responsibilities of the alien who arrived in the Republic of Belarus within a group of aliens, in relation to whom it was decided to grant temporary protection in the Republic of Belarus;

Forced migration refers to movement of people from the country of nationality or former habitual residence for fears of becoming victims of persecution for reasons of race, religion, citizenship, nationality, membership of a particular social group or political opinion, or from the country of nationality or former habitual residence where there is a threat of death penalty, torture or other cruel, inhumane or degrading treatment or punishment, or movement for the reason of violence in context of an armed conflict of international or non-international character;

Complementary protection is the entirety of rights and responsibilities of the alien in relation to whom it was decided to refuse to grant refugee status in the Republic of Belarus and to grant complementary protection in the Republic of Belarus;

Integration of aliens who were granted refugee status or complementary protection refers to the set of measures on adaptation of aliens who were granted refugee status or complementary protection, to the social and economic conditions in the Republic of Belarus, national traditions of the Belarusian people;

Temporary accommodation facilities are facilities created in compliance with the legislation of the Republic of Belarus within the framework of international technical assistance projects, that are designed for temporary accommodation of aliens applying for refugee status or for complementary protection in the Republic of Belarus (hereinafter referred to as aliens applying for protection), and aliens who were granted refugee status or complementary protection, who are unable to find accommodation on the territory of the Republic of Belarus without assistance;

Temporary accommodation center is an organization within the system of agencies of internal affairs of the Republic of Belarus, created in compliance with the legislation of the Republic of Belarus, that provides temporary accommodation to those aliens applying for protection who are unable to find accommodation in the Republic of Belarus without assistance;

Distributive quotas on registration of refugee status or complementary protection applications in the Republic of Belarus (hereinafter referred to as distributive registration quotas) refer to the maximum limit of applications accepted by citizenship and migration units of the Main Department of the Interior of the Minsk City Executive Committee, departments of internal affairs of the region executive committees (hereinafter referred to as citizenship and migration units) from aliens applying for protection that is annually established by the Ministry of the Interior of the Republic of Belarus;

Certificate of complementary protection in the Republic of Belarus (hereinafter referred to as certificate of complementary protection) is an identification document of an alien who was granted complementary protection;

Certificate of registration of application for refugee status or complementary protection in the Republic of Belarus (hereinafter referred to as certificate of application registration) is an identification document of an alien applying for protection;

Refugee status is the entirety of rights and responsibilities of the alien in relation to whom it was decided to grant refugee status in the Republic of Belarus;

Third safe country is the country where the alien had stayed prior to arrival in the Republic of Belarus, with the exception of transit through the territory of that country, and where he could have applied for refugee status or complementary protection or asylum, provided that that country observes the international human rights standards established in universal and regional international legal acts, including provisions prohibiting torture and other cruel, inhumane or degrading treatment and punishment; adheres to the international principles of refugee protection, including provisions of the Convention Relating to the Status of Refugees of 28 July, 1951 and the Protocol Relating to the Status of Refugees of 31 January 1967, and above all, to the principle of non-refoulement; that it has its national legislation governing relations in the field of forced migration, and its relevant government agencies grant refugee status or complementary protection or asylum;

Refugee certificate is an identification document of an alien who was granted refugee status;

Application for refugee status or complementary protection in the Republic of Belarus (hereinafter called as application for protection) is an application submitted to a relevant government agency of the Republic of Belarus for refugee status or complementary protection in the Republic of Belarus;

Members of alien's family are the husband (wife) who had been married to the alien prior to his (her) departure from the country of his nationality or former habitual residence; unmarried children under eighteen years of age; disabled children above eighteen years of age who are unmarried and dependent on the alien; disabled parents with whom the alien had lived together and shared household in the country of nationality or former habitual residence.

### **Article 3. Limitations on Application of This Law**

In the Republic of Belarus, refugee status, complementary and temporary protection may not be granted to the following aliens:

in whose regard there are objective reasons for considering that they have committed a crime against peace, a war crime or a crime against humanity as defined in the international instruments drawn up to make provisions in respect of such crimes;

in whose regard there are objective reasons for considering that they have committed a serious non-political crime outside the Republic of Belarus prior to their arrival in the territory of the Republic of Belarus;

in whose regard there are objective reasons for considering that they are guilty of acts contrary to the purposes and principles of the United Nations;

who are recognized by competent agencies of the country of their permanent residence, which is not the country of their nationality, as having the rights and responsibilities related with citizenship of that country;

who avail themselves of the protection or assistance of agencies or institutions of the United Nations other than the Office of the United Nations High Commissioner for Refugees.

### **Article 4. Confidentiality of Information on Aliens Applying for Protection and Aliens who were granted Refugee Status or Complementary or Temporary Protection in the Republic of Belarus**

Information on aliens applying for protection, aliens who were granted refugee status or complementary protection as well as, aliens who were granted temporary protection in the Republic of Belarus (hereinafter referred to as aliens who were granted temporary protection) is confidential and it may not be released without their written consent to government agencies, other organizations or citizens of the country of their nationality or former habitual residence, mass media.

### **Article 5. Guarantees of Non-Expulsion of Aliens**

Aliens applying for protection, aliens who were granted refugee status or complementary or temporary protection, aliens in whose regard consideration of applications was discontinued, aliens who were denied refugee status or complementary protection, aliens who were denied extension of temporary protection, aliens who lost refugee status or complementary protection, aliens whose refugee status or complementary protection were withdrawn, may not be returned or expelled against their will to the territory of a country where their lives or freedom are threatened for reasons of race, religion, citizenship, nationality, membership of a particular social group or political opinion.

Aliens mentioned in Part One of this Article may not be returned or expelled against their will to a country where they will be in danger of torture.

The provisions of Part One of this Article do not apply to aliens who present threat to the national security of the Republic of Belarus or who have committed in the Republic of Belarus a crime referred to in the Criminal Code of the Republic of Belarus as serious or particularly serious.

Aliens in whose regard consideration of applications for protection was discontinued, aliens who were denied refugee status or complementary protection, aliens who were denied extension of temporary protection, aliens who lost refugee status or complementary protection, aliens whose refugee status or complementary protection was withdrawn, in case it is not possible to return or expel them, are eligible to receive permission for temporary residence in the Republic of Belarus in accordance with the procedures prescribed by the legislation of the Republic of Belarus.

### **Article 6. International Cooperation in the Field of Forced Migration**

The Republic of Belarus cooperates with other countries, the United Nations High Commissioner for Refugees, and international organizations on issues of resolving the problems of aliens applying for protection and aliens who were granted refugee status or complementary or temporary protection.

### **Article 7. Funding of Expenses Related to the Enforcement of this Law**

Expenses related to the enforcement of this Law, including pecuniary aid to aliens applying for protection and aliens who were granted refugee status, on temporary accommodation of aliens applying for protection who are unable to find accommodation in the Republic of Belarus without assistance, shall be funded from the republican budget and other sources in compliance with the legislation of the Republic of Belarus.

## **Chapter 2**

### **AUTHORITY OF THE PRESIDENT OF THE REPUBLIC OF BELARUS AND GOVERNMENT AGENCIES OF THE REPUBLIC OF BELARUS IN THE FIELD OF FORCED MIGRATION**

#### **Article 8. Authority of the President of the Republic of Belarus in the Field of Forced Migration**

The President of the Republic of Belarus shall:

determine the main directions of the national policy in the field of forced migration;

execute general leadership over government agencies in the field of forced migration;

make decisions on creation, re-organization and liquidation of temporary accommodation centers;

define the procedure of issuance, use, exchange, voidance, confiscation, storage, destruction of refugee certificates;

execute other authority in compliance with the Constitution of the Republic of Belarus

and other legislative acts of the Republic of Belarus.

## **Article 9. Authority of the Council of Ministers of the Republic of Belarus in the Field of Forced Migration**

The Council of Ministers of the Republic of Belarus shall:

ensure implementation of the single national policy in the field of forced migration;

adopt the Regulation on Stay of Aliens Applying for Refugee Status or Complementary Protection and Aliens who were granted Refugee Status or Complementary protection in the Republic of Belarus.

define the procedure of establishment of guardianship or custody over unmarried aliens under eighteen years of age who arrived at the Republic of Belarus without their legal representatives (hereinafter called unaccompanied underage aliens) applying for protection, and unaccompanied underage aliens who were granted refugee status, complementary or temporary protection;

define the procedure of granting temporary protection to aliens, and adopts relevant decisions;

determine places of accommodation and the procedure of movement in the Republic of Belarus of aliens who were granted temporary protection;

approve description and sample of the refugee certificate;

determine the procedure of provision and the amount of pecuniary aid granted to aliens applying for protection and aliens who were granted refugee status;

execute other authority imposed on it by the Constitution of the Republic of Belarus, laws and acts of the President of the Republic of Belarus.

## **Article 10. Authority of the Agencies of Internal Affairs of the Republic of Belarus in the Field of Forced Migration**

The Ministry of Internal Affairs of the Republic of Belarus shall:

pursue a single national policy in the field of forced migration;

develop proposals on enhancement of the legislation of the Republic of Belarus and on conclusion of international treaties by the Republic of Belarus on issues of forced migration;

coordinate the activities of other republican authorities of the Republic of Belarus on issues of forced migration, cooperate with other government agencies of the Republic of Belarus and other organizations in that area;

in coordination with involved republican authorities of the Republic of Belarus, establish the procedure of review of the applications for protection and the application for extension of the term of complementary protection (hereinafter referred to as applications for extension of complementary protection), and also the procedure of review of the applications for family reunification, making decision on loss, withdrawal of refugee status or complementary protection;

define the procedure of personality identification in regard to aliens applying for protection who do not possess valid passports or substituting documents for foreign travel issued by relevant agencies of the country of nationality or former habitual residence of the alien or by international organizations (hereinafter referred to as travel documents), or who presented counterfeit or forged travel documents;

establish distributive registration quotas for citizenship and migration units;

define the procedure of organization of issuance, registration, exchange, voidance, confiscation, storage and destruction of refugee certificates;

approve the forms of the certificate of complementary protection and the certificate of application registration, define the procedure of organization of their issuance, registration, confiscation and storage;

following the established procedure, introduce to the President of the Republic of Belarus proposals on foundation of temporary accommodation centers, coordinated with the region (Minsk City) executive committees;

execute other authority in compliance with the legislation of the Republic of Belarus.

The Department on Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus (hereinafter referred to as the Department) shall:

execute methodological and organizational leadership over citizenship and migration units and control over their activities;

in accordance with the established procedure, make decisions on suspension, discontinuation, extension of the period of consideration of applications for protection, on granting of or denial in granting refugee status and (or) complementary protection, on extending or denial in extending the term of complementary protection, on reunification or denial in reunification of families, on loss, withdrawal of refugee status or complementary protection, and on cancellation of such decisions;

based on reports of citizenship and migration units, take measures on finding parents or other legal representatives or relatives of unaccompanied underage aliens applying for protection;

develop projects of integration of aliens who were granted refugee status or complementary protection;

distribute aliens who apply for protection throughout the territory of the Republic of Belarus in accordance with distributive quotas of registration of applications;

issue and exchange refugee certificates to aliens who were granted refugee status;

assist with reunification of the families of aliens who were granted refugee status or complementary protection;

collect, organize and analyze information on political, socio-economic, sanitary and epidemiological situation in the countries of nationality or former habitual residence of aliens applying for protection;

upon request, receive from legal and physical persons free of charge information necessary for verification of data provided by aliens applying for protection or aliens who were granted refugee status, complementary protection or temporary protection, unless the legislation of the Republic of Belarus provides for another procedure of obtaining such information;

execute other authority in compliance with the legislation of the Republic of Belarus.

Citizenship and migration units shall:

accept aliens applying for protection and their applications for protection;

register aliens applying for protection and aliens who were granted refugee status or complementary or temporary protection;

report to the Department on unaccompanied underage aliens applying for protection for taking measures on finding their parents or other legal representatives or relatives;

issue to aliens applying for protection who are unable to find accommodation in the Republic of Belarus without assistance, warrants for temporary accommodation at temporary accommodation centers or temporary accommodation facilities;

carry out personality identification in regard of aliens applying for protection who do not possess travel documents or who presented counterfeit or forged travel documents;

refer aliens applying for protection to the citizenship and migration units determined by the Department while distributing these aliens throughout the territory of the Republic of Belarus in accordance with distributive quotas of registration of applications;

forward documents of aliens applying for protection to agencies of internal affairs of the Republic of Belarus for expertise in case of detection of indications of forgery;

interview aliens applying for protection and register their applications for protection;

issue to aliens whose applications for protections were registered, certificates of application registration;

refer aliens applying for protection to mandatory state fingerprint registration and mandatory medical examination;

within their range of competence, verify aliens' eligibility as stipulated in Article 3 and Paragraph Seven of Part Two of Article 43 of this Law;

review applications for protection and develop conclusions on them;

in accordance with the established procedure, make decisions on suspension, discontinuation of review of applications for protection that are being reviewed by citizenship and migration units, and on cancellation of such decisions;

hand over refugee certificates to aliens who were granted refugee status;

issue certificates of complementary protection to aliens who were granted complementary protection;

review applications on extension of complementary protection, family reunification and develop relevant conclusions;

introduce to the Department proposals on loss, withdrawal of refugee status or complementary protection;

participate in development and implementation of projects of integration of aliens who were granted refugee status or complementary protection;

execute other authority in compliance with the legislation of the Republic of Belarus.

Other agencies of internal affairs of the Republic of Belarus, except the agencies mentioned in Parts One – Three of this Article, shall, within their range of competence:

accept applications for protection from aliens detained for illegal stay in the Republic of Belarus and wishing to apply for refugee status or complementary protection in the Republic of Belarus, immediately inform officials of citizenship and migration units and provide to them unrestricted access to the above aliens;

conduct mandatory fingerprint registration of aliens applying for protection;

carry out expertise of documents of aliens applying for protection if case of detection of indications of forgery;

execute other authority in compliance with the legislation of the Republic of Belarus.

#### **Article 11. Authority of the Border Service Agencies of the Republic of Belarus in the Field of Forced Migration**

The border service agencies of the Republic of Belarus shall:

accept applications for protection from aliens detained for illegal crossing of the State Border of the Republic of Belarus or for illegal stay in the Republic of Belarus and wishing to apply for refugee status or complementary protection in the Republic of Belarus, carry out checks of the above aliens, inform officials of citizenship and migration units within three days and provide to them unrestricted access to the above aliens;

introduce to the Department proposals on suspension, discontinuation of review of applications for protection, on loss, withdrawal of refugee status or complementary protection;

execute other authority in compliance with the legislation of the Republic of Belarus.

#### **Article 12. Authority of the State Security Agencies of the Republic of Belarus in the Field of Forced Migration**

The state security agencies of the Republic of Belarus shall:

within the range of their competence, upon request of the Department or citizenship and migration units, provide within one month information on aliens' eligibility, as stipulated in Article 3 of this Law.

Introduce to the Department proposals on suspension, discontinuation of review of applications for protection, on loss, withdrawal of refugee status or complementary protection;  
execute other authority in compliance with the legislation of the Republic of Belarus.

### **Article 13. Authority of the Ministry of Foreign Affairs of the Republic of Belarus in the Field of Forced Migration**

The Ministry of Foreign Affairs of the Republic of Belarus shall:

in accordance with the established procedure, take part in negotiations, development and introduction of proposals on conclusion of international treaties by the Republic of Belarus on issues of forced migration;

upon request of the Department, provide information on political, socio-economic, sanitary and epidemiological situation in the countries of nationality or former habitual residence of aliens applying for protection;

facilitate voluntary return of aliens who were granted refugee status or complementary or temporary protection to the countries of their nationality or former habitual residence or their resettlement to countries agreeing to accept them;

through diplomatic representations or consular establishments of the Republic of Belarus, promote family reunification of aliens who were granted refugee status or complementary protection;

within the range of its competence, assist other government agencies of the Republic of Belarus with enforcement of this Law;

execute other authority in compliance with the legislation of the Republic of Belarus.

### **Article 14. Authority of the Ministry of Health of the Republic of Belarus in the Field of Forced Migration**

The Ministry of Health of the Republic of Belarus shall ensure:

mandatory free medical examination of aliens applying for protection at the place of their residence or temporary residence in the Republic of Belarus;

provision of free emergency (first) medical aid in state health establishments to aliens applying for protection;

provision of medical aid at the place of residence or temporary residence in the Republic of Belarus to aliens who were granted refugee status and complementary protection equally with aliens who permanently reside in the Republic of Belarus;

medical examination of unaccompanied underage aliens applying for protection and underage aliens who were granted refugee status or complementary protection, at the place of their residence or temporary residence in the Republic of Belarus equally with underage citizens of the Republic of Belarus;

execution of other authority in compliance with the legislation of the Republic of Belarus.

### **Article 15. Authority of the Ministry of Education of the Republic of Belarus in the Field of Forced Migration**

The Ministry of Education of the Republic of Belarus shall ensure:

provision of access to education in pre-school and general secondary educational establishments to underage aliens applying for protection and underage aliens who were granted refugee status or

complementary protection, at the place of their residence or temporary residence in the Republic of Belarus, equally with underage citizens of the Republic of Belarus;  
implementation of measures on protection of rights and legal interests of unaccompanied underage aliens applying for protection and unaccompanied underage aliens who were granted refugee status or complementary or temporary protection;  
execution of other authority in compliance with the legislation of the Republic of Belarus.

**Article 16. Authority of the Ministry of Labor and Social Protection of the Republic of Belarus in the Field of Forced Migration**

The Ministry of Labor and Social Protection of the Republic of Belarus shall ensure:  
vocational training and job placement of aliens who were granted refugee status, at the place of their residence or temporary residence in the Republic of Belarus;  
job placement of aliens applying for protection and aliens who were granted complementary protection, at the place of their temporary accommodation in the Republic of Belarus;  
execution of other authority in compliance with the legislation of the Republic of Belarus.

**Article 17. Authority of Local Executive and Administrative Agencies of the Republic of Belarus in the Field of Forced Migration**

Local Executive and Administrative Agencies of the Republic of Belarus shall:  
establish guardianship or custody over unaccompanied underage aliens applying for protection, and over unaccompanied underage aliens who were granted refugee status or complementary or temporary protection, ensure other forms of their upbringing arrangements;  
ensure participation of an official of a guardianship and custody agency in personality identification of unaccompanied underage aliens applying for protection;  
assist with integration of aliens who were granted refugee status or complementary protection;  
execute other authority in compliance with the legislation of the Republic of Belarus.  
The region (Minsk City) executive committees shall coordinate proposals of the Ministry of Internal Affairs of the Republic of Belarus on creation of temporary accommodation centers and temporary accommodation facilities.

**Section II**

**REFUGEE STATUS, COMPLEMENTARY AND TEMPORARY PROTECTION**

**Chapter 3**

**REFUGEE STATUS**

**Article 18. Reasons for Granting and Period of Validity of Refugee Status**

In the Republic of Belarus, refugee status shall be granted to an alien staying on the territory of the Republic of Belarus for well-grounded fears of being persecuted in the country of his nationality for reasons of race, religion, citizenship, nationality, membership of a particular social group or political opinion, and who is unable or, owing to such fears, is unwilling to avail himself of the protection of that country; or to a stateless person who, while staying in the territory of the Republic of Belarus for the above fears, is unable or unwilling to return to the country of his former habitual residence, owing to such fears.

Refugee status shall be granted to aliens for the period of validity of reasons for granting refugee status in the country of their nationality or former habitual residence.

The legal status of aliens after expiration of the period stipulated in Part Two of this Article, shall be regulated in Chapters 9 and 10 of this Law.

#### **Article 19. Rights of Alien Who Was Granted Refugee Status**

Alien who was granted refugee status shall be entitled to:

receive information on his rights and obligations;

receive refugee certificate;

receive permission for temporary residence in the Republic of Belarus for a period no more than one year for the purpose of getting the permission for permanent residence in the Republic of Belarus;

accommodation without assistance in the family of a citizen of the Republic of Belarus or a foreigner who permanently resides in the Republic of Belarus in accordance with the procedures prescribed by the legislation of the Republic of Belarus, provided that the living area will be no less than six square meters per resident after the alien who was granted refugee status and his family members move in; stay in temporary accommodation facility in case of his inability to find accommodation without assistance until the permission for permanent residence in the Republic of Belarus is issued, but no longer than for one year;

receive pecuniary aid according to the procedure and in amounts determined by the Council of Ministers of the Republic of Belarus;

receive assistance from the Department with obtaining information on his close relatives who live in the country of his nationality or former habitual residence;

voluntary return to the country of his nationality or former habitual residence;

move to another country for permanent residence;

family reunification;

appeal to the Office of the United Nations High Commissioner for Refugees;

court protection equally with the citizens of the Republic of Belarus;

enjoy other rights and freedoms equally with aliens who permanently reside in the Republic of Belarus unless the legislative acts and international treaties of the Republic of Belarus provide otherwise.

Aside from the rights listed in Part One of this Article, an underage alien who was granted refugee status shall also be entitled to education in pre-school and general secondary school educational establishments and medical services equally with underage citizens of the Republic of Belarus.

#### **Article 20. Obligations of Alien Who Was Granted Refugee Status**

Alien who was granted refugee status shall:

observe the Constitution of the Republic of Belarus, this Law, other acts of legislation of the Republic of Belarus and respect the national traditions of the Belarusian people;

get registered in the citizenship and migration units at the place of his residence or temporary residence in the Republic of Belarus within three working days after familiarization with the decision to grant refugee status;

notify the citizenship and migration units within seven days about changing last name, first name, patronymic, changes in the family, marital status; about acquisition of citizenship of another country;

notify the citizenship and migration units about his intention to move outside the Republic of Belarus for permanent residence;

at changing place of residence or temporary residence in the Republic of Belarus, get registered at the citizenship and migration units within three working days after residential registration at the new place of residence or temporary residence in the Republic of Belarus;

fulfill other responsibilities equally with aliens who permanently reside in the Republic of Belarus, unless the legislative acts and international treaties of the Republic of Belarus provide otherwise.

## **Chapter 4**

### **COMPLEMENTARY PROTECTION**

#### **Article 21. Reasons for Granting and Term of Complementary Protection**

In the Republic of Belarus, complementary protection shall be granted to an alien staying in the Republic of Belarus and who lacks grounds for granting refugee status and who has well-founded fears to face upon return to the country of his nationality the threat of death penalty, torture and other cruel, inhumane or degrading treatment and punishment, or threat to life caused by violence in the context of an international or non-international armed conflict, and who is unable or, owing to such fears, is unwilling to avail himself of the protection of that country or to a stateless person staying in the Republic of Belarus and who lacks grounds for granting refugee status and who has stated fears and who is unable or unwilling owing to such fears to return to the country of his former habitual residence.

Complementary protection shall be provided to alien for the period up to one year. In case the grounds for granting complementary protection remain in the country of the aliens' nationality or former habitual residence, its term may be extended up to one year.

The legal status of aliens after expiration of the term of granted complementary protection is regulated in Chapters 9 and 10 of this Law.

#### **Article 22. Rights of Alien Who Was Granted Complementary Protection**

Alien who was granted complementary protection shall be entitled to:

receive information on his rights and responsibilities, including the right to apply for extension of complementary protection;

receive certificate of complementary protection;

receive permission for temporary residence in the Republic of Belarus for the term of complementary protection;

stay in a temporary accommodation facility in case of inability to find accommodation without assistance for the term of granted complementary protection, but no longer than for one year;

medical services and job placement equally with aliens who permanently reside in the Republic of Belarus;

apply to the citizenship and migration units for extension of complementary protection;

submit to the citizenship and migration units new applications in case of emergence of reasons for granting refugee status;

receive assistance from the Department with obtaining information on his/her close relatives who live in the country of his nationality or former habitual residence;

voluntary return to the country of his nationality or former habitual residence;

move to another country for permanent residence;

family reunification;

appeal to the Office of the United Nations High Commissioner for Refugees;

court protection equally with the citizens of the Republic of Belarus;

enjoy other rights and freedoms equally with aliens who temporarily reside in the Republic of Belarus, unless the legislative acts and international treaties of the Republic of Belarus provide otherwise.

Aside from the rights listed in Part One of this Article, an underage alien who was granted complementary protection, shall also be entitled to the rights stipulated in Part Two of Article 19 of this Law.

### **Article 23. Obligations of Alien Who Was Granted Complementary Protection**

Alien who was granted complementary protection shall:

observe the Constitution of the Republic of Belarus, this Law, other acts of legislation of the Republic of Belarus and respect the national traditions of the Belarusian people;

get registered in the citizenship and migration units at the place of his temporary residence in the Republic of Belarus within three working days after familiarization with the decision to grant complementary protection;

notify the citizenship and migration units within seven days about changing last name, first name, patronymic; about changes in the family, marital status; about acquisition of citizenship of another country;

notify the citizenship and migration unit about his intention to move outside the Republic of Belarus for permanent residence;

at changing place of temporary residence in the Republic of Belarus, get registered at the citizenship and migration units within three working days after arrival at the new place of temporary residence in the Republic of Belarus;

fulfill other responsibilities equally with aliens who temporarily reside in the Republic of Belarus unless the legislative acts and international treaties of the Republic of Belarus provide otherwise.

## **Chapter 5**

### **TEMPORARY PROTECTION**

### **Article 24. Reasons for Granting and Term of Temporary Protection**

In the Republic of Belarus, temporary protection shall be granted to a group of aliens whose applications for protection can not be reviewed individually due to their simultaneous mass arrival and in connection with this the need to resolve the issue of their access and stay in the Republic of Belarus for reasons provided for granting refugee status or complementary protection.

The term of granted temporary protection shall be determined by the Council of Ministers of the Republic of Belarus, however, it shall not exceed one year.

If after expiration of the term of granted temporary protection, the aliens who were granted temporary protection, have not returned to the countries of their nationality or former habitual residence, or have not been resettled to states that agreed to accept them, individual review of applications for protection shall be carried out in regard to these aliens.

### **Article 25. Rights of Alien Who Was Granted Temporary Protection**

Alien who was granted temporary protection shall be entitled to:

receive information on his rights and obligations;

free emergency (first) medical aid in government health establishments;

accommodation in places determined by the Council of Ministers of the Republic of Belarus and movement in the Republic of Belarus according to the procedure established by the Council of Ministers of the Republic of Belarus;

voluntary return to the country of his nationality or former habitual residence;

appeal to the Office of the United Nations High Commissioner for Refugees;

enjoy other rights and freedoms equally with aliens who temporarily reside in the Republic of Belarus unless the legal acts and international treaties of the Republic of Belarus provide otherwise.

#### **Article 26. Obligations of Alien Who Was Granted Temporary Protection**

Alien who was granted temporary protection shall:

observe the Constitution of the Republic of Belarus, this Law, other acts of legislation of the Republic of Belarus and respect the national traditions of the Belarusian people;

present travel documents;

undergo personality identification procedure in absence of a foreign travel document or in case of presentation of a counterfeit or forged travel document;

undergo mandatory state fingerprint registration and mandatory medical examination;

fulfill other responsibilities equally with aliens who temporarily reside in the Republic of Belarus unless the legislative acts and international treaties of the Republic of Belarus provide otherwise.

### **Section III**

#### **APPLICATION FOR PROTECTION AND ITS REVIEW. EXTENSION OF COMPLEMENTARY PROTECTION. FAMILY REUNIFICATION. LOSS, WITHDRAWAL OF REFUGEE STATUS, COMPLEMENTARY PROTECTION**

### **Chapter 6**

#### **APPLICATION FOR PROTECTION. RIGHTS AND OBLIGATIONS OF ALIENS APPLYING FOR PROTECTION**

#### **Article 27. Application for Protection**

Alien expressing his wish to apply for refugee status or complementary protection in the Republic of Belarus as well as his family members over eighteen years of age, shall, either in person or through an authorized representative, submit relevant applications to the citizenship and migration unit.

Alien, as well as his family members over eighteen years of age, detained by the border service agencies of the Republic of Belarus for illegal crossing the State border of the Republic of Belarus or illegal stay on the territory of the Republic of Belarus, or by agencies of internal affairs of the Republic of Belarus for illegal stay on the territory of the Republic of Belarus, and expressing their wish to apply for refugee status or complementary protection in the Republic of Belarus shall, either in person or through an authorized representative, submit applications for protection to the border service agencies of the Republic of Belarus or to agencies of internal affairs of the Republic of Belarus.

Information on alien under eighteen years of age arriving together with aliens expressing their wish to apply for refugee status or complementary protection in the Republic of Belarus, shall be recorded in the applications for protection of both parents, in absence of parents – in the applications for protection of his legal representatives.

Alien who was forced to cross the State Border of the Republic of Belarus and who applied without delay to either agency mentioned in Parts One and Two of this Article, shall not be held liable for

illegal crossing of the State border of the Republic of Belarus and for illegal stay in the Republic of Belarus in compliance with the legislative acts of the Republic of Belarus.

#### **Article 28. Procedures Related to Application for Protection of Unaccompanied Underage Alien**

In regard to unaccompanied underage alien expressing his wish to apply for refugee status or complementary protection in the Republic of Belarus, the citizenship and migration units shall compile an Act of Discovery of Abandoned Child and forward the unaccompanied underage alien and the above act to the guardianship and custody agency at the place where the unaccompanied underage alien stays.

As of the time of compilation of the Act on Discovery of Abandoned Child, the unaccompanied underage alien is entitled to the rights stipulated in Article 29 of this Law.

The guardianship and custody agency shall, within three working days upon receipt of the Act on Discovery of Abandoned Child, submit to the citizenship and migration unit on behalf of the unaccompanied underage alien an application for protection and implement other measures on protection of his rights and legal interests.

#### **Article 29. Rights of Alien Applying for Protection**

Alien applying for protection shall be entitled to:

receive information on his rights and obligations and course of review of his applications for protection;

accommodation without assistance according to the procedure established by the legislation of the Republic of Belarus;

stay in a temporary accommodation center or a temporary accommodation facility in case of his inability to find accommodation without assistance;

receive pecuniary aid according to the procedure and in amounts determined by the Council of Ministers of the Republic of Belarus;

free emergency (first) medical aid in state health establishments;

job placement equally with aliens who permanently reside in the Republic of Belarus;

submit applications for discontinuation of review of his application for protection;

apply to the Office of the United Nations High Commissioner for Refugees;

court protection equally with the citizens of the Republic of Belarus;

enjoy other rights equally with aliens who temporarily reside in the Republic of Belarus, unless the laws and international treaties of the Republic of Belarus provide otherwise.

Aside from the rights listed in Part One of this Article, an underage alien applying for protection, shall also be entitled to the rights stipulated in Part Two of Article 19 of this Law.

#### **Article 30. Obligations of Alien Applying for Protection**

Alien applying for protection shall:

observe the Constitution of the Republic of Belarus, this Law, other acts of legislation of the Republic of Belarus and respect the national traditions of the Belarusian people;

substantiate his application for protection, present travel documents, other available documents, materials and information relevant for consideration of his application for protection;

undergo personality identification procedure in absence of a travel document or in case of presentation of a counterfeit or forged travel document;

undergo mandatory state fingerprint registration and mandatory medical examination;

arrive at the citizenship and migration unit determined by the Department when distributing this alien throughout the territory of the Republic of Belarus in accordance with the distributive quotas of registration of applications.

arrive without delay at the Department or citizenship and migration units;

reside within the region (Minsk City) where his application for protection was registered during the period of review of the application for protection, appeals against the decision made (if the right to appeal is used), and within the term for leaving the Republic of Belarus, as established by this Law;

notify citizenship and migration units without delay about changes of the place of temporary residence;

fulfill other obligations equally with aliens who temporarily reside in the Republic of Belarus unless the legislative acts and international treaties of the Republic of Belarus provide otherwise.

## **Chapter 7**

### **REVIEW OF APPLICATION FOR PROTECTION AND APPLICATION FOR EXTENSION OF COMPLEMENTARY PROTECTION**

#### **Article 31. Main Stages and Conditions of Review of Application for Protection and Main Stages of Review of Application for Extension of Complementary Protection**

The review of application for protection shall include:

personality identification of the alien applying for protection who does not possess a travel document or presented a counterfeit or forged travel document;

registration of aliens applying for protection;

distribution of aliens applying for protection throughout the territory of the Republic of Belarus;

interviewing, registration of applications for protection and issuance of certificates of application registration;

mandatory state fingerprint registration of alien applying for protection and mandatory medical examination;

review of application for protection by citizenship and migration units and development of conclusion;

review of application for protection by the Department and taking a decision;

Establishment of grounds for granting complementary protection shall not be conducted if at review of the application for protection it is decided to grant refugee status.

A new application for protection shall not be accepted for review until the completion of review of previously submitted application for protection, the alien's appeal against the decision made (if the right to appeal is used) and the alien's departure from the Republic of Belarus, if not determined otherwise in Part Four of this Article.

A new application for protection shall be accepted for review if grounds for granting the alien refugee status or complementary protection emerge after the decision on denial in granting refugee status and/or complementary protection on previously submitted application was made.

Review of application for extension of complementary protection shall include:

holding interview;

review of application for extension of complementary protection by a citizenship and migration unit and preparation of conclusion;

review of application for extension of complementary protection by the Department and making decision.

### **Article 32. Personality Identification of Alien Applying for Protection without a Travel Document or Presenting a Counterfeit or Forged Travel Document**

In regard to alien applying for protection who do not possess a travel document or who presented a counterfeit or forged travel document, the citizenship and migration units shall, within one month upon the day of the alien's application to the relevant government agencies of the Republic of Belarus for protection, carry out the personality identification procedure, unless this Law provides otherwise.

During the personality identification procedure an alien applying for protection, except for the aliens under 14 years old, shall undergo obligatory state fingerprint registration in the order, established by the legislation of the Republic of Belarus.

Personality identification of an unaccompanied underage alien applying for protection shall be carried out in mandatory presence of a representative of the guardianship and custody agency. The unaccompanied underage alien may be put into a reception-distribution center for underage children for the duration of the personality identification procedure.

In case there are doubts about the age of the underage alien applying for protection who does not possess a document proving his age, or who presents a counterfeit or forged document proving his age, the citizenship and migration unit shall, with his consent (for an unaccompanied underage alien) or with consent of his legal representative, refer the subject alien to a forensic medical examination in order to determine the age of the underage alien. The duration of the personality identification procedure of an underage alien forwarded to forensic medical examination, shall be extended to a period of time necessary to undergo such an examination.

If the underage unaccompanied alien or the legal representative of the underage alien refuse from undergoing forensic medical examination aimed at determination of the age of the underage alien, his application for protection shall be considered as an adult alien's application for protection.

### **Article 33. Distribution of Aliens Applying for Protection throughout the Territory of the Republic of Belarus**

Distribution of aliens applying for protection throughout the territory of the Republic of Belarus shall be carried out by the Department in accordance with the distributive registration quotas that are annually established by the Ministry of Internal Affairs of the Republic of Belarus for citizenship and migration units.

### **Article 34. Registration of Application for Protection**

An application for protection shall be registered by the citizenship and migration unit at the alien's place of stay after interviewing him.

Alien over **fourteen** years of age shall receive certificates of application registration on the day of application registration, valid for the period of its review.

Certificate of application registration of an unmarried alien applying for protection, who is under **fourteen** years of age and who arrived in the Republic of Belarus unaccompanied by his legal representatives, shall be issued to his guardian or custodian.

Information on an alien under the age of **eighteen** who arrived together with the aliens applying for protection, shall be recorded in certificates of application registration of both parents, in absence of parents – in certificates of application registration of his legal representatives.

Alien's travel documents shall be removed at registration of his application for protection and will be kept by the citizenship and migration unit for the period of review of his application for protection.

Upon registration of application for protection the alien shall receive permission for temporary residence in the Republic of Belarus for the period of review of his application for protection.

Upon registration of his application for protection, **unless otherwise provided by this Law**, the alien shall undergo mandatory state fingerprint registration **in the order established by the legislation of the Republic of Belarus**, and mandatory medical examination **in the order, established by the Ministry of Healthcare of the Republic of Belarus by agreement with the Ministry of Internal Affairs of the Republic of Belarus and Ministry of Education of the Republic of Belarus**.

### **Article 35. Review of Application for Protection and Application for Extension of Complementary Protection by the Department and by Citizenship and Migration Units**

At reviewing application for protection, in order to make a decision on granting or denying an alien in refugee status and/or complementary protection, the Department and citizenship and migration unit shall examine the following:

information acquired at interviewing the alien;

information on the circumstances of the arrival of the alien in the Republic of Belarus, documents and materials provided by the alien;

information provided by the state security agencies of the Republic of Belarus on alien's eligibility as stipulated in Article 3 of this Law;

information provided by legal and physical persons required for the verification of the information provided by the alien;

information on the country of nationality or former habitual residence of the alien;

other documents, materials, data and information relevant for making a decision on his application for protection;

At reviewing application for extension of complementary protection, the Department and citizenship and migration unit shall examine the documents, materials, data and information, as mentioned in Paragraphs Two, Four, Six – Eight of Part One of this Article

On the basis of the documents, materials, data and information, as mentioned in Parts One and Two of this Article, the Department and citizenship and migration unit form the materials of the case.

### **Article 36. Period of Review of Application for Protection and Application for Extension of Complementary Protection**

An application for protection shall be reviewed within six months from the day of its registration unless this Law provides otherwise.

The Department may extend the period of review of an application for protection up to one year if determination of the alien's grounds for refugee status or complementary protection is complicated.

**The Period of review of an application for protection may be extended by the Department for the period of suspension of its review.**

An application for extension of complementary protection shall be reviewed within two months from the day of its registration.

### **Article 37. Accelerated Review of Application for Protection**

If, after interviewing an alien applying for protection, it becomes clear that his application for protection is manifestly unfounded or abusive, the citizenship and migration unit shall forward a relevant conclusion and the materials of the case to the Department within fifteen days upon registration of such an application.

The Department shall, within fifteen days upon the day of receipt of the relevant conclusion of the citizenship and migration unit and the materials of the case, make a decision on denying refugee status and complementary protection to the alien or forwarding the application for protection to the citizenship and migration unit for reviewing it according to the general procedure.

In case when an application for protection is reviewed according to the accelerated procedure, the state security agencies of the Republic of Belarus shall not be requested to provide information on eligibility of the alien applying for protection according to Article 3 of this Law.

An application for protection shall be considered manifestly unfounded, if the alien:

indicated in his application for protection reasons other than the reasons stipulated for granting refugee status or complementary protection;

did not provide any information on the reasons stipulated for granting refugee status or complementary protection;

provided unfeasible or contradictory information relevant for making decision on the application for protection;

arrived from a safe country;

had been denied refugee status and/or complementary protection in the past, had left the Republic of Belarus and submitted a new application for protection, with the exception of the case of emergence of reasons for granting refugee status or complementary protection to him.

Application for protection shall be considered abusive if the alien:

during the process of review of his application for protection, deliberately misinforms relevant government agencies of the Republic of Belarus on issues of his personality identification, country of his nationality or former habitual residence, circumstances of his arrival in the Republic of Belarus, circumstances causing the alien's departure from the country of his nationality or former habitual residence, or he does not answer questions, or avoids answering questions;

presented counterfeit or forged travel documents or other documents and materials relevant for making a decision on his application for protection, claiming that they are authentic and without supplying any consistent explanations of the reasons for using them;

intentionally destroyed travel documents or other documents and materials relevant for making a decision on his application for protection;

had had an opportunity to submit an application for protection, however he submitted it only after detention by the border service agencies of the Republic of Belarus for illegal crossing the State border of the Republic of Belarus or for illegal stay on the territory of the Republic of Belarus or agencies of internal affairs of the Republic of Belarus for illegal stay on the territory of the Republic of Belarus;

submitted the application for protection with the view of avoiding deportation or expulsion from the Republic of Belarus.

### **Article 38. Review of Applications for Protection and Applications for Extension of Complementary Protection from Aliens Who Are Members of One Family**

Review of applications for protection and applications for extension of complementary protection from aliens who are members of one family, shall be conducted individually for each family member.

If refugee status or complementary protection was granted or term of complementary protection was extended to an alien, then the members of his family who arrived together with him as well as aliens under the age of eighteen, whose legal representative he is, shall, in absence of grounds stipulated in Article 3 and Paragraph Seven of Part Two of Article 43 of this Law and in compliance with the principle of family unity, also be granted refugee status or complementary protection or the term of complementary protection granted to them shall be extended.

## **Chapter 8**

**DECISIONS MADE ON APPLICATION FOR PROTECTION AND APPLICATION FOR EXTENSION OF  
COMPLEMENTARY PROTECTION. NOTIFICATION ON DECISIONS MADE. REGISTRATION OF ALIENS  
WHO WERE GRANTED REFUGEE STATUS OR COMPLEMENTARY PROTECTION**

**Article 39. Decisions on Application for Protection and Application for Extension of Complementary Protection**

The following decisions shall be made on an application for protection:

- on suspension of review of the application for protection;
- on discontinuation of review of the application for protection;
- on granting refugee status;
- on denial in granting refugee status and on granting complementary protection;
- on denial in granting refugee status and complementary protection;
- on cancellation of the decision on suspension of review of the application for protection;
- on cancellation of the decision on discontinuation of the application for protection.

The following decisions on application for extension of complementary protection shall be made:

- on extension of the term of complementary protection;
- on denial in extending the term of complementary protection.

**Article 40. Suspension of Review of Application for Protection**

Decision on suspension of review of application for protection shall be made by the Department or by citizenship and migration unit o applications for protection that are being reviewed by this unit, if the alien:

- failed to arrive on time upon call of the Department or a citizenship and migration unit;
- failed to undergo mandatory state fingerprint registration within an established timeframe;
- failed to undergo mandatory medical examination within an established timeframe;
- is suspected or accused of committing a crime in the Republic of Belarus;
- serves a sentence in the form of arrest or detention;
- receives medical care in a hospital in the healthcare organization of the Republic of Belarus.

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**Article 41. Discontinuation of Review of Application for Protection**

Decision on discontinuation of review of application for protection shall be made by the Department or by the citizenship and migration unit on applications for protection that are being reviewed by this unit, in case:

- the alien submits an application for discontinuation of review of the alien's application for protection;
- the alien refuses to undergo personality identification procedure or provide information required for his identification;
- the alien refuses to undergo mandatory state fingerprint registration;
- the alien refuses to undergo mandatory medical examination;
- the alien fails to arrive at the citizenship and migration unit determined by the Department while distributing this alien throughout the territory of the Republic of Belarus according to the distributive registration quota within three days upon expiration of the term indicated in the relevant warrant;
- the alien fails to arrive upon call of the Department or citizenship and migration unit within fifteen days after familiarization with the decision on suspension of review of application for protection,

with the exception of non-arrival of an alien suspected or accused of committing a crime in the Republic of Belarus;

the alien fails to undergo mandatory state fingerprint registration within the timeframe indicated in the decision on suspension of review of his application for protection;

the alien fails to undergo mandatory medical examination within the timeframe indicated in the decision on suspension of review of his application for protection;

of expulsion of the alien;

death of the alien.

#### **Article 42. Cancellation of Decisions on Suspension or Discontinuation of Review of Application for Protection**

Decision on cancellation of decision on suspension of review of application for protection is made by the State agency that made this decision, in case:

the foreigner appears on call of the Department or citizenship and migration unit within fifteen days after familiarization with the decision on suspension of review of application for protection;

termination of the preliminary investigation or criminal investigation in relation to the alien, the entrance into force of the court sentence, except for the conviction with the appointment of the punishment in the form of the arrest or imprisonment, release from detention or correctional facility;

the alien undergoes mandatory state fingerprint registration and/or mandatory medical examination within the timeframe identified in the decision on suspension of review of his application for protection;

the alien completes the treatment in a hospital in the healthcare organization of the Republic of Belarus.

Decision on discontinuation of review of an application for protection in cases foreseen by Paragraphs Six – Nine of Article 41 of this Law may be cancelled by the State agency that made the decision if the alien produces evidence of circumstances preventing his opportune appearance at the Department or citizenship and migration unit, or mandatory state fingerprint registration and/or mandatory medical examination within the timeframe indicated in the decision on suspension of review of application for protection.

In case decision on cancellation of the decision on suspension or discontinuation of application for protection is made, its review shall be resumed.

#### **Article 43. Granting or Denial in granting refugee status and/or Complementary Protection**

Decision on granting or on denial in granting of refugee status and (or) complementary protection shall be made by the Department on the grounds of the materials of the case taking into consideration the conclusion by the citizenship and migration unit and information of the State Security agencies of the Republic of Belarus on the eligibility of the alien applying for protection as stipulated in Article 3 of this Law.

An alien applying for protection may be denied in granting refugee status and/or complementary protection, in case:

the application for protection is manifestly unfounded;

the application for protection is abusive;

grounds stipulated in Article 3 of this Law were established;

the alien possesses citizenship of a third country, which protection he can avail himself of;

the alien arrived at the Republic of Belarus from the territory of a third safe country;

during the review of his application for protection the alien was sentenced for committing a crime, which is classified by the Criminal Code of the Republic of Belarus as serious or particularly serious;

An alien applying for protection, aside from the cases mentioned in Part Two of this Article, may be denied in refugee status, if:

the grounds for granting refugee status are missing;

the fear of persecution is based on circumstances caused by deliberate actions of the alien after he left the country of his nationality or former habitual residence.

An alien applying for protection may be denied in complementary protection, aside from the cases stipulated in Part Two of this Article, if the grounds for granting complementary protection are missing.

#### **Article 44. Extension or Denial in Extending the Term of Complementary Protection**

Decision on extension or denial in extending the term of complementary protection shall be made by the Department on the grounds of the materials of the case taking into consideration the conclusion by the citizenship and migration unit.

An alien applying for extension of complementary protection, may be denied in the latter, if:

the grounds for granting complementary protection are missing;

the alien made a deliberately fraudulent representation of information that may have an effect on the decision on extending complementary protection;

grounds stipulated in Article 3 of this Law were established;

the alien acquired citizenship of a third country, which protection he can avail himself of;

during the review of his application for extension of complementary protection the alien was sentenced for committing a crime, which is classified by the Criminal Code of the Republic of Belarus as serious or particularly serious.

#### **Article 45. Notification about the Decisions Made**

A copy of the decision made or motivated notification on the decision made shall be handed over to the alien in whose regard one of the decisions mentioned in Article 39 of this Law by the citizenship and migration unit; if it is not possible to hand them over, these documents shall be sent to him by mail within five working days after the decision was made by the citizenship and migration unit or after a copy of the decision was received from the Department; and the alien's rights and responsibilities and, in case a decision mentioned in Paragraphs Three, Five, Six of Part One, Paragraph Three of Part Two of Article 39 of this Law is made, the procedure of appealing against the decision made, shall be explained to him.

In case of notification of the alien on the decision made by mail, the alien is considered to be familiarized with the decision made after three days from the day of dispatch of the copy of the relevant decision or motivated notification on the decision made.

#### **Article 46. Registration of Aliens Who Were Granted Refugee Status or Complementary Protection**

A refugee certificate shall be issued to an alien who was granted refugee status and a certificate of complementary protection shall be issued to an alien who was granted complementary protection – all in accordance with the procedures prescribed by the legislation of the Republic of Belarus.

An alien who was granted refugee status or complementary protection shall be registered by the citizenship and migration unit at the place of his residence or temporary residence in the Republic of Belarus.

The certificate of application registration shall be removed from the alien who was granted refugee status when he is issued refugee certificate. Travel documents removed at submission of the

application for protection, shall remain in the citizenship and migration unit for the period of validity of the refugee status.

When an alien who was granted complementary protection is issued a certificate of complementary protection, the certificate of application registration shall be removed from him and his travel documents removed from him at submission of the application for protection, shall be returned to him.

## **Chapter 9**

### **FAMILY REUNIFICATION. LOSS, WITHDRAWAL OF REFUGEE STATUS OR COMPLEMENTARY PROTECTION**

#### **Article 47. Family Reunification**

Members of the family of an alien who was granted refugee status or complementary protection, who arrived at the Republic of Belarus for the purposes of family reunification, in absence of grounds stipulated in Article 3 and Paragraph Seven of Part Two of Article 43 of this Law, as well as children born in the Republic of Belarus in the families of aliens who were granted refugee status or complementary protection, shall, in compliance with the principle of family unity, be granted refugee status or complementary protection.

In order to facilitate entry of members of his family to the territory of the Republic of Belarus, the alien who was granted refugee status or complementary protection shall provide documents and information supporting the right for family reunification.

#### **Article 48. Loss of Refugee Status or Complementary Protection**

An alien shall lose his refugee status or complementary protection, if he:

acquired citizenship of the Republic of Belarus;

voluntarily re-availed himself of the protection of the country of his nationality;

having lost previous citizenship, voluntarily re-acquired it;

acquired citizenship of another country and enjoys the protection of the country of his new nationality;

An alien shall lose his refugee status, aside from cases mentioned in Part One of this Article, if he:

voluntarily re-established himself in the country that he had previously left and outside of which he stayed owing to reasons that had justified granting refugee status;

can no longer, because the circumstances in connection with which he has been recognized as a refugee ceased to exist, continue to refuse to avail himself of protection of the country of his nationality;

being a stateless person he is, because the circumstances in connection with which he has been recognized as a refugee ceased to exist, able to return to the country of his former habitual residence;

voluntarily denounced the refugee status.

The provisions stipulated in Paragraphs Three and Four of Part Two of this Article shall not apply to aliens if they produce evidence of grounds on which they were granted refugee status, to justify their refusal to avail themselves of the protection of the country of their nationality or former habitual residence.

An alien shall lose complementary protection, aside from the cases mentioned in Part One of this Article, if he:

was granted refugee status;

voluntarily re-established himself in the country that he had left, or outside of which he had stayed for reasons that had justified granting complementary protection;  
the grounds for granting complementary protection to him ceased to exist;  
voluntarily denounced complementary protection.

**Article 49. Withdrawal of Refugee Status or Complementary Protection**

Refugee status or complementary protection shall be withdrawn, if:

the alien made a deliberately fraudulent representation of information, presented counterfeit or forged documents and materials that justified granting of refugee status or complementary protection;

grounds stipulated in Article 3 of this Law were established;

the alien failed to appear for registration at the citizenship and migration unit within three months upon the day of dispatch of a copy of the relevant decision to him.

**Article 50. Decision on Loss, Withdrawal of Refugee Status or Complementary Protection**

Decision on loss, withdrawal of refugee status or complementary protection shall be made by the Department independently or on proposal of state security agencies of the Republic of Belarus or border service of the Republic of Belarus, or citizenship and migration units.

A decision on withdrawal of refugee status or complementary protection by virtue of provisions of Paragraph Four of Article 49 of this Law, may be revoked if the alien produces evidence of circumstances preventing his/her opportune appearance at the citizenship and migration unit for registration.

Aliens shall be notified about decisions mentioned in Part One of this Article in accordance with the procedures prescribed in Article 45 of this Law.

**Chapter 10**

**APPEALS AGAINST DECISIONS OF GOVERNMENT AGENCIES OF THE REPUBLIC OF BELARUS,  
ACTIONS (INACTION) OF OFFICIALS OF GOVERNMENT AGENCIES OF THE REPUBLIC OF BELARUS.  
RESPONSIBILITY FOR VIOLATION OF LEGISLATION IN FIELD OF FORCED MIGRATION**

**Article 51. The right of Appeal against Decisions of Government Agencies of the Republic of Belarus, Actions (Inaction) of Officials of Government Agencies of the Republic of Belarus**

At execution of their rights and responsibilities related to enforcement of this Law, aliens as well as their legal representatives are entitled to appeal against decisions of government agencies of the Republic of Belarus, actions (inaction) of officials of government agencies of the Republic of Belarus in relation with enforcement of this Law, to a superior government agency of the Republic of Belarus (to a superior official of the government agency of the Republic of Belarus) and/or in court unless Article 52 of this Law provides otherwise.

**Article 52. Appeal against Decisions of Government Agencies. Rights and Responsibilities of Appealing Aliens**

An alien's appeal against a decision on suspension of review of his application for protection for reasons stipulated in Paragraphs Three – Ten of Article 41 of this Law, as well as on denial in granting refugee status and complementary protection in case of consideration of application for protection according to the accelerated procedure, may be submitted to a court within seven days upon his familiarization with that decision.

An alien's appeal against a decision on denial in granting refugee status and/or complementary protection, aside from the cases stipulated in Part One of this Article, as well as on denial in extending complementary protection, on loss, withdrawal of refugee status or complementary protection may be submitted to a court within fifteen days upon his/her familiarization with that decision.

Until a decision on the alien's appeal against a decision on discontinuation of review of his application for protection, on denial in granting refugee status and/or complementary protection is made, the appealing alien shall enjoy the rights and fulfill the responsibilities stipulated in Articles 29 and 30 of this Law.

Until a decision on the alien's appeal against a decision on loss, withdrawal of refugee status is made; the appealing alien shall enjoy the rights and fulfill the responsibilities stipulated in Articles 19 and 20 of this Law.

Until a decision on the alien's appeal against a decision on extending complementary protection, on loss, withdrawal of complementary protection is made, the appealing alien shall enjoy the rights and fulfill the responsibilities stipulated in Articles 22 and 23 of this Law.

#### **Article 53. Alien's Obligation to Leave the Territory of the Republic of Belarus**

An alien who received a copy of decision on the discontinuation of review of his application for protection, on denial in granting him refugee status and complementary protection, on denial in extending the term of complementary protection, on loss, withdrawal of refugee status or complementary protection, and who used the right to appeal against such a decision in a court and who does not have any other legal reasons to stay in the Republic of Belarus, must leave the Republic of Belarus before expiration of the fifteen-day period upon the day of legal effect of the court decision on dismissal of the appeal, aside from aliens mentioned in Part Four of Article 5 and cases when aliens acquire a right to submit a new application for protection in accordance with Part Four of Article 31 of this Law.

An alien who received a copy of decision mentioned in Part One of this Article, who did not use his right for appeal against the decision in a court, an alien whose term of complementary protection expired, and who has no other legal reasons to stay in the Republic of Belarus, shall leave the Republic of Belarus before expiration of the period of fifteen days upon his familiarization with the above decision, or upon the day of expiration of the term of complementary protection, aside from aliens mentioned in Part Four of Article 5, and cases when aliens acquire a right to submit a new application for protection in accordance with Part Four of Article 31 of this Law.

Until the term defined in Parts One and Two of this Article expires, the alien shall enjoy the rights and fulfill the obligations stipulated in Articles 29 and 30 of this Law.

#### **Article 54. Responsibility for Violation of Legislation in Field of Forced Migration**

Perpetrators guilty of violation of legislation of the Republic of Belarus in the field of forced migration shall be liable in accordance with the legal acts of the Republic of Belarus.

### **Section IV CONCLUDING PROVISIONS**

#### **Article 55. Introduction of Amendments and Addenda into Certain Laws of the Republic of Belarus**

1. Introduce in the Law of the Republic of Belarus of 10 January 1992 "On the State Due", as revised by the Law of the Republic of Belarus of 26 December 2007 (Vedamastsi Vyarhounaha Saveta Respubliki Belarus, 1999, # 6, Art. 100; National Register of Legal Acts of the Republic of Belarus, 2007, # 305, 2/1398) the following amendments:

1.1. In Article 10:

Subclause 1.38 of Clause 1 shall read as follows:

“1.38. The Department on Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus, the Main Department of Internal Affairs of the Minsk City Executive Committee, the departments of internal affairs of the oblast executive committees – for submission of cassation appeals of court decisions on substantiation of appeals against decisions on discontinuation of review of applications for refugee status or complementary protection in the Republic of Belarus, on denial in granting refugee status and/or complementary protection in the Republic of Belarus, on denial in extending the term of complementary protection in the Republic of Belarus, on loss, withdrawal of refugee status or complementary protection in the Republic of Belarus and the responsibility to cure the committed violation;”

in Clause 8:

in Subclause 8.17 the words “recognition as refugees or recognized as refugees” shall be replaced with the words “granting refugee status or complementary protection or asylum”;

in Subclause 8.18 the words “applying for recognition as refugees or granting” shall be replaced with the words “applying for refugee status or supplementary protection, or”;

Subclause 8.29 shall be deleted;

1.2. Subclause 2.1. of Clause 2 of the column “Name of Documents and Actions Subject to the State Due” of Attachment 1 to this Law, shall read as follows:

“2.1. of decisions of the Department of Citizenship and Migration of the Ministry of Internal Affairs of the Republic of Belarus, Main Department of Internal Affairs of the Minsk City Executive Committee, departments of internal affairs of the oblast executive committees on discontinuation of review of applications for refugee status or complementary protection in the Republic of Belarus, on denial in granting refugee status and/or complementary protection in the Republic of Belarus, on denial in extending the term of complementary protection in the Republic of Belarus, on loss, withdrawal of refugee status or complementary protection in the Republic of Belarus”.

2. Introduce In Part Two of Article 1 of the Law of the Republic of Belarus of 17 June 1998 “On External Labor Migration (Vedamasti Vyarhounaha Saveta Respubliki Belarus, 1998, # 25-26, Art. 430):

Clause “a” shall read as follows:

“a) who were granted refugee status or complementary protection or asylum in the Republic of Belarus;”;

Clause “b” shall be supplemented with the words “complementary protection or” after the word “or”.

3. Chapter 29 of the Civil Procedural Code of the Republic of Belarus of 11 January 1999 (National Register of Legal Acts of the Republic of Belarus, 1999, # 18-19, 2/13) shall be supplemented with Paragraph 8 with the following text:

**“§8. Specifics of Review of Appeals against Decisions on Discontinuation of Review of Applications for Refugee Status or Complementary Protection in the Republic of Belarus, on Denial in Granting Refugee Status and/or Complementary Protection in the Republic of Belarus, on Denial in Extending the Term of Complementary Protection in the Republic of Belarus, on Loss, Withdrawal of Refugee Status or Complementary Protection in the Republic of Belarus.**

#### **Article 3601. Submission of Appeal. Review of Appeal**

A person who disagrees with decisions of a government agency of the Republic of Belarus on discontinuation of review of his/her application for refugee status or complementary protection in the Republic of Belarus, on denial in granting refugee status a/or complementary protection in the Republic of Belarus, on denial in extending the term of complementary protection in the Republic of

Belarus, on loss, withdrawal of refugee status or complementary protection in the Republic of Belarus, is entitled to submit an appeal to a court at the place of location of the government agency of the Republic of Belarus which actions are appealed against.

Appeal against a decision on discontinuation of review of an application for refugee status or complementary protection in the Republic of Belarus, on denial in granting refugee status or complementary protection in the Republic of Belarus in case of accelerated review of the application for refugee status or complementary protection in the Republic of Belarus, shall be submitted to a court within seven days upon the day of familiarization of the applicant with that decision.

Appeal against a decision on denial in granting refugee status and/or complementary protection in the Republic of Belarus, aside from the cases stipulated in Part Two of this Article, on denial in extending the term of complementary protection in the Republic of Belarus, on loss, withdrawal of refugee status or complementary protection in the Republic of Belarus shall be submitted to a court within a fifteen-day period since the day of familiarization of the applicant with that decision.

The appeal shall be reviewed by a court in presence of the applicant or his representative and the head of the government agency of the Republic of Belarus, which actions are appealed against, or other representative of this government agency, however, their failure to appear does not hinder the case disposition.

#### **Article 3602. Court Decision on Appeal**

Upon hearing the case, the court will make one of the following substantiated decisions:

on leaving the appealed decision without changes, and on dismissal of the appeal;

on validity of the appeal and the responsibility to cure the committed violation.

According to the results of review of the appeal mentioned in Part Two of Article 3601 of this Code, the court will make a decision taking legal effect immediately after its announcement and it shall not be subject to appeals or protest in the order of cassation.”.

4. Article 235 of the Code of the Republic of Belarus on Marriage and Family of 9 July 1999 (National Register of Legal Acts of the Republic of Belarus, 1999, # 55, 2/53; 2006, # 122, 2/1261) shall be supplemented with Part Four with the following text:

“Performed on the territory of the Republic of Belarus , the establishment of guardianship and trusteeship of citizens of the Republic of Belarus, foreign citizens and people without citizenship over underage foreign citizens and stateless persons who arrived at the Republic of Belarus unaccompanied by their legal representatives and applying for refugee status or complementary protection or asylum in the Republic of Belarus, as well as over underage foreign citizens and stateless persons who were granted refugee status or complementary or temporary protection or asylum in the Republic of Belarus, shall be conducted in compliance with Chapter 14 of this Code and in accordance with the procedure prescribed by the Government of the Republic of Belarus.”.

5. In comment to Article 371 of the Criminal Code of the Republic of Belarus of 9 July 1999 (National Register of Legal Acts of the Republic of Belarus, 1999, # 76, 2/50), the words “for use of the right to political asylum in compliance with the Constitution of the Republic of Belarus” shall be replaced with the words “applying for refugee status or complementary protection or asylum in the Republic of Belarus in accordance with the legislation of the Republic of Belarus”.

6. In Subclause 1.10 of Clause 1 of Article 7 of the Law of the Republic of Belarus of 4 November 2003 “On State Fingerprint Registration” (National Register of Legal Acts of the Republic of Belarus, 2003, # 124, 2/985; 2006, # 9, 2/1192, # 112, 2/1244): the words “on recognition of them as refugees or on provision to them asylum in the Republic of Belarus” should be replaced with the words “on provision of refugee status or complementary protection or asylum in the Republic of Belarus in compliance with the legislation of the Republic of Belarus”;

7. Part Two of Article 5 of the Law of the Republic of Belarus of 15 June 2006 “On Employment of the People of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2006, #94, 2/1222; 2007, # 264, 2/1377) should read as follows:

“The legislation on employment of the people shall apply to citizens of the Republic of Belarus as well as to foreign citizens or stateless persons who permanently reside in the Republic of Belarus, foreign citizens and stateless persons who were granted refugee status or asylum in the Republic of Belarus, and, in terms of employment – to foreign citizens and people without citizenship applying for refugee status or complementary protection or asylum in the Republic of Belarus, and to foreign citizens and stateless persons who were granted complementary protection in the Republic of Belarus, unless the Constitution of the Republic of Belarus, legislative acts or international treaties of the Republic of Belarus provide otherwise.”.

8. In Part One of Article 18 of the Law of the Republic of Belarus of 17 July 2007 “On Agencies of Internal Affairs of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2007, # 173, 2/1360), the words “asylum in the Republic of Belarus” shall be replaced with the words “complementary or temporary protection or asylum in the Republic of Belarus”.

#### **Article 56. Recognition of Certain Laws of the Republic of Belarus and Certain Structural Elements Thereof Invalid**

In connection with adoption of this Law, the following shall be considered invalid:

The Law of the Republic of Belarus of 22 February 1995 “On Refugees” (Vedamastsi Vyarhounaha Saveta Respubliki Belarus, 1995, # 19, Art. 229);

The Law of the Republic of Belarus of 16 June 1999 “On Introduction of Amendments and Addenda into the Law of the Republic of Belarus “On Refugees” (National Register of Legal Acts of the Republic of Belarus, 1999, # 47, 2/43);

Article 1 of the Law of the Republic of Belarus of 4 January 2003 “On Introduction of Amendments and Addenda into Certain Legal Acts of the Republic of Belarus in Connection with Accession by the Republic of Belarus to the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees” (National Register of Legal Acts of the Republic of Belarus, 2003, #, 2/927);

Article 1 of the Law of the Republic of Belarus of 10 January 2006 “On Introduction of Amendments and Addenda into Certain Legal Acts of the Republic of Belarus on Issues of Activities of the Agencies and Units of Internal Affairs” (National Register of Legal Acts of the Republic of Belarus, 2006, # 9, 2/1192).

#### **Article 57. Bringing Acts of Legislation in Line with this Law**

The Council of Ministers of the Republic of Belarus shall, within one year after official publication of this Law:

develop and duly introduce proposals on bringing legislative acts of the Republic of Belarus in line with this Law;

bring the Resolutions of the Government of the Republic of Belarus in line with this Law;

ensure bringing in line with this Law the normative acts by the national authorities subordinate to the Government of the Republic of Belarus;

take other measures necessary for the enforcement of this Law.

#### **Article 58. Legal Effect of this Law**

This Law shall enter into effect in one year after its official publication, apart from this Article and Article 57 that shall enter into effect on the day of official publication of this Law.