

Belarus: Law No. 224-3 of 1998 on Immigration

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Comments This is an unofficial translation. This Law is no longer in force. Some provisions of the Law were incorporated into other laws.

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No. 224-3 of December 29, 1998

The present Law regulates the legal principles of immigration to the Republic of Belarus, procedure of issuing a permit to reside in the Republic of Belarus to foreign citizens and persons without citizenship (hereinafter referred to as foreigners) for residence in the Republic of Belarus, procedure of departure of illegal immigrants from the Republic of Belarus as well as regulates other legal relationship arisen in connection with the immigration.

Section 1. General Provisions

Article 1. Legislation of the Republic of Belarus on the Immigration

The immigration in the Republic of Belarus is regulated by the Constitution of the Republic of Belarus, the present Law, Law of the Republic of Belarus "On the Legal Status of Foreign Citizens and Persons Without Citizenship in the Republic of Belarus", other legislative acts of the Republic of Belarus and international agreements, to which the Republic of Belarus is a party.

Article 2. International Treaties

Should the rules set forth in the international agreement, to which the Republic of Belarus is a party and which is ratified and came into effect are different from those contained in the present Law, the rules of the international agreement shall be applied.

Article 3. Main Notions Used in the Present Law

For the purpose of the present law the following notions shall be applied:

identity card ? a document identifying the personality of a foreigner, who has obtained the permit to reside in the Republic of Belarus in accordance with the legislation of the Republic of Belarus;

reunification of family ? an entry of the wife (husband), under age children and other unmarried children at the invitation of the husband (wife) or parents, respectively, who are citizens of the Republic of Belarus or immigrants to the Republic of Belarus for permanent residence above the established immigration quota;

deportation ? forced expelling of the foreigner outside the territory of the Republic of Belarus in accordance with the legislation of the Republic of Belarus;

immigrant ? a foreigner residing permanently in the Republic of Belarus;

immigration visa ? a permit to enter the Republic of Belarus for permanent residence;

immigration quota ? the maximum yearly norm of reception of immigrants on the territory of the Republic of Belarus;

immigration control ? a complex of actions by the Governmental Bodies for ensuring the observance of the immigration legislation of the Republic of Belarus;

immigration ? an entry of foreigners to the Republic of Belarus for the permanent residence;

foreign citizen ? a person who is not a citizen of the Republic of Belarus and have an evidence of his/her belonging to the citizenship of another state;

person without citizenship ? a person who is not a citizen of the Republic of Belarus and have no evidence of his/her belonging to the citizenship of another state;

illegal immigration ? entry of foreigners to the Republic of Belarus and/or stay of them on the territory of the Republic of Belarus with the violation of the legislation of the Republic of Belarus regulating the procedure of entry to the Republic of Belarus and stay on the territory of the Republic of Belarus;

invitation (call) ? a document, on the basis of which the immigration visa shall be issued to the foreigner. This document shall contain the obligation of the inviting party for financial and housing provision for the foreigner invited;

travel document ? a document entitling certain categories of foreigners residing permanently in the Republic of Belarus to depart from the Republic of Belarus and to enter the Republic of Belarus.

Article 4. Refugees

The legal principles of entry of the foreigners who submitted a petition of recognition of them to be refugees to the Republic of Belarus and stay of them in the Republic of Belarus shall be determined by the legislation of the Republic of Belarus on the refugees.

Section 2. Authorities of State Bodies for Control of Immigration Processes

Article 5. Republican Governmental Authority for Migration

The governmental authority for migration shall:

elaborate proposals for the main directions of the state immigration policy and co-ordinate the activities of other state authorities within its term of reference;

elaborate proposals for the establishment of immigration quotas with the account of social and economic capabilities of the Republic;

ensure the collection, storage, processing, dissemination and exchange of the information concerning migration processes in the world.

Article 6. Ministry of Foreign Affairs of the Republic of Belarus

The Ministry of Foreign Affairs of the Republic of Belarus, diplomatic representations and consular institutions of the Republic of Belarus shall:

determine the belonging of foreigners to the category of the persons who is entitled to obtain an immigration visa;

draw up and verify the documents concerning the foreigners wishing immigrate to the Republic of Belarus; and

perform the issue and registration of immigration visas.

Article 7. Frontier Troops of the Republic of Belarus

The frontier troops of the Republic of Belarus shall:

perform the immigration control in respect of the primary verification in relation to the persons entering the Republic of Belarus;

participate in the prevention of illegal immigration jointly with other concerned parties within their term of reference.

Article 8. Bodies of Internal Affairs of the Republic of Belarus

The bodies of internal affairs of the Republic of Belarus shall:

consider the foreigners' applications for the issue of the permit to reside permanently in the Republic of Belarus to them;

make decisions on the issue of the permit to reside permanently in the Republic of Belarus to a foreigner's application and issue appropriate documents on the right of permanent residence in the Republic of Belarus to the immigrants;

arrest the foreigners arriving illegally to the Republic of Belarus;

reveal, arrest and deport the foreigners specified in Article 28 hereof;

perform the immigration control on the territory of the Republic of Belarus in respect of the verifying of legality of the arrival of foreigners to the Republic of Belarus;

participate in the prevention of illegal immigration jointly with other concerned parties within their term of reference.

Article 9. National Security Bodies of the Republic of Belarus

The national security bodies of the Republic of Belarus shall:

perform verification on respect to the persons who wish immigrate to the Republic of Belarus;

reveal the persons concerned with the international terrorist organisations and take measures to prevent them from entry to the Republic of Belarus;

participate in the prevention of illegal immigration jointly with other concerned parties within their term of reference.

Article 10 Republican Governmental Bodies, Local Executive and Administrative Bodies

The republican governmental bodies, local executive and administrative bodies shall:

perform their functions on the matters concerning the immigration policy in interaction with the republican governmental body for migration in accordance with the legislation of the Republic of Belarus and with the account in international practice of regulating of migration processes;

co-operate with the international organisations.

Section 3. Obtaining the Permit to Reside Permanently in the Republic of Belarus

Article 11. Determination of Immigration Quota

For the purpose of state regulation of the immigration process in the Republic of Belarus the Council of Ministers of the Republic of Belarus may determine the immigration quota according to the information submitted by the republican governmental body for migration. The immigration quota shall be determined for each state separately.

The President of the Republic of Belarus is entitled to make a decision on the admittance of immigrants to the Republic of Belarus over the quota determined.

Article 12. Procedure of Obtaining the Permit to Reside Permanently in the Republic of Belarus

The foreigner residing outside the Republic of Belarus and wishing to obtain the permit to reside permanently in the Republic of Belarus shall submit the documents specified in the forth part of this Article to the Diplomatic Representation or Consular Institution of the Republic of Belarus.

The Diplomatic Representation or Consular Institution of the Republic of Belarus shall accept the application for the permit to reside permanently in the Republic of Belarus and accompanied documents submitted by the foreigner and send them to the appropriate body of internal affairs of the Republic of Belarus in the established order.

The foreigner staying temporarily on the territory of the Republic of Belarus and wishing to obtain the permit to reside permanently in the Republic of Belarus shall submit the documents specified in the forth part of the present Article to the body of internal affairs of the Republic of Belarus at the place of the supposed residence.

For obtaining the permit to reside permanently on the territory of the Republic of Belarus the foreigner shall submit:

application with the detailed information on the activities he/she supposes to carry out in the Republic of Belarus, presence of the means necessary for entry to and living in the Republic of Belarus prior to employment and possibility of transfer of these means to the Republic of Belarus;

valid passport issued by the state, of which the applicant is a citizen or in which he/she resides, or other documents, which shall be recognized as those identifying the personality of the applicant in accordance with the legislation of the Republic of Belarus;

medical certificate on the state of health;

other documents, the list of which shall be determined by the Council of Ministers of the Republic of Belarus.

The application for the permit to reside permanently in the Republic of Belarus shall be only accepted after payment of the state tax or consular dues, which rate and procedure of payment shall be established by the Council of Ministers of the Republic of Belarus.

The decision on the application for the permit to reside permanently in the Republic of Belarus shall be made by the respective body of internal affairs within three months from the date of submission of the application with all the necessary materials.

Article 13. Right to Obtain the Permit to Permanent Residence in the Republic of Belarus by Some Categories of Foreigners

The foreigners having lived on the territory of the Republic of Belarus at least seven years, are entitled to obtain the permit to reside permanently on the Republic of Belarus, if they are:

diplomatic or consular representatives, trade delegates, officials of other representations and institutions of foreign states and members of their families;

entrepreneurs and members of their families;

officials of international organisations and members of their families;

employees of the mass communication media accredited in the Republic of Belarus and members of their families.

The foreigners are entitled to obtain the permit to reside permanently on the Republic of Belarus regardless, whether they have lived on the territory of the Republic of Belarus or not, if they:

are highly skilled workers whose labour is required in the Republic of Belarus;

possess exclusive capabilities and talent;

guarantee the investments of at least 150,000 US dollars in the economy of the Republic of Belarus or implementation of specific state programs of the Republic of Belarus;

have served for the Republic of Belarus outside its territory at least ten years.

The decision on obtaining the permit to reside permanently in the Republic of Belarus by the foreigners specified in this Article shall be made by the Ministry of Internal Affairs of the Republic of Belarus according to solicitation of the respective public bodies of the Republic of Belarus with the account of immigration quotas.

Article 14. Reasons for Dismissal of Permit to Reside Permanently in the Republic of Belarus

The permit to live permanently on the territory of the Republic of Belarus may be refused to the foreigner, if:

it is necessary for ensuring the national safety, protection of the public order, health of population, protection of rights and legal interests of citizens of the Republic of Belarus and other persons;

during the previous stay of the applicant in the Republic of Belarus the facts of violation of the legislation of the Republic of Belarus by him/her were revealed;

when submitting the application for the permit to reside permanently in the Republic of Belarus he/she presented false information of him/herself or failed to present the necessary documents;

there is information that he/she is concerned with contraband, illegal traffic in arms, illegal turnover of drugs, organisation of passage of illegal migrants;

he/she is or has been a member of terrorist or fascist organisations or a person propagandizing war, social, national, religious and/or racial enmity;

he/she is released from custody and/or has uncancelled or unremitted conviction(s);

he/she has a disease included in the list of diseases prohibiting the entry to the territory of the Republic of Belarus.

The list of diseases prohibiting the entry to the territory of the Republic of Belarus shall be determined by the Ministry of Public Health of the Republic of Belarus and approved by the Council of Ministers of the Republic of Belarus.

Article 15. Cancellation of the Permit to Reside Permanently in the Republic of Belarus

The permit to reside permanently on the territory of the Republic of Belarus may be cancelled in the following cases:

the foreigner has presented deliberately false information of him/herself or concealed the circumstances, which affected considerably the making of the decision on the issue of the permit to reside permanently in the Republic of Belarus to him/her;

if it is necessary for ensuring the national safety, protection of the public order, health of population, protection of rights and legal interests of citizens of the Republic of Belarus and other persons;

if the foreigner departs to another state for permanent residence or have obtained the permit to reside permanently in another state;

if the marriage contracted with the citizen of the Republic of Belarus or foreigner recognized to be invalid by the court;

loss of the reasons, for which the decision on the issue of the permit to reside permanently in the Republic of Belarus to the foreigner was made.

The decision on the cancellation of the permit to reside permanently on the territory of the Republic of Belarus in the cases specified in the second, third and fourth paragraphs of the first part of the present Article shall be made by the body of internal affairs, which made the decision on the issue of the permit to reside permanently in the Republic of Belarus to the foreigner, unsolicited or on the solicitation of the competent public bodies.

The decision on the cancellation of the permit to reside permanently on the territory of the Republic of Belarus in the cases specified in the fifth and sixth paragraphs of the first part of the present Article shall be made in legal form.

The decision on the cancellation of the permit to reside permanently on the territory of the Republic of Belarus shall be sent to the immigrant as well as to the Ministry of Foreign Affairs of the Republic of Belarus within five days.

The immigrant in relation to whom the decision on the cancellation of the permit to reside permanently on the territory of the Republic of Belarus has been made is entitled to appeal against this decision in legal form within one month from the date of acquaintance with the decision made.

The cancellation of the permit to reside permanently on the territory of the Republic of Belarus results in cancellation of the immigration visa or Identity Card.

Section 4. Procedure of Entry to the Republic of Belarus

Article 16. Entry to the Republic of Belarus

The foreigners shall only enter the Republic of Belarus upon presentation of valid passports or equivalent documents with the immigration visa issued in the established order.

Article 17. Immigration Visa

An immigration visa shall be issued to the foreigner who obtained the permit to reside permanently in the Republic of Belarus by the diplomatic representation or consular institution of the Republic of Belarus.

The immigration visa is valid for entry to the Republic of Belarus within one year from the date of its issue. If the foreigner was able to enter the Republic of Belarus within one year due to objective circumstances and continue to be entitled to the immigration visa, a new immigration visa may be issued to him/her in the established order.

Article 18. Unused Immigration Visas

The immigration visa of the foreigner whom the entry to the Republic of Belarus is refused or the immigration visa, the term of validity of which is expired, but the foreigner failed to apply for its prolongation within the established term, shall be considered to be unused.

Article 19. Registration of Foreigners Who Arrived to the Republic of Belarus for Permanent Residence

The foreigner who arrived to the territory of the Republic of Belarus for permanent residence shall be registered with the authorized for registration body at the place of actual residence within three days. The foreigner shall inform the bodies of internal affairs of the Republic of Belarus about any changes of the place of his/her residence within ten days.

Article 20. Medical Examination of Foreigner

The foreigners may be subjected to medical examinations forcedly, if in relation to them there are sufficient reasons to believe that they are carriers of diseases included in the list of hazardous ones or it was revealed that they arrived to the Republic of Belarus from the region of mass epidemics of the diseases, which are hazardous for peoples or animals.

The medical examination of the foreigners in the cases provided for in the first part of the present Article shall be performed by physicians being members of the staff of territorial medical institutions by the decision of the health authorities with the public prosecutor's authorization.

The terms of the examination shall be determined by the medical indications.

Article 21. Identity Card

The appropriate identity card shall be issued to the foreigners who obtained the permit to reside permanently in the Republic of Belarus.

The procedure of issue of the identity card in the Republic of Belarus and term of validity thereof shall be determined by the Council of Ministers of the Republic of Belarus.

Article 22. Travel Document

The travel document shall be issued to individual categories of foreigners residing permanently in the Republic of Belarus for the departure from and entry to the Republic of Belarus for the term not exceeding the term of validity of the identity card.

The procedure of issue of the travel document shall be determined by the Council of Ministers of the

Republic of Belarus.

Section 5. Reunification of Family

Article 23. Right to the Reunification of Family

The persons entitled to the reunification of family include the wife (husband), under age and other unmarried children having invitation of the husband (wife) or parents, respectively, who are citizens of the Republic of Belarus or immigrants.

Article 24. Special Cases of the Reunification of Family

In certain cases the right to the reunification of family may be given to other near relatives of the citizens of the Republic of Belarus provided the inviting person has sufficient housing conditions and legal source of incomes ensuring the living wage for him/herself and members of his/her family.

The decision in the special cases of the reunification of family shall be made by the Ministry of Internal Affairs of the Republic of Belarus in the order to be established by the Council of Ministers of the Republic of Belarus.

Article 25. Evidence of the Right to the Reunification of Family

In all the cases of entry with the purpose of the reunification of family the foreigner wishing to enter the Republic of Belarus or the persons who will accommodate him/her shall present the documentary evidence of the right to the reunification of family

Section 6. Responsibility for Violation of the Legislation of the Republic of Belarus on Immigration

Article 26. Responsibility for Violation of the Legislation of the Republic of Belarus on Immigration

Any violation of the legislation of the Republic of Belarus on immigration causes the responsibility in accordance with the legislation of the Republic of Belarus in the following cases:

assistance in illegal entry of a foreigner to the Republic of Belarus or illegal transfer of a foreigner to the Republic of Belarus;

concealment of a foreigner during his/her illegal stay in the Republic of Belarus;

entry of a foreigner to the Republic of Belarus with the purpose of activities prohibited on the territory of the Republic of Belarus or incompatible with the purpose of the foreigner's entry;

assistance or participation in illegal transit of a foreigner through the territory of the Republic of Belarus;

concealment of reliably known facts of illegal entry of the foreigner to the Republic of Belarus and stay on its territory by an official;

entry of a foreigner to the Republic of Belarus with the violation of the legislation of the Republic of Belarus;

illegal employment of a foreigner or assistance in such employment;

other violations of the legislation of the Republic of Belarus on immigration.

Article 27. Collection of Penalties and Reimbursement of Expenses

The sums of penalties imposed for the violation of the legislation of the Republic of Belarus on immigration shall be transferred to the republican budget.

The sums of penalties may be paid in freely convertible currency in accordance with the exchange rate established by the national Bank of the Republic of Belarus for the date of payment of the penalty.

The procedure of payment of penalties and reimbursement of expenses born in connection with the consideration of the cases of violation of the legislation of the Republic of Belarus shall be determined by the Council of Ministers of the Republic of Belarus.

Section 7. Deportation

Article 28. Foreigners to be Deported

The foreigners are to be deported, if:

they arrived to the Republic of Belarus and stay there unless they are called to criminal liability in accordance with the legislation of the Republic of Belarus;

in relation to them the decision on cancellation of the permit to reside permanently in the Republic of Belarus has been made;

they have committed grave crimes outside the territory of the Republic of Belarus.

Article 29. Procedure of Deportation

The decisions of deportation of the foreigners specified in Article 28 hereof shall be made by appropriate bodies of internal affairs or national security of the Republic of Belarus.

Before making the decision the appropriate bodies of internal affairs or national security of the Republic of Belarus shall sent the foreigner a notification with specifying the reasons for deportation, time and place of consideration of the matter as well as explaining the foreigner's right of personal presence during the consideration of his/her matter. In case the foreigner does not come to the hearing of his/her case, the matter of deportation may be considered in his/her absence.

The decision on deportation may be appealed against to the court in the established order.

The mark about deportation of the foreigner shall be made in his/her passport or equivalent document.

The foreigners deported from the Republic of Belarus may file a repeated request with the appropriate bodies for the permit to enter the Republic of Belarus after ten years from the date of deportation.

Article 30. Arrest of Foreigners

After making the decision on deportation of the foreigner the appropriate bodies of internal affairs or national security of the Republic of Belarus shall take measures for arrest of him/her with the public prosecutor's authorization for the term required for the deportation if there are reasons to believe that the foreigner can fail to abide by the decision on deportation.

The order of creation of the places for temporary accommodation of the foreigners to be deported from the territory of the Republic of Belarus shall be determined by the Council of Ministers of the Republic of Belarus.

If the foreigner has appealed to the court against the decision on deportation, he/she may be released

on bail in the order established by the legislation of the Republic of Belarus.

Article 31. Suspension of the Deportation

The Deportation Procedure may be suspended in cases of:

revealing new circumstances, due to which the foreigner or members of his/her family may be entitled to asylum or refugee's status in the Republic of Belarus;

consideration of appeal against the decision on deportation by the court.

Article 32. Voluntary Departure of the Foreigner

The foreigner, in relation to whom the procedure of deportation has been initiated, is entitled to declare his/her consent to leave voluntarily the territory of the Republic of Belarus at his/her expense. The matter on the voluntary departure of the foreigner shall be considered by the bodies of internal affairs of the Republic of Belarus.

The foreigner departing voluntarily from the Republic of Belarus have the right to choose of the country where he/she wish to go to.

The voluntary departure of a foreigner is not allowed if the question on deportation was put due to illegal activities carried out by the foreigner or due to his/her actions directed to the detriment of the national security of the Republic of Belarus or other actions being socially dangerous for the Republic of Belarus.

The foreigner who departed voluntarily from the Republic of Belarus may file a repeated request with the appropriate bodies for the permit to enter the Republic of Belarus after five years from the date of departure.

Article 33. State Where the Foreigner is Departed to

The foreigner, in relation to whom the procedure of deportation has been made, shall be deported either to the state, of which he/she is a citizen or to the state, from which he/she arrived to the Republic of Belarus.

If in the state, from which the foreigner arrived to the Republic of Belarus he/she would be threatened by the persecution not connected with the measures of criminal or legal nature or there is apprehension that he/she may be deported from this state to the state where he/she would be threatened by such persecution, the decision of his/her deportation to a third state, which would consent to admit him/her, may be made.

The deported foreigner shall be escorted by the bodies of internal affairs of the Republic of Belarus to the check-point. The escort shall be ceased after crossing of the frontier of the Republic of Belarus.

Article 34. Expenses Concerned with the Deportation Procedure

All expenses concerned with the deportation procedure including the inquest and consideration of the case in the court shall be born by the foreigner or legal entities or individuals of the Republic of Belarus who solicited for his/her entry.

In individual cases where the expenses cannot be covered at the cost of the foreigner, the deportation procedure shall be performed at the cost of either the republican budget or the entity, which solicited for his/her entry.

Section 8. Final Provisions

Article 35. Coming into Effect

The present law shall come into effect after six months from the date of publication thereof.

Article 36. Matching the Legislative Acts with the Present Law

The Council of Ministers of the Republic of Belarus shall take measures to match the legislation of the Republic of Belarus with the present law.

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