

The Law of the Republic of Belarus dated 23 June 2008 N 354-3

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

Adopted by the
Adopted by the House of Representatives 14 May 2008
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This Law defines the grounds and procedure of granting of refugee status, complementary protection, asylum and temporary protection to foreign citizens and stateless persons (hereinafter – if not defined otherwise – foreigners) in the Republic of Belarus, the grounds for loss of refugee status, complementary protection and asylum, the grounds for cancellation of refugee status or complementary protection, the grounds for revocation of asylum, as well as institutes legal, economic and social guarantees of protection of rights and legal interests of foreigners applying for [granting of]¹ refugee status, complementary protection or asylum in the Republic of Belarus (hereinafter – foreigners applying for protection), and foreigners who were granted refugee status, complementary protection, asylum or temporary protection in the Republic of Belarus.

**CHAPTER 1
GENERAL PROVISIONS**

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

Legislation of the Republic of Belarus on refugee status, complementary protection, asylum and temporary protection is based on the Constitution of the Republic of Belarus and consists of this Law, the Law of the Republic of Belarus dated 4 January 2010 On Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus (the National Registry of Legal Acts of the Republic of Belarus, 2010, N 15, 2/1657), the other legislative acts of the Republic of Belarus, as well as international treaties of the Republic of Belarus.

If an international treaty of the Republic of Belarus provides the regulations other than the provisions of this Law, the regulations of the international treaty shall apply, with the exception of instances envisaged in the part three of this article.

If this Law and/or the other legislative acts of the Republic of Belarus stipulate provisions which envisage more legal, economic and social guarantees of protection of rights and legal interests of foreigners applying for protection, as well as foreigners who were granted refugee status, complementary protection, asylum or temporary protection in the Republic of Belarus in comparison with international treaties of the Republic of Belarus, then provisions of this Law and/or the other legislative acts of the Republic of Belarus shall apply.

Article 2. Main Terms of This Law and Their Definitions

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

Safe country refers to a county of citizenship or former habitual residence of a foreigner where, taking into account the legislation and the political situation, there is no persecution for the reasons of race, religion, nationality/citizenship² (hereinafter – citizenship), ethnic affiliation³, membership in a particular social group or political opinion, international human rights standards stipulated by universal and regional international instruments are observed, including norms referring to prohibition of tortures and the other cruel, inhuman or degrading treatment and punishment, and international organizations are able to monitor how human rights are observed;

Family reunification refers to arrival in the Republic of Belarus of family members of a foreigner who was granted refugee status, complementary protection or asylum in the Republic of Belarus for the purposes of cohabitation;

¹ In the authentic version in Russian, word-by-word translation is "... applying for **provision** of refugee status...". As its obvious that foreigners submit their applications to receive refugee status or other form of protection, for the purposes of this translation the following wording is used: **foreigners applying for refugee status...** etc. *Comm. of UNHCR Representation in Belarus.*

² In the authentic version in Russian, the text contains reference to nationality and citizenship. Both terms has the same meaning – a person's link with specific country in the form of citizenship/nationality. But citizenship is issued in the meaning of Russian term "подданство", which is the term for citizenship for the country where the head of the state is a monarch. Here and after in the text the term "citizenship" is used. *Comment of UNHCR Representation in Belarus.*

³ In the authentic version in Russian, the text does not directly mentioned the term "ethnicity" or "ethnic affiliation", but uses "nationality affiliation". In Russian it refers to a person's affiliation to specific nationality or ethnic group (not citizenship), e.g. Jew, Arab. For the purposes of this translation everything the terms "ethnicity" or "ethnic affiliation" are used. *Comment of UNHCR Representation in Belarus.*

Temporary protection refers to the complex of rights and obligations of a foreigner who arrived in the Republic of Belarus as a part of foreigners' group in relation to which [[mentioned group of foreigners – comm. of UNHCR Representation in Belarus](#)] the decision on granting of temporary protection in the Republic of Belarus is made.

Removal of a foreigner from the Republic of Belarus refers to deportation, expulsion, the other forced and controlled transfer of a foreigner through the State Border of the Republic of Belarus (hereinafter – the State Border) from the Republic of Belarus, as well as in cases, envisaged by legislative acts of the Republic of Belarus, resolutions of the Council of Ministers of the Republic of Belarus and international treaties of the Republic of Belarus, controlled departure of a foreigner from the Republic of Belarus on his/her own.

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

Complementary protection refers to the complex of rights and obligations of a foreigner in relation to whom there is a decision to reject to grant refugee status and to grant complementary protection in the Republic of Belarus;

Integration of foreigners who were granted refugee status, complementary protection or asylum refers to the set of measures on adaptation of foreigners who were granted refugee status, complementary protection or asylum in the Republic of Belarus, to socio-economic conditions in the Republic of Belarus, its [[meaning Belarus' – comm. of UNHCR Representation in Belarus](#)] national traditions;

Place for temporary accommodation refers to premises established in accordance with the legislation of the Republic of Belarus using the funding within the framework of the projects of international technical assistance or [funding] from the other sources not prohibited by the legislation of the Republic of Belarus, for temporary accommodation of foreigners applying for protection, foreigners who were granted refugee status, complementary protection or asylum in the Republic of Belarus who are unable to accommodate on the territory of the Republic of Belarus without assistance. The decision on establishment of the place for temporary accommodation is made by the owner of the premises where it will be situated. This decision is coordinated by the Ministry of the Interior of the Republic of Belarus and correspondent regional⁴ (Minsk city) executive committee;

Temporary accommodation centre refers to organization, which is a part of the system of the authorities of the interior of the Republic of Belarus, established by the decision of the President of the Republic of Belarus and provides the premises for temporary accommodation of foreigners applying for protection who are unable to accommodate on the territory of the Republic of Belarus without assistance;

Distributive quotas for registration of applications for granting of refugee status, complementary protection or asylum (hereinafter – distributive quotas for registration of applications) refer to the maximum limit of receipt of foreigners applying for protection by citizenship and migration divisions of the Main Department of the Interior, departments of the interior of regional executive committees (hereinafter – citizenship and migration divisions), which is established annually by the Ministry of the Interior of the Republic of Belarus;

Certificate of granting of complementary protection in the Republic of Belarus (hereinafter – complementary protection certificate) refers to a document which identifies personality of a foreigner who was granted complementary protection;

Certificate of registration of application for granting of refugee status, complementary protection or asylum in the Republic of Belarus (hereinafter – certificate of application's registration) refers to a document which confirms personality of a foreigner applying for protection;

Refugee status refers to the complex of rights and obligations of a foreigner in relation to whom there is a decision to grant refugee status in the Republic of Belarus;

Third safe country refers to a country where a foreigner stayed before arrival in the Republic of Belarus, with the exception of transit through the territory of that country, and had the possibility to apply for granting of refugee status, complementary protection or asylum in that country, because that country observes international standards in the sphere of human rights enshrined in universal and regional international legal acts, including provisions prohibiting tortures and the other cruel, inhumane or degrading treatment and punishment; observes international principle of refugees' protection, including envisages in 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, first of all the principle of non-refoulement; has national legislation regulating relations in the sphere of forces migration, and its relevant state authorities grant refugee status, complementary protection or asylum;

Asylum refers to the complex of rights and obligations of a foreigner in relation to whom there is a decision to grant asylum in the Republic of Belarus;

⁴ For the purposes of this translation the term "regional" (as well as noun "region") refers to the administrative unit of Belarus. Its equivalent in Russian is "oblast" (область). *Comment of UNHCR Representation in Belarus.*

Refugee certificate refers to a document, which identified personality of a foreigner who was granted refugee status;

Application for granting of refugee status, complementary protection or asylum (hereinafter – application for protection) refers to an application submitted to a relevant governmental body of the Republic of Belarus with the request to grant refugee status, complementary protection or asylum;

Members of foreigner's family refers to the husband (wife) whom the foreigner was married prior to his (her) departure from the country of citizenship of former habitual residence; children, including adopted ones, under eighteen years of age, with the exception of those who are considered as fully capable in accordance with the legislation of the Republic of Belarus; children, including adopted ones, above eighteen years of age who are incapable, unmarried and dependent on the foreigner; incapable parents and foster fathers (mothers) who are dependent on the foreigner.

Article 3. Limitations of Operation of This Law

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

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

in whose regard there are objective reasons for considering that they 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;

in relation to whom the competent authorities of the country of their permanent residence, which is not the country of their citizenship, recognize rights and obligations attached to the citizenship of that country;

In the Republic of Belarus, refugee status, complementary protection and temporary protection may not be granted to foreigners who enjoy protection or assistance of organs or agencies of the United Nations Organization other than the United Nations High Commissioner for Refugees.

Provisions of part two of this article do not apply to foreigners protection of or assistance to whom was ceased without the position of such persons being definitively settled in accordance with the relevant resolutions of the General Assembly of the United Nations Organization.

Article 4. Confidentiality of Information on Foreigners Applying for Protection and Foreigners Who Were Granted Refugee Status, Complementary Protection, Asylum or Temporary Protection

Information on foreigners applying for protection and foreigners who were granted refugee status, complementary protection, asylum or temporary protection is confidential and may not be provided without their written consent:

to the countries, state authorities, organizations and citizens of the country of their citizenship or former habitual residence, foreigners residing in the country of their citizenship or former habitual residence, as well as mass media;

to the other countries, state authorities, organizations and foreigners, as well as international organizations and citizens of the Republic of Belarus if the other is not envisaged by legislative acts of the Republic of Belarus or international treaties of the Republic of Belarus.

Article 5. Expulsion⁵ of Foreigners from the Republic of Belarus

Foreigners applying for protection, foreigners who were granted refugee status, complementary protection, asylum or temporary protection, foreigners examination of whose applications for protection was terminated, foreigners who were denied refugee status and complementary protection, foreigners who were denied extension of complementary protection, foreigners who lost refugee status, complementary protection or asylum, foreigners whose refugee status or complementary protection was cancelled, foreigners whose asylum was revoked, may not be expelled from the Republic of Belarus to a foreign country where their lives and freedom are threatened for the reasons of race, religion, citizenship, ethnic affiliation, membership in a particular social group or political opinion, or to a foreign country where they are under the threat of capital punishment or there is a threat to their lives for the reason of violence in the context of international or non-international armed conflict.

Foreigners applying for protection, foreigners who were granted refugee status, complementary protection, asylum or temporary protection, foreigners examination of whose applications for protection was terminated, foreigners who were denied refugee status and complementary protection, , foreigners who were denied extension of complementary protection, foreigners who lost refugee status, complementary protection or asylum, foreigners

⁵ For the purposes of this translation, the term "expulsion" is used. The authentic version of the law in Russian uses the term "выдворение" which can be also translated into English as "removal". The term "expulsion" here does not specify / mean exact procedure of foreigners' removal from the territory of Belarus. *Comment of UNHCR Representation in Belarus.*

whose refugee status or complementary protection was cancelled, foreigners whose asylum was revoked, shall not be expelled from the Republic of Belarus to a foreign country where they will be in danger of torture.

Provisions of the part one of this article do not apply for foreigners who present threat to the national security of the Republic of Belarus or convicted due to committed crime which, in accordance with the Criminal Code of the Republic of Belarus, is considered as particularly serious.

Foreigners examination of whose applications for protection was terminated, foreigners who were denied refugee status and complementary protection, foreigners who were denied extension of complementary protection, foreigners who lost refugee status, complementary protection or asylum, foreigners whose refugee status or complementary protection was cancelled, foreigners whose asylum was revoked, in case there is no possibility to expel them from the Republic of Belarus have the right for acquisition of permit for temporary or permanent residence in the Republic of Belarus in accordance with the procedures stipulated in the legislation of the Republic of Belarus.

Article 6. International Cooperation in the Sphere of Forced Migration

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

Article 7. Funding of Expenses Related to Implementation of This Law

Funding of expenses related to implementation of this Law, including financial assistance to foreigners applying for protection and foreigners who were granted refugee status or asylum, [financial assistance] associated with temporary accommodation of foreigners applying for protection who are not able to find in the Republic of Belarus without assistance, is done from the republican budget and the other sources which are not prohibited by the legislation of the Republic of Belarus.

CHAPTER 2

COMPETENCE OF THE PRESIDENT OF THE REPUBLIC OF BELARUS AND STATE AUTHORITIES OF THE REPUBLIC OF BELARUS IN THE SPHERE OF FORCED MIGRATION

Article 8. Authority of the President of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the President of the Republic of Belarus:

- determines the main directions of the unified state policy;
- executes general leadership over state authorities;
- makes decisions on creation, reorganization and liquidation of temporary accommodation centres;
- defines the procedure of issuance, use, exchange, invalidation, withdrawal, storage, destruction of refugee certificate;
- makes decision on granting of asylum, its loss and revocation;
- executes the other authority in accordance with the Constitution of the Republic of Belarus, this Law and the other legislative acts of the Republic of Belarus.

Article 9. Authority of the Council of Ministers of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the Council of Ministers of the Republic of Belarus:

- ensures implementation of the unified state policy;
- adopts the rules of stay of foreigners applying for protection and foreigners who were granted refugee status, complementary protection, asylum or temporary protection in the Republic of Belarus;
- defines the procedure of establishment of guardianship or custody over foreigners under eighteen years of age who did not become fully capable in accordance with the legislation of the Republic of Belarus and who arrived in the Republic of Belarus without their legal representatives (hereinafter – unaccompanied foreigners) and are applying for protection, over unaccompanied foreigners who were granted refugee status, complementary protection, asylum or temporary protection;
- defines the procedure of granting temporary protection to foreigners and makes relevant decisions;
- defines places for accommodation and the procedure of movement within the territory of the Republic of Belarus of foreigners who were granted temporary protection;
- approves description and sample of refugee certificate;
- defines the procedure of provision and the amount of financial assistance provided to foreigners applying for protection and foreigners who were granted refugee status or asylum;
- executes the other authority in accordance with the Constitution of the Republic of Belarus, this Law, the other laws and acts of the President of the Republic of Belarus.

Article 10. Authority of the Authorities of the Interior of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the Ministry of the Interior of the Republic of Belarus:

- executes unified state policy;

- develops proposals on improvement of legislation of the Republic of Belarus and on conclusion of international treaties of the Republic of Belarus;

- coordinates activities of the other republican state authorities, executes interaction with the other state authorities and the other organizations;

- determines, in coordination with the involved republican state authorities, the procedure of organization of work on examination of application for protection, application for extension of the term of granting of complementary protection (hereinafter – application for extension of complementary protection), application for assistance with family reunification, as well as on decision-making on loss, cancellation of refugee status or complementary protection and on preparation of proposals on the necessity of decision-making on loss or revocation of asylum;

- determines, in coordination with the involved state authorities, the procedure of organization of work on registration of foreigners who simultaneously arrived to the State Border or in the territory of the Republic of Belarus in large numbers and expressed their wish to apply for granting of refugee status, complementary protection or asylum (hereinafter – expressed their wish to apply for protection), and foreigners, who were granted temporary protection, on execution of mandatory state fingerprinting registration and mandatory medical examination of foreigners who were granted temporary protection on identification of personality of foreigners who were granted temporary protection and who do not have any documents for travel abroad or those who provided counterfeit or forged documents for travel abroad;

- determines distributive quotas for registration of applications for citizenship and migration divisions;

- determines the procedure of organization of work on issuance, registration, exchange, invalidation, withdrawal, storage, destruction of refugee certificate;

- defines the forms of complementary protection certificate and certificate of application's registration, establishes the procedure of organization of work on their issuance, registration, withdrawal and storage;

- following the established procedure, introduces for review of the President of the Republic of Belarus proposals, coordinated with respective regional (Minsk city) executive committees, on creation, reorganization and liquidation of temporary accommodation centres;

- coordinates proposals on opening of the places for temporary accommodation;

- introduces to the Commission on the Issues of Citizenship attached to the President of the Republic of Belarus (hereinafter – the Commission) conclusions on advisability or inadvisability of granting of asylum and conclusions on necessity of decision-making on loss and revocation of asylum;

- executes other authority in accordance with the legislative acts of the Republic of Belarus.

In the sphere of forced migration, the Department on Citizenship and Migration of the Ministry of the Interior of the Republic of Belarus (hereinafter – the Department):

- execute methodological and organizational leadership over citizenship and migration divisions, as well as control over their activities;

- sends for the expertise the documents provided by the foreigners applying for protection in case of doubts in their authenticity or in case evident signs of forgery have been identified;

- examines applications for protection and makes, in accordance with the established procedure, decisions on suspension of examination of an application for protection, on repeal of decision on suspension of examination of an application for protection, on extension of the term of examination of an application for protection, on granting of refugee status, on denial in refugee status and granting of complementary protection, on denial in refugee status and complementary protection, on extension of the term of granting of complementary protection, on denial in extension of the term of granting of complementary protection, on assistance with family reunification, on denial in assistance with family reunification, on loss of refugee status, on cancellation of refugee status, on loss of complementary protection, on cancellation of complementary protection, as well as on repeal of these decisions;

- defines whether foreigners, mentioned in Parts One and Two of Article 5 of this Law, have circumstances due to which they cannot be removed from the Republic of Belarus;

- prepares drafts of conclusions on advisability or inadvisability of granting of asylum, proposals on the necessity of decision-making on loss and revocation of asylum;

- based on reports of citizenship and migration divisions, undertakes measures on finding legal representatives or relatives of unaccompanied foreigners applying for protection;

- develops projects of integration of foreigners who were granted refugee status, complementary protection or asylum;

- defines citizenship and migration divisions where foreigners applying for protection are referred to, in accordance with distributive quotas for registration of application;

- issues refugee certificates to foreigners who were granted refugee status and executes exchange of these certificates;

assists with reunification of families of foreigners who were granted refugee status, complementary protection or asylum;

collects, systematizes and analyzes information on political, socio-economic, sanitary and epidemiological situation in the countries of citizenship affiliation or former habitual residence of foreigners applying for protection;

requests and receives from organizations and physical persons free of charge information needed for verification of information provided by a foreigner applying for protection and a foreigner who was granted refugee status, complementary protection, asylum or temporary protection, unless the legislation of the Republic of Belarus provides for another procedure of receipt of the mentioned information;

executes other authority in accordance with the legislation of the Republic of Belarus.

In the sphere of forced migration, citizenship and migration divisions:

receive foreigners who expressed their wish to apply for protection and accept their applications for protection;

receive applications for protection from foreigners who expressed their wish to apply for protection and against whom restraint in the form of detention, house arrest was imposed on the basis of decision on execution of request of an authority of a foreign country which has the competence to make decisions on the issues on international legal aid on criminal cases (hereinafter – request of an authority of foreign country), or because they are in the international wanted list;

register foreigners applying for protection and foreigners who were granted refugee status, complementary protection or asylum;

refer foreigners applying for protection to citizenship and migration divisions as per decision of the Department and in accordance with distributive quotas for registration of applications;

refer foreigners applying for protection to mandatory state fingerprinting registration and mandatory medical examination;

executes identification of personality of foreigners applying for protection who do not have documents for travel abroad or who provided counterfeit or forged documents for travel abroad;

refer foreigners applying for protection, who do not have documents confirming their age or who provided counterfeit or forged documents confirming their age, in case there are doubts that they reached eighteen years of age, for expertise in order to establish their age;

inform the Department about unaccompanied foreigners applying for protection in order to take measures aiming at search of their legal representatives or relatives;

issue to foreigners applying for protection who are not able to accommodate themselves in the Republic of Belarus without assistance warrants for temporary accommodation at places for temporary accommodation, as well as warrants for accommodation at temporary accommodation centres and the other special living premises designed, in accordance with the legislative acts of the Republic of Belarus, for temporary accommodation of this category of foreigners;

forward to the State Committee of Judicial Expertise of the Republic of Belarus requests on provision of information in relation to existence of fingerprinting information about foreigners applying for protection;

forward for expertise the documents provided by foreigners applying for protection in case of doubts in their authenticity or in case evident signs of forgery have been identified;

refer foreigners applying for protection for expertise in order to identify whether there are physical injuries, the extent of their severity and how long ago they occurred;

conduct interview (additional interview) with foreigners applying for protection and register their applications for protection;

issue to foreigners, whose applications for protection were registered, certificates of applications' registration;

execute, within the scope of their competence, verification of the fact whether provisions of Parts One and Two of Article 3, Paragraph Three of Part Two and Paragraph Three of Part Three of Article 53 and Paragraph Five of Part Two of Article 54 of this Law are applicable to foreigners applying for protection;

examine applications for protection and prepare conclusions on granting of refugee status, on denial in refugee status and granting of complementary protection, on denial in refugee status and complementary protection, on advisability or inadvisability of granting of asylum (hereinafter – conclusion on application for protection), as well as, in case of necessity, prepare proposals on extension of the term of examination of an application for protection;

make decisions, in accordance with the established procedure, on suspension of examination of applications for protection, on termination of examination of applications for protection, those are being examined by the citizenship and migration division, as well as on repeal of such decisions;

issue refugee certificates to foreigners who were granted refugee status;

issue complementary protection certificate to foreigners who were granted complementary protection;

examine applications for extension of complementary protection and prepare conclusions on extension of complementary protection or on denial in extension of complementary protection (hereinafter – conclusion on application for extension of complementary protection);

examine applications on assistance with family reunification and prepare conclusion on assistance with family reunification or denial in assistance with family reunification;

submit to the Department proposals on the necessity of decision-making on loss, cancellation of refugee status or complementary protection, on the necessity of decision-making on loss or on revocation of asylum;

submit to the Department conclusions on the issue whether the foreigners, mentioned in Parts One and Two of Article 5 of this Law, have circumstances due to which they cannot be removed from the Republic of Belarus;

take part in development and implementation of projects on integration of foreigners who were granted refugee status, complementary protection or asylum;

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

In the sphere of forced migration, the other authorities of the interior with the exception of those mentioned in Parts One – Three of this article, with their competence:

receive applications for protection from foreigners detained for violation of the rules of stay in the Republic of Belarus or the rules of transit movement (transit) through the territory of the Republic of Belarus (hereinafter – illegal stay in the Republic of Belarus) or detained for the purposes of execution of decision on forcible removal from the Republic of Belarus or administrative punishment in the form of deportation and expressed their wish to apply for protection, immediately inform respective citizenship and migration divisions about such foreigners and provide unhindered access to them to representatives of citizenship and migration divisions;

immediately inform citizenship and migration divisions and the General Prosecutor's Office of the Republic of Belarus about foreigners who were detained or against whom restraint in the form of detention, house arrest was imposed on the basis of decision on execution of request of an authority of a foreign country or because they are in the international wanted list for the purposes of extradition, and who expressed their wish to apply for protection, and ensure access for the representatives of citizenship and migration divisions and the General Prosecutor's Office of the Republic of Belarus to these foreigners;

execute registration of foreigners who simultaneously arrived to the State Border or in the Republic of Belarus in large numbers and expressed their wish to apply for protection, and foreigners who were granted temporary protection;

execute mandatory state fingerprinting registration of foreigners applying for protection, and foreigners who were granted temporary protection in accordance with the procedure envisaged by the legislation of the Republic of Belarus;

forward to the State Committee of Judicial Expertise of the Republic of Belarus requests on provision of information in relation to existence of fingerprinting information about foreigners who were granted temporary protection;

refer foreigners who were granted temporary protection to mandatory medical examination;

execute identification of personality of foreigners who were granted temporary protection, those who do not have documents for travel abroad or those who provided counterfeit or forged documents for travel abroad;

forward to the Department requests on provision of information on the issue whether the foreigners, mentioned in Parts One and Two of Article 5 of this Law, have circumstances due to which they cannot be removed from the Republic of Belarus;

execute other authority in accordance with the legislative acts of the Republic of Belarus.

Article 11. Authority of the Border Guard Service of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the border guards service of the Republic of Belarus:

receive applications for protection from foreigners who were detained for illegal crossing of the State Border or illegal stay in the Republic of Belarus and expressed their wish to apply for protection; execute checkups of these foreigners in order to identify their personality and/or verify he circumstances of their arrival in the Republic of Belarus and, in accordance with the procedure established by the Council of Ministers of the Republic of Belarus, refer these foreigners to the authorities of the interior of the Republic of Belarus;

receive applications for protection from foreigners who are situated in the point for crossing of the State Border (hereinafter - border crossing point) and do not have any grounds to cross the State Border because of lack of valid documents for entry to the Republic of Belarus envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus, and who expressed their wish to apply for protection and, in accordance with the procedure established by the Council of Ministers of the Republic of Belarus, refer these foreigners to the authorities of the interior of the Republic of Belarus;

within their competence, make decisions on termination of examination of applications for protection;

forward to the Department requests on provision of information on the issue whether the foreigners, mentioned in Parts One and Two of Article 5 of this Law, have circumstances due to which they cannot be removed from the Republic of Belarus;

submit to the Department proposals on suspension, termination of examination of applications for protection, on necessity of decision-making on loss, cancellation of refugee status or complementary protection, on necessity of decision-making on loss or revocation of asylum;

execute other authority in accordance with the legislative acts of the Republic of Belarus.

Article 12. Authority of the State Security Services of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the state security services of the Republic of Belarus:

within the scope of their competence and upon request of the Department or citizenship and migration divisions provide, within one month, the information on the issue whether provisions of Parts One and Two of Article 3 of this Law are applicable to foreigners applying for protection;

submit to the Department proposals on suspension, termination of examination of applications for protection, on necessity of decision-making on loss, cancellation of refugee status or complementary protection, on necessity of decision-making on loss or revocation of asylum;

forward to the Department requests on provision of information on the issue whether the foreigners, mentioned in Parts One and Two of Article 5 of this Law, have circumstances due to which they cannot be removed from the Republic of Belarus;

provide, upon request of the Ministry of the Interior of the Republic of Belarus, conclusion on advisability or inadvisability of granting of asylum;

execute other authority in accordance with the legislative acts of the Republic of Belarus.

Article 13. Authority of the Ministry of Foreign Affairs of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the Ministry of Foreign Affairs of the Republic of Belarus:

In accordance with the established procedure, takes part in negotiations, development and submission of proposals on conclusion of international treaties of the Republic of Belarus;

upon request of the Department, provides information on political, socio-economic, sanitary and epidemiological situation in the countries of citizenship affiliation or former habitual residence of foreigners applying for protection;

upon request of the Ministry of the Interior of the Republic of Belarus, provides conclusion on advisability or on inadvisability of granting of asylum;

facilitates voluntary return of foreigners, who were granted refugee status, complementary protection, asylum or temporary protection, to the countries of their citizenship affiliation or former habitual residence or transfer to the countries who agreed to accept them;

facilitates, with the help of diplomatic representation or consular services of the Republic of Belarus, family reunification of foreigners who were granted refugee status, complementary protection or asylum;

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

Article 14. Authority of the Ministry of Healthcare of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the Ministry of Healthcare of the Republic of Belarus ensures:

execution of free of charge mandatory medical examination of foreigners applying for protection and foreigners who were granted temporary protection at the place of their temporary stay, temporary residence or permanent residence in the Republic of Belarus⁶;

provision of free of charge emergency medical treatment at state medical institutions to foreigners applying for protection and foreigners who were granted temporary protection;

medical treatment to foreigners applying for protection under 18 years of age on a par with underage citizens of the Republic of Belarus at the place of their temporary stay, temporary residence or permanent residence in the Republic of Belarus;

medical treatment to foreigners who were granted refugee status, complementary protection or asylum at the place of their temporary residence or permanent residence in the Republic of Belarus in accordance with the procedure envisaged by this Law and the other legislative acts of the Republic of Belarus;

implementation of the other authority in accordance with the legislation of the Republic of Belarus.

Article 15. Authority of the Ministry of Education of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the Ministry of Education of the Republic of Belarus ensures:

access of foreigners under 18 years of age applying for protection and foreigners under 18 years of age who were granted refugee status, complementary protection or asylum to pre-school, general secondary education and special secondary education on a par with underage citizens of the Republic of Belarus;

⁶ Place of temporary stay, place of temporary residence and place of permanent residence refers to respective forms of residence / stay in Belarus, namely, (1) place of temporary stay refers to temporary residence permit for the period of up to 90 days, (2) place of temporary residence refers to temporary residence permit for the period of 91 - 365/366 days; (3) place of permanent residence (also known as «propiska») refers to permanent residence permit. *Comment of UNHCR Representation in Belarus.*

implementation of measures on protection on rights and legal interests of unaccompanied foreigners applying for protection and unaccompanied foreigners who were granted refugee status, complementary protection, asylum or temporary protection;

implementation of the other authority in accordance 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 Sphere of Forced Migration

In the sphere of forced migration, the Ministry of Labor and Social Protection of the Republic of Belarus ensures: assistance with employment and organization of vocational training, re-training and advanced training of foreigners who were granted refugee status or asylum, registered as unemployed in accordance with the procedure envisaged by the legislation of the Republic of Belarus;

assistance with employment of foreigners applying for protection and foreigners who were granted complementary protection who applied to the committee on labour, employment and social protection of Minsk City Executive Committee, departments (unit) on labour, employment and social protection of city, district executive committee;

implementation of the other authority in accordance with the legislation of the Republic of Belarus.

Article 17. Authority of the State Committee of Judicial Expertise of the Republic of Belarus in the Sphere of Forced Migration

In the sphere of forced migration, the State Committee of Judicial Expertise of the Republic of Belarus carries out:

provision of information in relation to existence of fingerprinting information about foreigners applying for protection and foreigners who were granted temporary protection;

expertise to identify the age of foreigners applying for protection who do not have documents confirming their age or who provided counterfeit or forged documents confirming their age in case there are doubts that they are of eighteen years of age;

expertise of document provided by foreigners applying for protection in case there are doubts in relation to their authenticity or obvious signs of forgery were identified;

expertise to identify whether foreigners applying for protection have physical injuries, the extent of their severity and how long ago they occurred;

the other authority in accordance with legislative acts of the Republic of Belarus.

Article 18. Authority of Local Executive and Administrative Bodies of the Republic of Belarus in the Field of Forced Migration

In the sphere of forced migration, local executive and administrative bodies of the Republic of Belarus:

establish guardianship or custody over unaccompanied underage foreigners applying for protection and unaccompanied foreigners who were granted refugee status, complementary protection, asylum or temporary protection; ensure the other forms of their upbringing arrangements;

ensure participation of a representative of a guardianship and custody body in the procedure of identification of personality of an unaccompanied foreigner applying for protection;

assist with integration of foreigners who were granted refugee status, complementary protection or asylum;

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

Regional (Minsk City) executive committees coordinate proposals of the Ministry of the Interior of the Republic of Belarus on establishment, reorganization and liquidation of temporary accommodation centres, as well as proposals for establishment of places for temporary accommodation.

**CHAPTER 3
REFUGEE STATUS**

Article 19. Grounds for Granting and Term of Validity of Refugee Status

In the Republic of Belarus, refugee status is granted to a foreigner who is situated on the territory of the Republic of Belarus due to well-founded fears of being persecuted in the country of his/her citizenship for the reasons of race, religion, citizenship, ethnic affiliation, membership in a particular social group or political opinion, and who is unable or unwilling, owing to such fears, to avail him/herself of the protection of that country; or to a stateless person who is situated on the territory of the Republic of Belarus due to mentioned fears and who is unable or unwilling to return to the country of his/her former habitual residence, owing to such fears.

Refugee status is granted to a foreigner for the period of validity of grounds for granting of refugee status in the country of his/her citizenship or former habitual residence.

Article 20. Rights of a Foreigner Who Was Granted Refugee Status

A foreigner who was granted refugee status has the right to:

receive information about his/her rights and obligations;

receive refugee certificate;

receive permit for temporary residence in the Republic of Belarus;

receive permit for permanent residence in the Republic of Belarus;

receive travel document of the Republic of Belarus;

accommodation without assistance in the family of a citizen of the Republic of Belarus or a foreigner permanently residing in the Republic of Belarus in accordance with the procedures envisaged by the legislation of the Republic of Belarus;

stay, in case of inability to accommodate without assistance on the territory of the Republic of Belarus, in the places for temporary accommodation until receipt of permit for permanent residence in the Republic of Belarus, but not longer than for one year; as well as in special living premises envisaged, in accordance with the legislative acts of the Republic of Belarus, for temporary stay of this category of foreigners, – in case there are free places;

medical treatment on a par with citizens of the Republic of Belarus;

receive education on a par with citizens of the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus;

receive financial assistance in accordance with the procedure and in amount determined by the Council of Ministers of the Republic of Belarus;

assistance of the Department with receipt of information about close relatives residing in the country of citizenship or former habitual residence;

return voluntary to the country of citizenship or former habitual residence;

move to another country for permanent residence;

family reunification;

apply to the United Nations High Commissioner for Refugees;

court protection on a par with citizens of the Republic of Belarus;

enjoy the other rights on a par with foreigners permanently residing in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

Article 21. Obligations of a Foreigner Who Was Granted Refugee Status

A foreigner who was granted refugee status is obliged to:

observe the Constitution of the Republic of Belarus, this Law, the other legislative acts of the Republic of Belarus and respect its national traditions;

get registered in a citizenship and migration division according to the place of temporary residence or permanent residence in the Republic of Belarus within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, after familiarization with the decision on granting of refugee status;

notify within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, the citizenship and migration division about changes of family name, given name, patronymic name, family composition, marital status, acquisition of citizenship of another country;

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

get registered in the citizenship and migration division in case of change of the place of temporary residence or permanent residence in the Republic of Belarus within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, counting from the day of registration according to the new place of temporary residence or permanent residence in the Republic of Belarus;

comply with the other obligations on a par with foreigners permanently residing in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

CHAPTER 4 COMPLEMENTARY PROTECTION

Article 22. Grounds for Granting and Term of Validity of Complementary Protection

In the Republic of Belarus, complementary protection is granted to a foreigner who is situated on the territory of the Republic of Belarus, does not have grounds for granting him/her refugee status, but has well-founded fears to face, upon return to the country of citizenship, the threat of death penalty, tortures and the other cruel, inhumane or degrading treatment and punishment, or the threat to life caused by violence in the context of an international or non-international armed conflict, and who is unable or unwilling, owing to such fears, to avail him/herself of the protection

of that country, or to a stateless person who is situated on the territory of the Republic of Belarus, does not have grounds for granting him/her refugee status, but has mentioned fears and is unable or unwilling, owing to such fears, to the country of former habitual residence.

Complementary protection is granted to a foreigner for the period of up to one year. In case the grounds for granting complementary protection continues to exist in the country of citizenship or former habitual residence, its term may be extended, but not longer than for one year each time.

Article 23. Rights of a Foreigner Who Was Granted Complementary Protection

A foreigner who was granted complementary protection has the right to:

receive information about his/her rights and obligations, including the right to apply for extension of complementary protection;

receive complementary protection certificate;

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

receive travel document of the Republic of Belarus;

stay, in case of inability to accommodate without assistance on the territory of the Republic of Belarus, in the places for temporary accommodation for the term of complementary protection, but not longer than for one year; as well as in special living premises envisaged, in accordance with the legislative acts of the Republic of Belarus, for temporary stay of this category of foreigners, – in case there are free places;

medical treatment and employment on a par with foreigners permanently residing in the Republic of Belarus;

apply to a citizenship and migration division for extension of complementary protection;

apply to a citizenship and migration division with the new application for protection in case the grounds for granting of refugee status or asylum emerged;

assistance of the Department with receipt of information about close relatives residing in the country of citizenship or former habitual residence;

return voluntary to the country of citizenship or former habitual residence;

move to another country for permanent residence;

family reunification;

apply to the United Nations High Commissioner for Refugees;

court protection on a par with citizens of the Republic of Belarus;

enjoy the other rights on a par with foreigners temporary residing in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

A foreigner under eighteen years of age who was granted complementary protection except the rights mentioned in Part One of this Article has also the right to receive preschool, secondary and special education and medical treatment on a par with underage citizens of the Republic of Belarus.

For the purpose of implementation of the rights envisaged by Paragraphs Seven, Fifteen of Part One and Part Two of this Article complementary protection certificate is used for identification of personality of a foreigner who was granted complementary protection, but does not have document for travel abroad.

Article 24. Obligations of a Foreigner Who Was Granted Complementary Protection

A foreigner who was granted complementary protection is obliged to:

observe the Constitution of the Republic of Belarus, this Law, the other legislative acts of the Republic of Belarus and respect its national traditions;

get registered in a citizenship and migration division according to the place of temporary residence or permanent residence in the Republic of Belarus within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, after familiarization with the decision on granting of complementary protection;

notify within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, the citizenship and migration division about changes of family name, given name, patronymic name, family composition, marital status, acquisition of citizenship of another country;

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

get registered in the citizenship and migration division in case of change of the place of temporary residence or permanent residence in the Republic of Belarus within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, counting from the day of registration according to the new place of temporary residence or permanent residence in the Republic of Belarus;

comply with the other obligations on a par with foreigners temporary residing in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

CHAPTER 5 ASYLUM

Article 25. Grounds for Granting and Term of Validity of Asylum

In the Republic of Belarus, asylum may be granted to a foreign citizen who is situated on the territory of the Republic of Belarus and was forced to leave the country of citizenship due to persecution for political opinion, religious beliefs or ethnic affiliation, or to a stateless person who is situated on the territory of the Republic of Belarus and was forced to leave the country of former habitual residence due to persecution for political opinion, religious beliefs or ethnic affiliation.

Asylum is granted to a foreigner for the period of validity of grounds for granting of asylum in the country of citizenship or former habitual residence.

Article 26. Rights of a Foreigner Who Was Granted Asylum

A foreigner who was granted asylum has the right to:

- receive information about his/her rights and obligations;
- receive permit for temporary residence in the Republic of Belarus;
- receive permit for permanent residence in the Republic of Belarus;
- receive travel document of the Republic of Belarus;

accommodation without assistance in the family of a citizen of the Republic of Belarus or a foreigner permanently residing in the Republic of Belarus in accordance with the procedures envisaged by the legislation of the Republic of Belarus;

stay, in case of inability to accommodate without assistance on the territory of the Republic of Belarus, in the places for temporary accommodation until receipt of permit for permanent residence in the Republic of Belarus, but not longer than for one year, – in case there are free places;

medical treatment on a par with citizens of the Republic of Belarus;

receive education on a par with citizens of the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus;

receive financial assistance in accordance with the procedure and in amount determined by the Council of Ministers of the Republic of Belarus;

assistance of the Department with receipt of information about close relatives residing in the country of citizenship or former habitual residence;

return voluntary to the country of citizenship or former habitual residence;

move to another country for permanent residence;

family reunification;

court protection on a par with citizens of the Republic of Belarus;

enjoy the other rights on a par with foreigners permanently residing in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

Article 27. Obligations of a Foreigner Who Was Granted Asylum

A foreigner who was granted asylum is obliged to:

observe the Constitution of the Republic of Belarus, this Law, the other legislative acts of the Republic of Belarus and respect its national traditions;

get registered in a citizenship and migration division according to the place of temporary residence or permanent residence in the Republic of Belarus within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, after familiarization with the decision on granting of asylum;

notify within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, the citizenship and migration division about changes of family name, given name, patronymic name, family composition, marital status, acquisition of citizenship of another country;

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

get registered in the citizenship and migration division in case of change of the place of temporary residence or permanent residence in the Republic of Belarus within five days, with the exception of Sundays, state holidays and holiday days determined and announced by the President of the Republic of Belarus as not working days, counting from the day of registration according to the new place of temporary residence or permanent residence in the Republic of Belarus;

comply with the other obligations on a par with foreigners permanently residing in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic

of Belarus.

CHAPTER 6 TEMPORARY PROTECTION

Article 28. Grounds for Granting and Term of Validity of Temporary Protection

In the Republic of Belarus, temporary protection is granted to foreigners individual examination of whose applications for protection is not possible due to their simultaneous arrival en masse and in relation to whom there is a necessity to decide on their admission to the Republic of Belarus and stay in the Republic of Belarus on the grounds provided for granting of refugee status or complementary protection.

The term of granting of temporary protection is determined by the Council of Ministers of the Republic of Belarus, but it cannot exceed one year.

If after the expiration of the term of granting of temporary protection the foreigners who were granted temporary protection did not return to the countries of their citizenship or former habitual residence or were not transferred to the countries who agreed to receive them, in relation to these foreigners individual examination of their applications for protection shall be executed in accordance with the procedure envisaged by this Law in case they apply for protection.

Article 29. Rights of a Foreigner Who Was Granted Temporary Protection

A foreigner who was granted temporary protection has the right to:

- receive information about his/her rights and obligations;
- free of charge emergency medical treatment at state healthcare institutions;
- be accommodated in the places for accommodation and movement within the territory of the Republic of Belarus in accordance with the procedure determined by the Council of Ministers of the Republic of Belarus;
- reside in the special living premises envisaged, in accordance with the legislative acts of the Republic of Belarus, for temporary stay of this category of foreigners, – in case there are free places;
- return voluntary to the country of citizenship or former habitual residence;
- apply to the United Nations High Commissioner for Refugees;
- enjoy the other rights on a par with foreigners temporary staying in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

Article 30. Obligations of a Foreigner Who Was Granted Temporary Protection

A foreigner who was granted temporary protection is obliged to:

- observe the Constitution of the Republic of Belarus, this Law, the other legislative acts of the Republic of Belarus and respect its national traditions;
- provide document valid for travel abroad;
- undergo identification of personality in case of absence of a document for travel abroad or in case of provision of counterfeit or forged document for travel abroad;
- undergo mandatory state fingerprinting registration and mandatory medical examination;
- comply with the other obligations on a par with foreigners temporary staying in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

CHAPTER 7 APPLICATION FOR PROTECTION. RIGHTS AND OBLIGATIONS OF FOREIGNERS APPLYING FOR PROTECTION

Article 31. Application for protection

A foreigner, as well as his/her family members (with the exception of foreigners under eighteen years of age who did not become fully capable in accordance with the legislation of the Republic of Belarus) who expressed the wish to apply for protection shall be situated on the territory of the Republic of Belarus and shall apply for protection in person or with the help of authorized representative to citizenship and migration division.

A foreigner, as well as his/her family members (with the exception of foreigners under eighteen years of age who did not become fully capable in accordance with the legislation of the Republic of Belarus) apprehended for illegal crossing of the State Border or illegal stay on the territory of the Republic of Belarus or situated in the border crossing point without the grounds for crossing the State Border due to lack valid documents for entry to the Republic of Belarus envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus, who expressed the wish to apply for protection shall apply or protection in person or with the help of authorized representative to the authority of the border guard service of the Republic of Belarus.

A foreigner, as well as his/her family members (with the exception of foreigners under eighteen years of age who

did not become fully capable in accordance with the legislation of the Republic of Belarus) apprehended by the authorities of the interior of the Republic of Belarus for illegal stay on the territory of the Republic of Belarus or to ensure execution of the decision on forcible removal from the Republic of Belarus or administrative punishment in the form of deportation, who expressed the wish to apply for protection shall apply for protection in person or with the help of authorized representative to the authority of the interior of the Republic of Belarus.

A foreigner (with the exception of foreigners under eighteen years of age who did not become fully capable in accordance with the legislation of the Republic of Belarus) who was detained or against whom restraint in the form of detention, house arrest was imposed on the basis of decision on execution of request of an authority of a foreign country or because s/he is in the international wanted list for the purpose of extradition, who expressed the wish to apply for protection shall apply for protection in person or with the help of authorized representative to the administration of a criminal and correctional entity of the Ministry of the Interior of the Republic of Belarus, where s/he is held, or to an investigation authority.

Information about a foreigner under eighteen years of age who did not become fully capable in accordance with the legislation of the Republic of Belarus and arrived in the Republic of Belarus together with his/her legal representatives (legal representative) and expressed the wish to apply for protection is inserted into the application for protection of the foreigner's legal representatives (legal representative).

Article 32. Application for protection of an unaccompanied foreigner

A citizenship and migration division shall issue an act of discovery of an abandoned child in relation to an unaccompanied foreigner who expressed the wish to apply for protection and immediately refers the unaccompanied foreigner and the mentioned act to the guardianship and custody authority at the place where the unaccompanied foreigner is situated.

Starting from the moment of issuance of the act of discovery of an abandoned child, an unaccompanied foreigner is entitled to the rights envisaged by the Article 34 of this Law.

A guardianship and custody authority applies, within three working days counting from the moment of receipt of the act of discovery of an abandoned child, applies for protection to the citizenship and migration division on behalf of the unaccompanied foreigner and takes the other measures in relation to protection of his/her right and legal interests.

An unaccompanied foreigner who reached sixteen years of age and expressed the wish to apply for protection, can be accommodated at a temporary accommodation centre or place for temporary accommodation by a citizenship and migration division subject to agreement of a guardianship and custody authority.

Article 33. New application for protection

New application for protection is not accepted for examination until completion of examination of previously submitted application for protection and foreigner's appeal against issued decision (in case the right for appeal is used), as well as within three years after issuance of the decision on previously submitted application for protection, unless the other is not envisaged by Part Two of this Article.

New application for protection of a foreigner, in relation to whom there are decisions on denial in refugee status and granting of complementary protection or denial in refugee status and complementary protection upon previously submitted application for protection or in relation to whom there is decision on termination of examination of previously submitted application for protection, is accepted for examination in case new grounds for granting of refugee status or complementary protection to a foreigner have emerged.

Article 34. Rights of a Foreigner Applying for Protection

A foreigner applying for protection have the right to:

receive information about his/her rights and obligations, as well as about examination of the application for protection;

receive certificate of application's registration;

accommodation without assistance in accordance with the procedure envisaged by legislation of the Republic of Belarus;

stay, in case of inability to accommodate without assistance on the territory of the Republic of Belarus, in the places for temporary accommodation, as well as in the temporary accommodation centres and the other special living premises designed, in accordance with the legislative acts of the Republic of Belarus, for temporary accommodation of this category of foreigners, – in case there are free places;

receive financial assistance in accordance with the procedure and in amount determined by the Council of Ministers of the Republic of Belarus;

free of charge emergency medical treatment provided by state healthcare institutions;

employment on a par with foreigners permanently residing in the Republic of Belarus;

apply for termination of examination of the application for protection;

apply to the United Nations High Commissioner for Refugees;

court protection on a par with citizens of the Republic of Belarus;
 enjoy the other rights on a par with foreigners temporary residing in the Republic of Belarus unless the other is envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

Except the rights mentioned in Part One of this Article, a foreigner under eighteen years of age applying for protection has also the right to receive preschool, secondary and special education and medical treatment on a par with underage citizens of the Republic of Belarus.

For the purpose of implementation of the rights envisaged by the Paragraphs Four, Six – Eight, Eleven of Part One and Part Two of this Article, certificate of application's registration is used for identification of personality of a foreigner applying for protection.

Article 35. Obligations of a Foreigner Applying for Protection

A foreigner applying for protection is obliged to:

observe the Constitution of the Republic of Belarus, this Law, the other legislative acts of the Republic of Belarus and respect its national traditions;

substantiate his/her application for protection, provide documents for travel abroad or explanation of the reasons of their absence, the other documents at his/her disposal, materials and information relevant for examination of the application for protection;

provide the information about money s/he has at the moment of application for protection, as well as notify citizenship and migration division about money s/he is receiving during examination of his/her application for protection;

arrive at the citizenship and migration division determined by the Department in accordance with the distributive quotas of registration of applications;

undergo mandatory state fingerprinting registration and mandatory medical examination;

undergo personality identification in case of absence of the document for travel abroad or in case counterfeit or forged document for travel abroad was provided;

appear upon summons of the Department or a citizenship and migration division;

get registered according to the place of actual temporary stay in the Republic of Belarus in accordance with the procedure envisaged by the legislation of the Republic of Belarus;

apply, after registration of the application for protection, for permit for temporary residence in the Republic of Belarus in accordance with the procedure envisaged by the legislation of the Republic of Belarus, for the duration of examination of the application for protection;

reside within the territory of a region (city of Minsk), where the application for protection was registered, during the period of examination of application for protection, appeal against issued decision (in case the right to appeal is used), as well as during the period envisaged by this Law for the foreigner's exit from the Republic of Belarus;

immediately notify a citizenship and migration division about change of place of temporary stay in the Republic of Belarus;

comply with the other obligations on a par with foreigners temporary residing in the Republic of Belarus, if otherwise is not envisaged by the legislative acts of the Republic of Belarus and international treaties of the Republic of Belarus.

Article 36. Limitations of the Rights of a Foreigner Applying for Protection

In relation to a foreigner applying for protection, photographing, as well as audio or video recording of an interview (additional interview) with him/her may be carried out. The foreigner shall be informed of this in advance.

A foreigner applying for protection may be detained in cases envisaged by the legislative acts of the Republic of Belarus.

The procedure and conditions of detention of the apprehended foreigners applying for protection are envisaged by the legislative acts of the Republic of Belarus and resolutions of the Council of Ministers of the Republic of Belarus.

CHAPTER 8

REVIEW OF AN APPLICATION FOR PROTECTION

Article 37. Main Stages of Examination of Application for Protection

Examination of an application for protection includes:

registration of a foreigner applying for protection;

referral of a foreigner applying for protection to the citizenship and migration division in accordance with the distributive quotas for registration of applications;

mandatory state fingerprinting procedure of a foreigner applying for protection;

mandatory medical examination of a foreigner applying for protection;

identification of personality of a foreigner applying for protection who does not have valid document for travel abroad or who provided counterfeit or forged document for travel abroad;

interviewing of a foreigner applying for protection, registration of application for protection and issuance of the certificate of application's registration
 examination of the application for protection by the citizenship and migration division and preparation of conclusion on the application for protection;
 examination of the application for protection and conclusion on the application for protection by the Department and decision-making;
 examination of the possibility to grant asylum to a foreigner applying for protection.

Article 38. Registration of a Foreigner Applying for Protection and His/Her Referral to the Citizenship and Migration Division in Accordance with the Distributive Quotas for Registration of Applications

Registration of a foreigner applying for protection is executed by the citizenship and migration division that accepted the application for protection.

A foreigner who applied for protection to a citizenship and migration division, which used distributive quota for registration of applications determined for this citizenship and migration division or which is not able to accommodate a foreigner applying for protection who does not have the possibility to accommodate on the territory of the Republic of Belarus without assistance in the place for temporary accommodation, as well as in the temporary accommodation centre and the other special living premises designed, in accordance with the legislative acts of the Republic of Belarus, for temporary accommodation of foreigners applying for protection, which are situated on the territory of the region where the mentioned division is situated, or in case of absence on the territory of this region of the place for temporary accommodation, as well as the temporary accommodation centre and the other special living premises designed, in accordance with the legislative acts of the Republic of Belarus, for temporary accommodation of foreigners applying for protection, [a foreigner] is transferred by the citizenship and migration division that accepted the application for protection to the citizenship and migration division determined by the Department in accordance with the distributive quota for registration of applications.

Article 39. Mandatory State Fingerprinting Registration and Mandatory Medical Examination of a Foreigner Applying for Protection

After registration of a foreigner applying for protection and his/her arrival to the citizenship and migration division in accordance with distributive quota for registration of applications (in case foreigner's referral to another citizenship and migration division) this foreigner shall undergo mandatory state fingerprinting registration in accordance with the procedure envisaged by the legislation of the Republic of Belarus and mandatory medical examination in accordance with the procedure determined by the Ministry of Healthcare of the Republic of Belarus in coordination with the Ministry of the Interior of the Republic of Belarus and the Ministry of Education of the Republic of Belarus.

Article 40. Identification of Personality of a Foreigner Applying for Protection Who Does Not Have a Document for Travel Abroad or Who Provided Counterfeit or Forged Document for Travel Abroad

In relation to a foreigner applying for protection who does not have a document for travel abroad or who provided counterfeit or forged document for travel abroad, a citizenship and migration division executes, within the period not longer than one month counting from the moment of this foreigner's application for protection to the competent state authority of the Republic of Belarus, if otherwise is not provided by this Law, identification of his/her personality.

Identification of personality of an unaccompanied foreigner applying for protection is executed with mandatory participation of the representative of the guardianship and custody authority. The citizenship and migration division may place an unaccompanied foreigner to the reception-distribution centre for underage children for the period of identification of personality.

In case there are doubts that a foreigner applying for protection who does not have a document confirming his/her age or who provided counterfeit or forged document confirming his/her age, reached eighteen years of age, the citizenship and migration division refers this foreigner, upon his/her consent (for unaccompanied foreigner or married foreigner) or consent of his/her legal representative, to examination for the purpose of identification of age of this foreigner. The term of identification of personality of a foreigner who was referred to the examination for the purpose of identification of age is extended for the period needed for execution of this procedure.

If as a result of the examination for the purpose of identification of age of the foreigner applying for protection it was not unambiguously determined that this foreigner reached eighteen years of age, application for protection of this foreigner is examined as an application for protection of a foreigner who has not reached eighteen years of age.

In case the unaccompanied foreigner or his/her legal representative refuse to undergo the examination for the purpose of identification of age, his/her application for protection is examined as an application for protection of a foreigner who reached eighteen years of age.

Article 41. Interview with a Foreigner Applying for Protection. Registration of Application for Protection. Issuance of Certificate of Application's Registration

An application for protection is registered by a citizenship and migration division according to the place of

temporary stay, place of temporary residence or place of permanent residence in the Republic of Belarus of a foreigner applying for protection, after the interview with him/her, if otherwise is not envisaged by Part Two of this Article.

An application for protection may be registered by a citizenship and migration division without the interview at the same day when the application for protection was accepted or at the same day when identification of personality was completed, in case:

- decision on granting of refugee status, complementary protection or asylum to a foreigner may be made on the basis of available documents, materials and information;

- documents, materials and information needed for decision-making on an application for protection were obtained as a result of identification of personality of a foreigner;

- application for protection of a foreigner is manifestly unfounded in accordance with Article 46 of this Law;

- a foreigner is not able or is not capable to undergo interviewing due to long-lasting circumstances who are beyond his/her control.

A certificate of application's registration is issued in accordance with the procedure envisaged by the legislative acts of the Republic of Belarus to the following categories of foreigners applying for protection:

- [foreigners who] reached fourteen years of age;

- married [foreigners] who have not reached fourteen years of age;

- unmarried [foreigners] who have not reached fourteen years of age and arrived in the Republic of Belarus without accompaniment of [their] legal representatives.

A certificate of application's registration is issued for the period of examination of application for protection.

Information about a foreigner who has not reached eighteen years of age, who has not become fully capable in accordance with the legislation of the Republic of Belarus and who arrived in the Republic of Belarus together with [his/her] legal representatives (legal representative) applying for protection is inserted into certificates of application's registration of his/her legal representatives (legal representative).

At the moment of registration of application for protection, foreigner's documents for travel abroad are withdrawn and are kept at the citizenship and migration division during the period of examination of his/her application for protection.

Article 42. Examination of Application for Protection by a Citizenship and Migration Division and the Department. Preparation of Conclusion in Relation to Application for Protection

After registration, an application for protection is reviewed by a citizenship and migration division which prepares a conclusion in relation to the application for protection and transfers it, together with the application for protection, to the Department for examination and decision-making.

During examination of an application for protection for the purpose of decision-making on granting of refugee status, on denial in refugee status and granting of complementary protection or on denial in refugee status and complementary protection, as well as for preparation of draft conclusion of the Ministry of the Interior of the Republic of Belarus on advisability or inadvisability of granting of asylum, a citizenship and migration division and the Department examine:

- information obtained as a result of identification of personality of a foreigner and interview with a foreigner;

- information on circumstances of foreigner's arrival in the Republic of Belarus;

- documents, materials and information provided by a foreigner;

- information of the authorities of state security of the Republic of Belarus on the fact whether provisions of Part One and Two of Article 3 are applicable to a foreigner;

- information on circumstances of detention of a foreigner applying for protection and (or) application against him/her restraint in the form of detention, house arrest on the basis of decision on execution of request of an authority of a foreign country or because s/he is in the international wanted list for the purpose of extradition;

- information obtained from organization and individuals needed for verification of information provided by a foreigner;

- information about the country of citizenship or former habitual residence of a foreigner;

- the other documents, materials and information relevant for decision-making on the application for protection.

If there is a need to verify information provided by a foreigner applying for protection, a citizenship and migration division or the Department conduct additional interview with this foreigner.

In case of doubts in authenticity of documents provided by a foreigner applying for protection or discovery of obvious signs of forgery [in these documents], a citizenship and migration division or the Department refer these documents for examination.

For the purpose of verification of information of a foreigner applying for protection on existence of physical injuries related to the reasons of application for protection, a citizenship and migration division refers this foreigner for examination to identify whether s/he has physical injuries, the extent of their severity and how long ago they occurred.

On the basis of documents, materials and information mentioned in Parts Two – Five of this Article, a citizenship and migration division and the Department compile the materials of the case of a foreigner applying for protection

(hereinafter – case’s materials).

A citizenship and migration division and the Department do not identify the grounds for granting of complementary protection if during examination of application for protection the grounds for granting of refugee status were ascertained.

A citizenship and migration division and the Department do not ascertain the grounds for granting of asylum if during examination of application for protection the grounds for granting of refugee status were identified or a foreigner applying for protection did not give his/her written consent for examination of the possibility to grant him/her asylum.

In case a citizenship and migration division and the Department identified the grounds envisaged by Part Two of Article 54 of this Law, further examination of the possibility to grant asylum to a foreigner applying for protection is not executed and the Department examines the possibility to grant this foreigner refugee status or complementary protection.

Article 43. Examination of the Possibility to Grant Asylum to a Foreigner Applying for Protection

If there are grounds to grant asylum to a foreigner applying for protection and his/her written consent for examination of the possibility to grant him/her asylum, the Ministry of the Interior of the Republic of Belarus sends case’s materials of this foreigner to the Ministry of Foreign Affairs of the Republic of Belarus and the State Security Committee of the Republic of Belarus who, within one month counting from the day of receipt of the case’s materials, provides the Ministry of the Interior of the Republic of Belarus with their conclusions on advisability or inadvisability of granting of asylum to the foreigner applying for protection, taking into account the grounds envisaged by Part Two of Article 54 of this Law, as well as the other circumstances.

If provided conclusions of the Ministry of Foreign Affairs of the Republic of Belarus and (or) the State Security Committee of the Republic of Belarus on inadvisability of granting asylum contain information referring to existence of the grounds envisaged by Part Two of Article 54 of this Law, further examination of the possibility to grant asylum to a foreigner applying for protection is not executed and the Department examines the possibility to this foreigner refugee status or complementary protection.

Within 15 days counting from the date of receipt of conclusions of the Ministry of Foreign Affairs of the Republic of Belarus and the State Security Committee of the Republic of Belarus on advisability or inadvisability of granting of asylum to a foreigner applying for protection, with the exception of cases envisaged by Part Two of this Article, the Ministry of the Interior of the Republic of Belarus sends to the Commission, through the Administration of the President of the Republic of Belarus, the conclusion on advisability or inadvisability of granting of asylum to a foreigner applying for protection and attaches case’s materials.

During examination of a conclusion on advisability or inadvisability of granting of asylum to a foreigner applying for protection and case’s materials, the Commission has the right to request from the state authorities and the other organizations additional information needed to examination of the possibility of granting of asylum to a foreigner applying for protection.

As a result of examination of case’s materials, the Commission prepares proposal on advisability or inadvisability of granting of asylum to a foreigner applying for protection. The proposal of the Commission is sent for examination of the President of the Republic of Belarus together with the draft of relevant ordinance or order of the President of the Republic of Belarus.

Decision to grant asylum to a foreigner applying for protection is made by the President of the Republic of Belarus in form of ordinance, and decision on denial in asylum to a foreigner applying for protection – in the form of order.

If the President of the Republic of Belarus decides to deny asylum to a foreigner applying for protection, the case’s materials are returned to the Ministry of the Interior of the Republic of Belarus for examination of the possibility to grant this foreigner refugee status or complementary protection.

Within five working days counting from the date of receipt of the case’s materials, the Department inform the foreigner applying for protection about the decision made in relation to this foreigner – on denial in asylum and on examination of the possibility to grant him/her refugee status or complementary protection.

Article 44. Period of Examination of Application for Protection

Examination of application for protection in accordance with ordinary procedure is conducted by a citizenship and migration division within three months counting from the date of its registration and by the Department within three months counting from the date of receipt of an application for protection, conclusion on it an case’s materials, if otherwise is not envisaged by this Law. If there are circumstances which impede identification of grounds for granting of refugee status or complementary protection to a foreigner, with the exception of cases of examination of applications for protection of foreigners who were detained or against whom restraint in the form of detention, house arrest was imposed on the basis of decision on execution of request of an authority of a foreign country or because s/he is in the international wanted list for the purpose of extradition, the period of examination of application for protection may be extended for three months for a citizenship and migration division and the Department respectively.

Decision to extend the period of examination of application for protection is made by the Department. At the

stage of examination of application for protection by citizenship and migration division, decision to extend the the period of examination of application for protection is made on the basis of proposal of citizenship and migration division. At the stage of examination of application for protection by the Department, decision to extend the the period of examination of application for protection is made on the basis of case's materials.

The period of examination of the application for protection does not include the period of suspension of examination of an application for protection (in case of suspension), as well as the period needed for examination of documents provided by a foreigner applying for protection, in case there are doubts in their authenticity or discovery of obvious signs of forgery and examination to identify whether a foreigner applying for protection has physical injuries, the extent of their severity and how long ago they occurred.

Article 45. Examination of Application for Protection in Accordance with Accelerated Procedure

If after registration of application for protection it becomes obvious that this application is manifestly unfounded in accordance with Article 46 of this Law or [this application is] abusive in accordance with Article 47 of this Law, a citizenship and migration division sends to the Department conclusion on the application and case's materials within 15 days counting from the date of registration of this application.

The Department makes decision on denial in refugee status and complementary protection within 15 days counting from the day of receipt of conclusion on the application for protection and case's materials in cases envisaged by Parts Two - Four of Article 53 of this Law, or sends the application for protection and case's materials to the citizenship and migration division for its examination in accordance with ordinary procedure.

An application for protection which is examined in accordance with ordinary procedure may be examined in accordance with accelerated procedure, if during the examination of the application for protection:

circumstances envisaged by Paragraphs Four - Six of Article 46 of this Law or Paragraphs Two - Four of Article 47 of this Law were ascertained;

the decision on cancellation of decision on suspensions of examination of application for protection in accordance with Paragraphs Two and Three of Part One of Article 52 of this Law was made, and at the same time a foreigner did not provide evidence referring to existence of circumstances that impeded him/her to come to the Department or citizenship and migration division in time or [impeded him/her] to undergo mandatory state fingerprinting registration and (or) mandatory medical examination within established timeframe;

as a result of examination for the purpose of identification of age, it was identified that a foreigner applying for protection is not a person who is under eighteen years of age.

If an application for protection is examined in accordance with accelerated procedure because the circumstances envisaged by Part Three of this Article were identified, the period of examination of application for protection at the level of citizenship and migration division shall not exceed 15 days counting from the date when such circumstances were identified, and the period of examination of application for protection by the Department shall not exceed 15 days counting from the date of receipt of conclusion on the application for protection and case's materials or identification of the mentioned circumstances.

If an application for protection is examined in accordance with accelerated procedure, the information on the fact whether provisions of Parts One and Two of Article 3 of this Law are applicable to a foreigner applying for protection is not requested from the authorities of state security of the Republic of Belarus.

Article 46. Manifestly Unfounded Application for Protection

An application for protection is considered as manifestly unfounded in a foreigner applying for protection:

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

did not provide any information in relation to the grounds stipulated for granting refugee status or complementary protection;

provided not credible or contradictory information relevant for decision-making on the application for protection;

arrived from a safe country;

has refugee status or the other form of protection in the third country and is able to enjoy protection of this country.

Article 47. Abusive Application for Protection

An application for protection is considered as abusive if a foreigner applying for protection:

during examination of the application for protection deliberately misleads competent state authorities of the Republic of Belarus on the issues of identification of personality, country of citizenship or former habitual residence, circumstances of arrival in the Republic of Belarus, circumstances that caused departure of a foreigner from the country of citizenship or former habitual residence, or does not answer questions or shirks answering the questions.

presented counterfeit or forged documents for travel abroad or the other documents and materials relevant for decision-making on the application for protection, claiming that they are authentic, and did not provide credible explanations of the reasons for using them;

intentionally destroyed documents for travel abroad or the other documents and materials relevant for decision-making on the application for protection;

did not present documents for travel abroad or the other documents confirming his/her identity, and did not provide credible explanations in relation to their absence;

had an opportunity to apply for protection, but did not apply without valid excuse or applied for protection after detention by the border guard service of the Republic of Belarus for illegal crossing of the State Border or illegal stay on the territory of the Republic of Belarus or by the authorities of the interior of the Republic of Belarus for illegal stay on the territory of the Republic of Belarus or on the basis of decision on execution of request of an authority of a foreign country or because s/he is in the international wanted list for the purpose of extradition;

applied for protection to evade removal from the Republic of Belarus.

Article 48. Examination of Applications for Protection of Foreigners Who are Members of One Family

Examination of applications for protection of foreigners who are members of one family is executed in relation to each family member individually.

If a foreigner is granted refugee status, complementary protection or asylum, family members who arrived together with him/her and foreigners who are under eighteen years of age and whose legal representative s/he is, are also granted refugee status, complementary protection or asylum in accordance with the principle of family unity and in case there are no grounds envisaged by Parts One and Two of Article 3, Paragraph Three of Part Two and Paragraph Three of Part Three of Article 53, Paragraphs Four - Six of Part Two of Article 54 of this Law.

CHAPTER 9

DECISIONS MADE ON APPLICATION FOR PROTECTION. NOTIFICATION ON DECISIONS MADE. ISSUANCE OF DOCUMENTS AND REGISTRATION OF FOREIGNERS WHO WERE GRANTED REFUGEE STATUS, COMPLEMENTARY PROTECTION OR ASYLUM. FAMILY REUNIFICATION

Article 49. Decisions Made on Application for Protection

The following decisions are made on application for protection:

- on suspension of examination of the application for protection;
- on termination of examination of the application for protection;
- on cancellation of decision on suspension of examination of the application for protection;
- on cancellation of decision on termination of examination of the application for protection;
- on granting of refugee status;
- on denial in refugee status and on granting of complementary protection;
- on denial in refugee status and complementary protection;
- on granting of asylum.

Article 50. Suspension of Examination of Application for Protection

Decision on suspension of examination of the application for protection is made by the Department or citizenship and migration division on the application for protection, which is being examined, by this division, if a foreigner:

- failed to undergo mandatory state fingerprinting registration within the established period;
- failed to undergo mandatory medical examination within the established period;
- failed to come upon summons to the Department or citizenship and migration division within the established period.

is a suspect or an accused in the criminal case in relation to a crime committed on the territory of the Republic of Belarus;

receives medical treatment in the Republic of Belarus in the stationary.

Article 51. Termination of Examination of Application for Protection

Decision on termination of examination of application for protection is made by the Department or citizenship and migration division on the application for protection, which is being examined by this division, in case:

- a foreigner submits an application for termination of examination of the application for protection;
- a foreigner failed to come to the citizenship and migration division, determined by the Department in accordance with the distributive quotas for registration of applications, within three days after expiration of the period established in the respective referral;
- a foreigner failed to undergo mandatory state fingerprinting registration within the period established in the decision on suspension of examination of the application for protection;
- a foreigner failed to undergo mandatory medical examination within the period established in the decision on suspension of examination of the application for protection;
- a foreigner failed to come upon summons to the Department or citizenship and migration division within 15 days after his/her familiarization with the decision on suspension of examination of the application for protection, with the

exception of foreigner's failure to come in cases envisaged by Paragraphs Five and Six of Article 50 of this Law;
 a foreigner refuses to undergo mandatory state fingerprinting registration;
 a foreigner refuses to undergo mandatory medical examination;
 a foreigner refuses to undergo identification of personality or refuses to provide information needed for identification of his/her personality;
 a foreigner refuses to undergo the interview (additional interview);
 departure of a foreigner from the Republic of Belarus;
 expulsion of a foreigner from the Republic of Belarus;
 death of a foreigner.

Decision on termination of examination of the application for protection is made by the border guard service of the Republic of Belarus on the application for protection, that was accepted by this border guard service of the Republic of Belarus and was not referred for examination to the citizenship and migration division in cases envisaged by Paragraphs Two and Thirteen of Part One of this Article.

Article 52. Cancellation of Decisions on Suspension or on Termination of Examination of Application for Protection

Decision on suspension of examination of application for protection is cancelled by the state authority that made such decision in case:

a foreigner underwent mandatory state fingerprinting registration and (or) mandatory medical examination within the period established in the decision on suspension of examination of the application for protection;
 a foreigner came upon summons to the Department or citizenship and migration division within 15 days after familiarization with the decision on suspension of examination of the application for protection;
 preliminary investigation or criminal prosecution in relation to a foreigner was terminated, the court's decision in relation to a foreigner came into force;
 a foreigner's medical treatment in the Republic of Belarus in stationary is over.

Decision on termination of examination of application for protection in cases envisaged by Paragraphs Three – Six of Part one of Article 51 of this Law may be cancelled by the state authority that made such decision if a foreigner provides evidence referring to existence of circumstances that impeded him/her to come to the Department or citizenship and migration division in time or [impeded him/her] to undergo mandatory state fingerprinting registration and (or) mandatory medical examination within the period established in the decision on suspension of examination of the application for protection.

In case there is a decision to cancel the decision on suspension or on termination of examination of the application for protection, it examination is resumed.

Article 53. Granting of or Denial in Granting of Refugee Status and (or) Complementary Protection

Decisions on granting of refugee status, on denial in refugee status and granting of complementary protection, on denial in refugee status and complementary protection are made by the Department on the basis of case's materials and taking into account the conclusion on the application for protection and the information of the authorities of the state security of the Republic of Belarus on the fact whether provisions of Parts One and Two of Article 3 of this Law are applicable to a foreigner applying for protection

A foreigner applying for protection is denied in refugee status in case:

there are no ground for granting of refugee status;
 a foreigner is convicted in the Republic of Belarus for the committed crime which is considered, in accordance with the Criminal Code of the Republic of Belarus, as particularly grave, and criminal record was not lifted or cancelled.

A foreigner applying for protection is denied in complementary protection in case:

there are no grounds for granting of complementary protection;
 a foreigner is convicted in the Republic of Belarus for the committed crime which is considered, in accordance with the Criminal Code of the Republic of Belarus, as grave or particularly grave, and criminal record was not lifted or cancelled.

With the exception of cases mentioned in Parts Two and Three of this Article, a foreigner applying for protection may be denied in refugee status and (or) complementary protection in case:

provisions of Parts One and Two of Article 3 of this Law were ascertained;
 a foreigner has citizenship of the third country or permit for permanent residence in the third country, which protection s/he can avail him/herself of;
 a foreigner arrived in the Republic of Belarus from the territory of the third safe country.

Article 54. Granting of Asylum

Asylum is granted to a foreigner upon decision of the President of the Republic of Belarus if there are grounds for granting of asylum.

Asylum is not granted in case:

provisions of Part One of Article 3 of this Law were ascertained in relation to a foreigner;

a foreigner does not have grounds for granting of asylum;

a foreigner endangers national security of the Republic of Belarus;

a foreigner is convicted in the Republic of Belarus for the committed crime, with the exception of those convicted without assignment of sanction or those sanctioned in the form of ban to occupy particular positions or carry out particular activities, and criminal record was not lifted or cancelled;

a foreigner is or was a person involved into extremist, including terrorist, activities, is or was associated with the activities aiming at damaging of national security of the Republic of Belarus, illegal turnover of weapons, munitions to them, explosives, explosive devices, objects which destructive effect is based on usage of combustible substances, radioactive materials, drugs, psychotropic substances, their precursors and analogues, organization of illegal migration, human trafficking;

a foreigner has citizenship of the third country or permit for permanent residence in the third country, which protection s/he can avail him/herself of;

a foreigner lost refugee status or complementary protection or refugee status or complementary protection was cancelled.

Article 55. Notification on Decisions

Citizenship and migration division provides a foreigner, in relation to whom one of the decisions mentioned in Article 49 of this Law was made, with the exception of decision on granting of asylum, with the copy of made decision or motivated notification on made decision, and in case of inability to provide the copy of made decision or motivated notification on made decision it is sent by post within five working days counting from the day when the citizenship and migration division made the decision or received the copy of the decision from the Department; [citizenship and migration division – comm. of UNHCR Representation in Belarus] explains his/her rights and obligations, as well as the procedure of appeal against made decision, in case one of the decisions mentioned in Paragraphs Three, Seven and Eight of Article 49 of this Law is made.

Within five working days counting from the day of receipt of the information from the Department on decision in relation to a foreigner applying for protection on granting of asylum, citizenship and migration division informs this foreigner about the results of examination of his/her application for protection, explains his/her rights and obligations.

In case of foreigner's notification on made decision by post, a foreigner is considered as familiarized with the made decision after expiration of three days counting from the day when copies of correspondent decision or motivated notification on made decision were sent.

Article 56. Documenting and Registration of Foreigner who was Granted Refugee Status, Complementary Protection or Asylum

A foreigner who was granted refugee status is provided with refugee certificate in accordance with the procedure envisaged by the legislative acts of the Republic of Belarus.

Complementary protection certificate is issued in accordance with the procedure envisaged by the legislative acts of the Republic of Belarus to the following categories of foreigners who were granted complementary protection:

those who reached fourteen years of age;

those who have not reached fourteen years of age yet, but are married;

those who have not reached fourteen years of age yet, who are not married, but arrived in the Republic of Belarus without accompaniment of legal representatives.

A foreigner granted refugee status, complementary protection or asylum is registered by citizenship and migration division according to the place of permanent residence or place of temporary residence in the Republic of Belarus.

Upon receipt of refugee certificate by a foreigner who was granted refugee status, his/her certificate of application's registration is withdrawn. Documents for travel abroad, which were withdrawn at the moment of application for protection, are safe kept at citizenship and migration division for the period of granting of refugee status to a foreigner⁷.

Upon receipt of complementary protection certificate by a foreigner who was granted complementary protection, his/her certificate of application's registration is withdrawn and documents for travel abroad, which were withdrawn at the moment of application for protection, are returned.

Upon notification of a foreigner about granting of asylum, his/her certificate of application's registration is withdrawn and documents for travel abroad, which were withdrawn at the moment of application for protection, are returned.

⁷ The meaning is the following: particular citizenship and migration division is safe keeping documents for travel abroad of a foreigner granted refugee status as long as this foreigner has the refugee status. *Comm. by UNHCR Representation in Belarus.*

Article 57. Family Reunification

In accordance with the principle of family unity refugee status, complementary protection or asylum is also granted to members of the family of a foreigner who was granted refugee status, complementary protection or asylum who arrived in the Republic of Belarus for the purpose of family reunification within one-year period counting from the moment of foreigner's notification on decision made in relation to his/her application for protection, if the grounds envisaged by Part One and Two of Article 3, Paragraph Three of Part Two and Paragraph Three of Part Three of Article 53, Paragraphs Four – Six of Part Two of Article 54 of this Law are not met, as well as to children born in the Republic of Belarus in the families of foreigners where one of whom⁸ is granted refugee status, complementary protection or asylum.

A foreigner who was granted refugee status, complementary protection or asylum can apply to the citizenship and migration division where s/he registered with the application for assistance with family reunification for the purpose of assistance with the entry to the Republic of Belarus of his/her family members.

A foreigner who was granted refugee status, complementary protection or asylum and who applied for assistance with family reunification, shall provide documents and information confirming composition of his/her family.

Decision on assistance with family reunification or on denial in assistance with family reunification is made by the Department on the basis of case's materials and taking into account conclusion of citizenship and migration division on assistance with family reunification or on denial in assistance with family reunification.

A foreigner is notified on decision mentioned in Part Four of this Article in accordance with the procedure envisaged by Parts One and Three of Article 55 of this Law.

After arrival in the Republic of Belarus for the purpose of family reunification, members of the family of a foreigner who was granted refugee status, complementary protection or asylum shall apply for protection in accordance with the procedure envisaged by this Law.

CHAPTER 10

APPLICATION FOR EXTENSION OF COMPLEMENTARY PROTECTION AND ITS EXAMINATION. DECISIONS MADE IN RELATION TO APPLICATION FOR EXTENSION OF COMPLEMENTARY PROTECTION

Article 58. Application for Extension of Complementary Protection

A foreigner, as well as his/her family members (with the exception of foreigners under eighteen years of age who did not become fully capable in accordance with the legislation of the Republic of Belarus) who were granted complementary protection and who expressed the wish to extend complementary protection, shall apply for extension of complementary protection in person or with the help of authorized representative to citizenship and migration division where they are registered not later than two months before expiration of complementary protection.

A guardian or a custodian shall apply for extension of complementary protection on behalf of an unaccompanied foreigner who expressed the wish to extend complementary protection to citizenship and migration division where this unaccompanied foreigner is registered not later than two months before expiration of complementary protection.

Article 59. Main Stages of Examination of Application for Extension of Complementary Protection

Examination of application for extension of complementary protection includes:

interview and registration of application for extension of complementary protection;

examination of application for extension of complementary protection by citizenship and migration division and preparation of conclusion in relation to application for extension of complementary protection.

examination of application for extension of complementary protection and conclusion in relation to application for extension of complementary protection by the Department and decision-making.

Article 60. Interview with a Foreigner who Applied for Extension of Complementary Protection. Registration and Examination of Application for Extension of Complementary Protection by Citizenship and Migration Division and by the Department. Preparation of Conclusion in Relation to Application for Extension of Complementary Protection

Application for extension of complementary protection is registered by citizenship and migration division where a foreigner is registered after the interview with him/her, if otherwise is not envisaged by Part Two of this Article.

Application for extension of complementary protection may be registered by citizenship and migration division without interview at the same day when the application for extension of complementary protection was accepted in case:

decision on extension of complementary protection may be made on the basis of available documents, materials and information;

a foreigner is not able or is not capable to undergo interviewing due to long-lasting circumstances who are

⁸ The phrase "where one of whom" has the following meaning: "where at least one family member was granted refugee status, complementary protection or asylum". *Comm. by UNHCR Representation in Belarus.*

beyond his/her control.

After registration, an application for extension of complementary protection is examined by citizenship and migration division, which prepares conclusion on the application for extension of complementary protection and sends it, together with the application for extension of complementary protection and case's materials, to the Department for examination and decision-making.

During examination of an application for extension of complementary protection citizenship and migration division and the Department examine documents, materials and information mentioned in Paragraphs Two, Four, Six – Nine of Part Two of Article 42 of this Law.

Article 61. Period of Examination of Application for Extension of Complementary Protection

Examination of application for extension of complementary protection is executed by citizenship and migration division within one month counting from the day of its registration and by the Department within one month counting from the day of receipt of application for extension of complementary protection, conclusion in relation to it and case's materials.

Article 62. Examination of Applications for Extension of Complementary Protection of Foreigners who Members of One Family

Examination of applications for extension of complementary protection of foreigners who are members of one family is executed in accordance with the procedure envisaged by Article 48 of this Law.

Article 63. Decisions Made on Application for Extension of Complementary Protection

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

- on extension of complementary protection;
- on denial in extension of complementary protection.

A foreigner is notified on decisions mentioned in Part One of this Article in accordance with the procedure envisaged by Parts One and Three of Article 55 of this Law.

Article 64. Extension or Denial in Extension of Complementary Protection

Decision on extension of complementary protection or on denial in extension of complementary protection is made by the Department on the basis of case's materials and taking into account conclusion in relation to the application for extension of complementary protection prepared by citizenship and migration division.

A foreigner who applied for extension of complementary protection may be denied in extension of complementary protection in case:

- there are no grounds for granting of complementary protection;
- a foreigner provided knowingly false information relevant for decision-making on extension of complementary protection;
- the grounds envisaged by Parts One and Two of Article 3 of this Law were ascertained;
- a foreigner obtained citizenship of the third country or permit for permanent residence in the third country, which protection s/he can avail him/herself of;
- a foreigner is convicted
- a foreigner is convicted in the Republic of Belarus for the committed crime which is considered, in accordance with the Criminal Code of the Republic of Belarus, as grave or particularly grave.

CHAPTER 11

LOSS, CANCELLATION OF REFUGEE STATUS OR COMPLEMENTARY PROTECTION. LOSS, CANCELLATION OF ASYLUM

Article 65. Loss of Refugee Status, Complementary Protection or Asylum

A foreigner loses refugee status, complementary protection or asylum in case s/he:

- acquired citizenship of the Republic of Belarus;
- voluntarily re-availed him/herself of protection of the country of his/her citizenship;
- having lost previous citizenship, voluntarily re-acquired it;
- acquired citizenship of another country and enjoys protection of the country of his new citizenship;

A foreigner loses refugee status or asylum, with the exception of cases mentioned in Part One of this Article, in case s/he:

- voluntarily re-established him/herself in the country that s/he previously left or outside of which s/he stayed due to the grounds envisaged for granting of refugee status or asylum;
- can no longer refuse to avail him/herself of protection of the country of his/her citizenship, because the grounds on the basis of which s/he was granted refugee status or asylum, ceased to exist;

being a stateless person, s/he is able to return to the country of his/her former habitual residence, because the grounds on the basis of which s/he was granted refugee status or asylum, ceased to exist;
voluntarily denounced his/her refugee status or asylum.

Provisions envisaged by Paragraphs Three and Four of Part Two of this Article shall not apply to foreigners in case they provide evidence confirming existence of grounds on the basis of which they were granted refugee status or asylum, to justify their refusal to avail themselves of protection of the country of their citizenship or former habitual residence.

A foreigner loses complementary protection, with the exception of cases mentioned in Part One of this Article, in case:

s/he was granted refugee status;

s/he voluntarily re-established him/herself in the country that s/he previously left or outside of which s/he stayed due to the grounds envisaged for granting of complementary protection;

the grounds on the basis of which s/he was granted complementary protection ceased to exist;

s/he voluntarily denounced his/her complementary protection.

A foreigner loses refugee status or complementary protection, with the exception of cases mentioned in Parts One, Two and Four of this Article, in case s/he was granted asylum.

Article 66. Cancellation of Refugee Status or Complementary Protection

Refugee status or complementary protection are cancelled in case:

a foreigner provided knowingly false information, provided counterfeit or forged documents and materials that justified granting of refugee status or complementary protection to him/her;

the grounds envisaged by Parts One and Two of Article 3 of this Law were ascertained;

a foreigner failed to come for registration to citizenship and migration division within three months counting from the day when the copy of decision on granting of refugee status or copy of decision on denial in refugee status and on granting of complementary protection or motivated notification on made decision was sent to him/her.

Article 67. Revocation of Asylum

Asylum that was granted to a foreigner is revoked in case:

a foreigner provide knowingly false information provided counterfeit or forged documents and materials that justified granting of asylum to him/her;

the grounds envisaged by Parts One and Two of Article 3 of this Law were ascertained in relation to a foreigner;

a foreigner endangers national security of the Republic of Belarus;

a foreigner is convicted in the Republic of Belarus for the committed crime, with the exception of those convicted without assignment of sanction or those sanctioned in the form of ban to occupy particular positions or carry out particular activities;

a foreigner is or was a person involved into extremist, including terrorist, activities, is or was associated with the activities aiming at damaging of national security of the Republic of Belarus, illegal turnover of weapons, munitions to them, explosives, explosive devices, objects which destructive effect is based on usage of combustible substances, radioactive materials, drugs, psychotropic substances, their precursors and analogues, organization of illegal migration, human trafficking;

Article 68. Decisions on Loss of Refugee Status, Complementary Protection, Cancellation of Refugee Status or Complementary Protection, on Loss or Revocation of Asylum

Decisions on loss, cancellation of refugee status or complementary protection are made by the Department upon proposal of the authorities of state security of the Republic of Belarus, the authorities of border guard service of the Republic of Belarus or citizenship and migration divisions.

Decision on cancellation of refugee status or complementary protection on the ground envisaged by Paragraph four of Article 66 of this Law may be repealed if a foreigner provides evidence confirming the circumstances that impeded him/her to come in time for registration to citizenship and migration division.

A foreigner is notified about decisions mentioned in Part One of this Article in accordance with the procedure envisaged by Parts One and Three of Article 55 of this Law.

A conclusion on the necessity to make decision on loss or on revocation of asylum is sent by the Ministry of the Interior of the Republic of Belarus to the Commission in accordance with the procedure envisaged by Article 43 of this Law, upon proposal of the authorities of state security of the Republic of Belarus, the authorities of border guard service of the Republic of Belarus or citizenship and migration divisions.

Decision on loss or revocation of asylum is made by the President of the Republic of Belarus in the form of ordinance of the President of the Republic of Belarus.

A foreigner is notified about decisions mentioned in Part Five of this Article in accordance with the procedure envisaged by Part Two of Article 55 of this Law.

CHAPTER 12

APPEALS AGAINST DECISIONS OF STATE AUTHORITIES OF THE REPUBLIC OF BELARUS, ACTIONS (INACTION) OF OFFICIALS OF STATE AUTHORITIES OF THE REPUBLIC OF BELARUS. RESPONSIBILITY FOR VIOLATION OF LEGISLATION OF THE REPUBLIC OF BELARUS RELATED TO REFUGEE STATUS, COMPLEMENTARY PROTECTION, ASYLUM AND TEMPORARY PROTECTION

Article 69. The Right to Appeal Against Decision of State Authorities of the Republic of Belarus, Actions (Inactions) of State Officials of State Authorities of the Republic of Belarus

While executing their rights and obligations related to implementation of this Law, foreigners as well as their legal representatives have the right to appeal against decisions of state authorities of the Republic of Belarus, actions (inactions) of state officials of state authorities of the Republic of Belarus related to implementation of this Law to superior state authority of the Republic of Belarus (to superior state official of state authority of the Republic of Belarus) and (or) to the court, if otherwise is not envisaged by Article 70 of this Law.

Article 70. Appeal Against Decision of State Authorities of the Republic of Belarus. Rights and Obligations of Foreigners Who Submitted Appeals

An appeal of a foreigner against decision on termination of examination of application for protection on the grounds envisaged by Paragraphs Three – Twelve of Part One of Article 51 of this Law, on denial in refugee status and complementary protection in case the application for protection was examined in accordance with accelerated procedure may be submitted to a court within seven days counting from the day when this foreigner was familiarized with such decision.

An appeal of a foreigner against denial in refugee status and on granting of complementary protection, on denial in refugee status and complementary protection, with the exception of case envisaged by Part One of this Article, on denial in extension of complementary protection, on loss, cancellation of refugee status or complementary protection may be submitted to a court within 15 days counting from the day when this foreigner was familiarized with such decision.

Until a decision in relation to appeal of a foreigner against decision on termination of examination of application for protection, on denial in refugee status and on granting of complementary protection, on denial in refugee status and complementary protection is made, the foreigner, who submitted the appeal, has the rights and executes the obligations envisaged by Articles 34 and 35 of this Law.

Until a decision in relation to appeal of a foreigner against decision on loss, cancellation of refugee status is made, the foreigner, who submitted the appeal, has the rights and executes the obligations envisaged by Articles 20 and 21 of this Law.

Until a decision in relation to appeal of a foreigner against decision on denial in extension of complementary protection, on loss, cancellation of complementary protection is made, the foreigner, who submitted the appeal, has the rights and executes the obligations envisaged by Articles 23 and 24 of this Law.

Article 71. Obligation of a Foreigner to Leave the Republic of Belarus

A foreigner who received a copy of decision or motivated notification on made decision on termination of examination of application for protection, on denial in refugee status and complementary protection, on denial in extension of complementary protection, on loss, cancellation of refugee status or complementary protection, who used the right to appeal against this decision in a court and who does not have the other legal grounds to stay in the Republic of Belarus, shall leave the Republic of Belarus within 15 days counting from the day when the court's decision on dismissal of the appeal came into force, with the exception of foreigners mentioned in Part Four of Article 5 of this Law, and with the exception of cases when a foreigner submitted new application for protection in accordance with Part Two of Article 33 of this Law.

A foreigner who received a copy of decision or motivated notification on made decision mentioned in Part One of this Article and who did not use the right to appeal against the decision in a court; a foreigner whose complementary protection expired and who does not have the other legal grounds to stay in the Republic of Belarus, shall leave the Republic of Belarus within 15 days counting from the day when s/he was familiarized with the mentioned decision or counting from the day of expiration of his/her complementary protection, with the exception of foreigners mentioned in Part Four of Article 5 of this Law, and with the exception of cases when a foreigner submitted new application for protection in accordance with Part Two of Article 33 of this Law.

A foreigner who received notification on loss or on revocation of asylum and who does not have the other legal grounds to stay in the Republic of Belarus, shall leave the Republic of Belarus within 15 days counting from the day when s/he received the notification, with the exception of foreigners mentioned in Part Four of Article 5 of this Law, and with the exception of cases when a foreigner submitted new application for protection in accordance with Part Two of Article 33 of this Law.

Until the term determined by Parts One – Three of this Article expires, a foreigner has the rights and executes the obligations envisaged by Articles 34 and 35 of this Law.

Article 72. Responsibility for Violation of Legislation of the Republic of Belarus Related to Refugee Status, Complementary Protection, Asylum and Temporary Protection

Individuals guilty of violation of legislation of the Republic of Belarus related to refugee status, complementary protection, asylum and temporary protection shall be liable in accordance with the legislative acts of the Republic of Belarus.

President of the Republic of Belarus

A. Lukashenko