

Belarus: Resolution of the Council of Ministers No. 1653 of 1999 on Approval of Provision on Order of Deportation of Foreign Citizens and Persons Without Citizenship in the Republic of Belarus

Publisher [National Legislative Bodies / National Authorities](#)

Publication Date 25 October 1999

Cite as National Legislative Bodies / National Authorities, *Belarus: Resolution of the Council of Ministers No. 1653 of 1999 on Approval of Provision on Order of Deportation of Foreign Citizens and Persons Without Citizenship in the Republic of Belarus*, 25 October 1999, available at: <http://www.refworld.org/docid/3ae6b5a48.html> [accessed 7 November 2014]

Comments Note: This text was revised in 2004; however, translation from Russian is not available. This is an unofficial translation.

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

In accordance with the Law of the Republic of Belarus of 29 December, 1998 "On Immigration", the Council of Ministers of the Republic of Belarus RESOLVES that:

The attached Provision on Order of Deportation of Foreign Citizens and Persons without Citizenship in the Republic of Belarus shall be approved.

Prime Minister of the Republic of Belarus

S. Ling

APPROVED

Resolution of the Council of Ministers of the Republic of Belarus

25 October, 1999, No. 1653

PROVISION

On Order of Deportation of Foreign Citizens and Persons without Citizenship in the Republic of Belarus

General Provisions

1. This Provision has been developed in accordance with the Law of the Republic of Belarus "On Legal Status of Foreign Citizens and Persons without Citizenship in the Republic of Belarus", Law of the Republic of Belarus "On Immigration", Law of the Republic of Belarus "On State Border of the Republic of Belarus", and other legislative acts of the Republic of Belarus. It establishes the order of deportation, order of reimbursement of expenses related to deportation of foreign citizens and persons

without citizenship in the Republic of Belarus (hereinafter foreigners).

2. Deportation is compulsory eviction of a foreigner outside the Republic of Belarus in accordance with the legislation of the Republic of Belarus. Deportation (hereinafter eviction or deportation) is a procedure related to organization of compulsory departure of a foreigner from the territory of the Republic of Belarus applied to persons who have entered the Republic of Belarus or are in the Republic of Belarus without proper visa or with invalid visa of the Republic of Belarus, also to persons in relation to whom there has been made a decision on cancellation of permission for permanent residence in the Republic of Belarus or who have been refused from further permission for staying on its territory.

3. Eviction in simplified order (hereinafter transfer) is a procedure related to organization by the Border Troops of the Republic of Belarus (hereinafter Border Troops) of an official transfer of foreigners -- trespassers of the State Border of the Republic of Belarus to authorities of neighboring country.

The procedure of transfer shall be applied to foreigners who have crossed or have attempted to cross the State Border of the Republic of Belarus in violation of the legislation of the Republic of Belarus from territories of foreign countries and in regard to whom there are no grounds for bringing to criminal or administrative responsibility and who do not use the right for obtaining asylum or refugee status.

The decision on transfer of this category of foreigners shall be made by the State Committee of Border Troops of the Republic of Belarus based on reports of the Border Troops unit commanders.

The order of transfer of foreigner is defined in agreement with representatives of authorities of the foreign country in the course of work with mandatory execution of a proper receipt and transfer document.

If transfer of foreigner to authorities of a foreign country is not stipulated by an international treaty of the Republic of Belarus with that country, the Border Troops shall transfer trespassers of the State Border of the Republic of Belarus to agencies of the interior for eviction outside the Republic of Belarus.

4. The decision on eviction is a resolution of an agency of the interior or an agency of the State Security on deportation of a foreigner for reasons stipulated by the legislation of the Republic of Belarus.

In the decision on eviction, the order of departure, time of departure of the foreigner from the territory of the Republic of Belarus, country of destination and the order of appeal against the decision, shall be defined.

The order of departure of the foreigner from the territory of the Republic of Belarus may be either voluntary or compulsory (under escort).

5. A decision on eviction of foreigner legally residing on the territory of the Republic of Belarus shall involve cancellation of the foreigner's visa of the Republic of Belarus, registration, permission for temporary stay or permission for permanent residence in the Republic of Belarus.

6. Eviction of foreigners from the territory of the Republic of Belarus shall be carried out by employees of the agency that made the decision on deportation, in an order agreed upon with the Border Troops, at control points of the State Border of the Republic of Belarus.

7. Foreigners evicted from the territory of the Republic of Belarus shall be refused from entry into the Republic of Belarus for a period stipulated by the legislation, an appropriate note shall be

entered in the decision on eviction and the Ministry of Foreign Affairs of the Republic of Belarus and the State Committee on Border Troops of the Republic of Belarus shall be notified.

8. Foreigners detained by agencies of the interior, State Security or Border Troops on the territory of the Republic of Belarus without passports or documents replacing them (hereinafter passports) shall be forwarded in the established order to reception and distribution centers of the agencies of the interior or to special facilities of the Border Troops for identification of personality for a time stipulated by the legislation of the Republic of Belarus. Upon identification of personality of the foreigner, decisions on him/her shall be made in accordance with the legislation of the Republic of Belarus.

Foreigners detained administratively by Border Troops for violation of the State Border of the Republic of Belarus and for related delinquencies, shall be kept in specially equipped facilities of the Border Troops for identification of personality and initial investigation.

9. Detention for identification of personality or deportation shall not be made in relation to the following foreigners:

those who are under 16 years old or those who are above 60 years old; those who are conspicuously disabled;

pregnant women.

10. In case of receipt from a detained foreigner of an application for refugee status in the Republic of Belarus, the agency conducting detention shall within 3 days inform a regional migration agency about the desire of that foreigner to be recognized as refugee, for review of the subject of registration of application.

If the regional migration agency has made a decision to register the foreigner's application, that foreigner shall be transferred to the regional migration agency.

11. Expenses related to maintenance of a foreigner in the reception and distribution center of the agency of the interior or in special facilities of the Border Troops shall be paid for from the foreigner's means, his/her property or the republican budget.

Order of Making Decision on Eviction.

Procedure of Eviction

12. The decision on eviction of foreigners shall be made by agencies of the interior or State Security of the Republic of Belarus independently or upon reports of involved agencies.

Appropriate materials (copies of materials) supporting presence of legal grounds for making a resolution on deportation of a foreigner shall be attached to reports of involved agencies on the need of deportation of a foreigner.

13. Before making a decision on eviction of a foreigner, an agency of the interior or agency of State Security shall send to the foreigner a notification in which it shall describe the reasons for deportation, place and time of review of that case and also it shall explain the right for presence of that foreigner during review of his/her case. In case of default, also in case of absence at the allowed place of residence, the question on deportation of the foreigner may be reviewed without his/her presence.

Foreigners, in regard to whom a case of deportation is reviewed, must reside on the territory of the Republic of Belarus only at the place of residence allowed by the agencies that review the case on deportation of the foreigner.

14. Agency of the interior or agency of State Security shall define in the resolution on deportation of a foreigner the method of eviction (departure) of the foreigner outside the Republic of Belarus (the foreigner shall be evicted in a compulsory manner (under escort) including detention for a period needed for eviction, the foreigner voluntarily leaves the territory of the Republic of Belarus at his/her personal means within the period defined in the resolution on eviction).

In case of need of detention of a foreigner for further eviction from the Republic of Belarus, the resolution on eviction shall be approved by a public prosecutor at the place of residence or detention of the foreigner.

15. Voluntary departure of a foreigner shall not be allowed in the following cases:

if there are reasons to believe that the foreigner may evade execution of the decision on eviction or he/she has evaded voluntary departure from the Republic of Belarus within the period indicated in the decision on eviction;

deportation of the foreigner is related to his/her illegal activities or is in relation to actions aimed at undermining the national security of the Republic of Belarus or to other actions that represent social danger for the Republic of Belarus;

the foreigner has made a gross violation of the legislation on immigration or other legislation and there are no grounds to bring him/her to criminal responsibility;

a foreigner without permission for temporary stay or for permanent residence in the Republic of Belarus was received by agencies of the interior from proper agencies of another country for further deportation in accordance with an international treaty on transfer and receipt of persons (readmission) concluded by the Republic of Belarus with a third country.

16. After a decision on eviction, transfer or non admission of a foreigner through the State Border of the Republic of Belarus, a proper note shall be entered in his/her passport. The form of note and order of its entry shall be defined by the Ministry of the Interior of the Republic of Belarus, Committee of State Security of the Republic of Belarus or by the State Committee of Border Troops of the Republic of Belarus.

17. Upon detention of a foreigner with a view of his/her eviction from the territory of the Republic of Belarus, the agency that has made the resolution on his/her eviction, shall:

within 3 days notify the proper diplomatic representation or consular establishment of the country of the foreigner's citizenship or permanent place of residence through the Consular Department of the Ministry of Foreign Affairs of the Republic of Belarus;

inform the State Committee of Border Troops of the Republic of Belarus about the control point where the procedure of eviction shall be conducted, including date and time of its execution;

take necessary measures to ensure safety of the foreigner's property;

inform the foreigner in a language that he/she understands about legal grounds of his/her detention, his/her rights and duties, order of his/her deportation from the territory of the Republic of Belarus, inquiries and requests made in his/her regard.

18. Foreigners subject to eviction from the territory of the Republic of Belarus shall, in agreement with an official of the agency that has made the decision on eviction, shall be allowed to have visitors, to make telephone calls to representatives of diplomatic representations or consular establishments of the country of their citizenship or permanent place of residence.

19. Foreigners in regard to whom a decision on eviction under escort has been made, may be

evicted to the country of their citizenship or permanent place of residence, to countries from where they had arrived in the Republic of Belarus, to countries that would like to admit them and apply for their extradition.

20. The procedure of eviction of a foreigner may be postponed in the following cases:

if the application for refugee status or asylum has been accepted for review in accordance with the legislation of the Republic of Belarus until a decision on his/her application is made;

if the foreigner has made a demand in court for review of decision on deportation. In this case he/she may be discharged on security the size of which shall not exceed twice the size of the means necessary for eviction of the foreigner from the territory of Belarus.

The decision on security shall be made by the head of the agency that has made the resolution on deportation. The security amount shall be paid by a person authorized by the foreigner or it shall be taken from the means of the foreigner, in the national currency of the Republic of Belarus or in a foreign currency quoted by the National Bank of the Republic of Belarus and it shall be temporarily enclosed with the materials of the case.

If the foreigner upon discharge has evaded deportation, the security paid by him/her shall be spent by agencies of the interior or State Security on execution of measures related to eviction of the foreigner from the territory of the Republic of Belarus. The remainder of the security amount paid by the foreigner shall be forwarded to the republican budget in the order established by the Ministry of the Interior of the Republic of Belarus, Committee of State Security of the Republic of Belarus and Ministry of Finances of the Republic of Belarus.

21. If application for refugee status is received after decision on eviction of foreigner has been made, the agency of the interior or agency of state security that has made the decision on deportation, shall inform the regional migration agency about the desire of the foreigner to be recognized as refugee.

If the regional migration agency has consequently made a decision to register the foreigner's application for refugee status, the procedure of deportation shall be postponed and he/she shall be forwarded to the regional migration agency for resolution of the subject of provision of refugee status to him/her.

22. Employees of the agency that has made the decision on eviction of foreigner shall escort the deported foreigner until the control point at the State Border of the Republic of Belarus, the escort shall be removed when the foreigner crosses the State Border of the Republic of Belarus.

In agreement with authorized agencies of both countries or in compliance with international treaties of the Republic of Belarus with other countries, transfer and admission of such persons may be conducted at control points on the State Border of the Republic of Belarus at mandatory presence of a representative of the Border Troops with compilation of a document on admission and transfer.

Expenses related to the procedure of eviction

23. Expenses related to eviction of foreigners from the territory of the Republic of Belarus shall be defrayed by:

citizens of the Republic of Belarus or foreigners who have applied at proper agencies for entrance of the evicted foreigner into the territory of the Republic of Belarus;

deported foreigners;

legal entities that have applied for entry into the Republic of Belarus of the foreigner subject to deportation.

If expenses related to eviction of foreigner from the territory of the Republic of Belarus may not be covered by means of physical or legal entities stipulated in this paragraph, these expenses shall be defrayed by agencies of the interior or agencies of State Security from the republican budget or from the budget of the country applying for extradition of the foreigner.

24. The estimate of expenses related to eviction of foreigner from the territory of the Republic of Belarus shall include expenses related to:

acquisition of travel documents for the foreigner and persons accompanying him/her;

maintenance of the foreigner in reception and distribution center, temporary isolator ward, special center of the agencies of the interior or special facilities of Border Troops;

compilation of documents and performance of other actions related to eviction and other expenses incurred.

The control of expenses shall be conducted by agencies of the interior, State Security and Border Troops, report on them shall be made in 2 original copies in the form established by the Ministry of the Interior of the Republic of Belarus, Committee of State Security of the Republic of Belarus or by the State Committee of Border Troops of the Republic of Belarus. The foreigner shall sign for notification about the amount of expenses related to his/her eviction (transfer) from the territory of Belarus.

If the foreigner refuses to agree with the amount sent to him for reimbursement, a note shall be entered in the Act indicating reasons of refusal.

25. Foreigners subject to eviction from the territory of the Republic of Belarus may pay the expenses on deportation either in the national currency of the Republic of Belarus or in a foreign currency at the day of payment exchange rate established by the National Bank of the Republic of Belarus.

26. If a foreigner refuses to defray expenses on his/her eviction from the territory of the Republic of Belarus, appropriate amounts may be recovered from him/her in

legal form. In order to support the claim, the court may sequester the foreigner's property.

If during detention or later, the foreigner subject to deportation is found to have means for defraying the expenses, they shall be sequestered for provision of execution of resolution on eviction in accordance with the estimate of expenses.

27. In case of refusal of the legal or physical entity who has applied for entry of the foreigner into the Republic of Belarus to defray expenses of agencies of the interior, State Security or Border Troops on his/her eviction, these expenses may be recovered from them in legal form.

Documentation for recovery of expenses in legal form include resolution of an agency of the interior or agency of State Security on eviction or resolution of Border Troops on transfer of foreigner approved by the Public Prosecutor, Act of Incurred Expenses.

Search Refworld

by keyword

and / or country All countries ▼

Clear

Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Belarus](#)

Topics

- [Deportation / Forcible return](#)
- [Immigration law](#)