

Belarus: Resolution of the Council of Ministers No. 1654 of 1999 on Approval of Regulation on Stay of Foreign Citizens and Persons Without Citizenship in the Republic of Belarus

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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:

1. The attached Regulation on Stay of Foreign Citizens and Persons without Citizenship in the Republic of Belarus shall be approved.
2. The Resolution of the Cabinet of Ministers of the Republic of Belarus of 26 January, 1996 No. 64 "On Approval of Regulation on Stay of Foreign Citizens and Persons without Citizenship in the Republic of Belarus" shall be considered invalid (see Collection of Decrees of the President and Resolutions of the Cabinet of Ministers of the Republic of Belarus, 1996, Vol. 3, Art. 68).

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. 1654

RESOLUTION

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

General Provisions

1. This Regulation 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" and other acts of legislation of the Republic of Belarus.

2. Foreign citizens and persons without citizenship (hereinafter, if other is not stipulated, foreigners) in the Republic of Belarus shall be registered in order established by this Regulation, they shall have with them valid passports or documents replacing them (hereinafter passports) and they shall present them at request of competent agencies.

3. Officials of legal entities that receive foreigners or individual businessmen receiving foreigners (hereinafter, if other is not stipulated, -- receiving organization) shall ensure timely explanation to the foreigners their rights and duties stipulated by the Constitution of the Republic of Belarus, 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", this Regulation, other acts of the legislation of the Republic of Belarus; they shall ensure timely execution of legal standards stipulated in relation to the foreigners, they perform proper control of foreigners received by them and they are also responsible for timely compilation of documents for stay in the Republic of Belarus, movement through the territory of the country and exit from the Republic of Belarus on the expiry of the time of stay in the Republic, as established for foreigners.

4. Those persons who have invited foreigners to the Republic of Belarus for personal affairs and who have provided them with accommodation in the Republic of Belarus, shall take measures to register these foreigners on time, to perform their residence registration and de-registration, they shall be responsible for compliance with these requirements.

Those persons who have provided housing, means of transportation or who have provided other services to foreigners residing on the territory of the Republic of Belarus in violation of these Regulation or Regulation on Transit Passage of Foreign Citizens and Persons without Citizenship, shall be held responsible in accordance with the legislation of the Republic of Belarus.

5. The control over implementation of this Regulation shall be performed by agencies of the interior in co-operation with agencies of State Security, along with Border Troops of the Republic of Belarus in control points on the State Border of the Republic of Belarus.

Entry of Foreigners into the Republic of Belarus their Departure from it

6. Foreigners enter the Republic of Belarus and depart from the Republic of Belarus through control points on the State Border of the Republic of Belarus that are open for international communication, by passports issued by competent agencies of the country of their citizenship or permanent place of residence with visas of the Republic of Belarus obtained in established order, unless another method of entry is stipulated by international agreement of the Republic of Belarus with the proper country.

7. The order of issuance of visas of the Republic of Belarus is stipulated by the Instruction on Order of Issuance of Visas of the Republic of Belarus to Foreign Citizens and Persons without Citizenship, approved by the Ministry of Foreign Affairs of the Republic of Belarus, Ministry of Interior Affairs of the Republic of Belarus and the State Committee of Border Troops of the Republic of Belarus.

8. A foreigner entering the Republic of Belarus shall possess means sufficient to cover expenses on his/her stay on its territory and for departure from the Republic of Belarus, he/she shall present at request of officials of the Border Troops of the Republic of Belarus these means, permission to enter another country or permission to return to the country of his/her citizenship or permanent place of residence.

9. The availability of means stipulated by paragraph 8 of this Regulation shall be supported by presentation of:

national currency of the Republic of Belarus or foreign currency quoted by the National Bank of the

Republic of Belarus;

document that allows receipt of means of payment;

invitation for temporary entry into the Republic of Belarus documented by agencies of the interior of the Republic of Belarus;

document supporting reservation and payment in the Republic of Belarus of a place of residence and payment for food;

letter from the receiving organization guaranteeing payment of all expenses of the foreigner in the Republic of Belarus and his/her departure from the territory of the Republic of Belarus;

means of transportation or travel tickets to the country of his/her citizenship or permanent place of residence or to a third country.

At entering the Republic of Belarus a foreigner shall possess means at the amount equivalent to no less than 50 minimum wages established in the Republic of Belarus per each month of stay. At foreigner's entrance for a period of less than 1 month, the amount of means at his/her disposal must be no less than 1 minimum wage per each day of stay.

10. A foreigner may be refused from entry into the territory of the Republic of Belarus for reasons stipulated by the legislation of the Republic of Belarus.

The refusal from foreigner's entry into the territory of the Republic of Belarus shall be recorded in his/her passport by making a proper note in it. The form of note and order of its entry shall be defined by the State Committee of Border Troops of the Republic of Belarus.

11. The rules of inclusion of foreigners into the List of Persons Whose Entry into the Republic of Belarus is Prohibited or Undesirable, as well as the maintenance of that list shall be stipulated by the Instruction on the Order of Entry of Foreigners into the List of Persons Whose Entry into the Republic of Belarus is Prohibited or Undesirable that shall be approved by the Committee of State Security of the Republic of Belarus, State Committee of Border Troops of the Republic of Belarus, Ministry of Foreign Affairs and Ministry of Internal Affairs of the Republic of Belarus.

12. The right of foreigner for departure from the Republic of Belarus may be limited for reasons stipulated by the legislation of the Republic of Belarus.

The Order of Temporary Stay of Foreigners in the Republic of Belarus

13. Foreigners who stay temporarily in the Republic of Belarus reside on the territory of the Republic of Belarus with a document (note) of registration or with a permission for temporary stay, documented in order established by this Regulation.

14. In order to document registration, at arrival in the Republic of Belarus, foreigners shall within 3 days except official holidays and weekends, present their passports at agencies authorized to perform registration located at the place of residence of the foreigner (hereinafter, if other is not stipulated, -- agencies of registration).

Foreigners shall reside in the Republic of Belarus only in place of residence where they are registered by agencies of registration.

At change of place of residence, a foreigner shall register within 3 days in agencies of registration at his/her new place of residence.

A state fee in order and at amount established by the legislation of the Republic of Belarus shall be

imposed on foreigners for registration and extension of the period of validity of registration.

15. The following persons are exempt from registration:

15.1. heads of state and governments of foreign countries, heads and members of parliamentary, governmental and departmental delegations who have arrived in the Republic of Belarus by invitations from the President of the Republic of Belarus, National Assembly of the Republic of Belarus, Council of Ministers of the Republic of Belarus, republican agencies of state administration, local executive and administrative agencies of the Republic of Belarus, technical personnel of these delegations, family members of the above listed persons;

15.2. persons who have arrived in the Republic of Belarus by passports issued by the Organization of United Nations;

15.3. persons who have arrived in the Republic of Belarus for holidays or weekends or for a period of no longer than 3 days and who shall depart from the Republic of Belarus within these days;

15.4. crew members of foreign military aircraft who have arrived in the Republic of Belarus in the established order;

15.5. persons who are part of crews of civil aircraft of international airlines, train crews of international railroad communication, at their stay in airport or at the stations indicated in current timetable;

15.6. persons who are part of crews of international cargo and passenger automotive vehicles that conduct transit of cargo and passengers in international communication, or staying in cities or settlements on the route of transit including destination points.

16. The Ministry of Foreign Affairs of the Republic of Belarus shall register:

16.1. heads and members of foreign diplomatic representations and consular establishments, employees of offices of military attaché, trade representations of foreign countries in the Republic of Belarus as well as spouse, children, parents who live together with the above persons, guests of heads and employees of foreign diplomatic representations and consular establishments if these guests shall live in their residences or on the territory of the subject representations and establishments;

16.2. employees (including members of their families) of representations of international organizations in the Republic of Belarus who in accordance with charter documents of those organizations or in accordance with international treaties have privileges and immunity, and also members of their families.

The above persons who have passed registration shall be issued diplomatic, service or consular cards.

Foreigners listed in this paragraph are exempt from registration in hotels and agencies of the interior at the place of residence.

17. The Ministry of Foreign Affairs of the Republic of Belarus shall have the right to carry out, when necessary, registration of state and social leaders of foreign countries and members of their families who have arrived in the Republic of Belarus when it is requested by receiving organizations, diplomatic representations or consular establishments, and also to register employees of international organizations not listed in paragraphs 15, 16 of this Regulation. In these cases foreigners are exempt from registration in hotels and agencies of the interior.

18. All foreigners residing in hotels shall register there.

19. All foreigners except those listed in paragraphs 15-18 of this Regulation shall register at

agencies of the interior.

20. The registration of foreigners in agencies of the interior or in hotels shall be based on personal requests of foreigners or written requests of receiving organizations, permanent foreign representations in the Republic of Belarus for the period of residence of foreigners indicated in requests, tours, invitations.

However, citizens of countries with visa mode of entry into the territory of the Republic of Belarus, shall be registered for the period indicated in their personal requests or written requests of receiving organizations but not exceeding the period of validity of visa of the Republic of Belarus.

Citizens of countries with visa less mode of entry into the territory of the Republic of Belarus shall be registered for a period not exceeding the time stipulated by the international agreement of the Republic of Belarus with the proper country. In case of absence of indication of such time of visa less stay, the registration shall be made for a period indicated in the personal request of the foreigner or in the written request of the receiving organization but not exceeding 90 days per year.

Upon registration of foreigners, administration of hotels shall forward in the established order appropriate information to agencies of the interior at the location of the hotel.

21. Foreigners shall depart from the Republic of Belarus or extend the period of validity of registration or document in the established order permission for temporary stay in the Republic of Belarus by obtaining, if necessary, appropriate visa of the Republic of Belarus before the time of expiry of registration.

22. Permission for temporary stay is a document or an appropriate note in a foreigner's passport that supports the fact of registration of the foreigner at agencies of the interior and his/her right for temporary stay on the territory of the Republic of Belarus for the period of validity of the permission.

23. The permission for temporary stay in the Republic of Belarus shall be issued by agencies of the interior to foreigners who have arrived in the Republic of Belarus for a period exceeding 90 days per year:

for studying in educational institutions of the Republic of Belarus for the duration of study, but no longer than 1 year;

to visit close relatives citizens of the Republic of Belarus who permanently reside in the Republic of Belarus for the time of stay but no longer than 1 year;

for conduct of work, administrative or other activities on the territory of the Republic of Belarus in order established by legislation for the period of stay but no longer than 1 year;

persons who have submitted application for asylum or refugee status in order established by legislation for the period of review of their applications;

persons who possess property by the right of private property and who reside in it for the period of stay, but no longer than 180 days;

persons who have a document that supports the holder's right to enter the Republic of Belarus, stay in the Republic of Belarus and departure from the Republic of Belarus for the period of its validity;

for other reasons stipulated by legislation of the Republic of Belarus.

24. The permission for temporary stay shall be issued to foreigners registered at agencies of the interior in the order established by this Regulation.

25. A foreigner may be refused from extension of period of registration or issuance of permission for temporary stay and he/she may be ordered to leave the territory of the Republic of Belarus, if:

there have been found reason according to which he/she may have been refused from entry into the territory of the Republic of Belarus;

there have been established facts of the foreigner's violation of legislation on legal status of foreign citizens and persons without citizenship in the Republic of Belarus, customs, currency or other legislation.

The refusal to extend the period of validity of registration or to issue permission for temporary residence shall be documented as a corresponding conclusion of an agency of the interior and it shall be reflected by a proper note in the foreigner's passport. The form of the note and order of its entry shall be defined by the Ministry of Interior Affairs of the Republic of Belarus.

26. Extension or refusal to extend the period of registration of foreigners registered at the Ministry of Foreign Affairs of the Republic of Belarus shall be conducted by this Ministry.

Issuance of permissions for permanent residence and residence permits in the Republic of Belarus

27. Written requests for receipt of permission for permanent residence in the Republic of Belarus shall be submitted ahead of time by foreigners staying in the Republic of Belarus to agencies of the interior at place of temporary residence, by persons who stay abroad to diplomatic representations or consular establishments of the Republic of Belarus.

28. In order to obtain permission for permanent residence in the Republic of Belarus, a foreigner shall submit the following documents to agency of the interior at the prospective place of residence or to diplomatic representation, consular establishments of the Republic of Belarus abroad:

written request with detailed information about activities that he/she plans to engage in the Republic of Belarus, availability of means for entry into the Republic of Belarus and for staying on its territory until job employment and possibility of transfer of these means to the Republic of Belarus;

passport issued by the country of his/her citizenship or country of his/her permanent residence;

document on previous convictions;

medical certificate of health;

other documents to be listed by the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Foreign Affairs of the Republic of Belarus.

29. Before a decision on the foreigner's request for permission for permanent residence in the Republic of Belarus has been made, the agency of the interior shall perform inspection of reasons for satisfaction of the request for permission for permanent residence in the Republic of Belarus or for refusal to issue such a permission.

In case of absence of information about the previous convictions of the foreigner's applying for permission for permanent residence in the Republic of Belarus, the agency of the interior may inquire this information from competent agencies of the country of his/her citizenship or permanent place of residence.

30. Decision on foreigner's request for permission for permanent residence in the Republic of Belarus shall be made by the head of the agency of the interior at the place of the foreigner's

permanent place of residence in the Republic of Belarus.

A negative decision shall be made only if there are reasons to refuse permission for permanent residence in the Republic of Belarus stipulated by Article 14 of the Law of the Republic of Belarus "On Immigration" and in case of absence of reasons for satisfaction of the request for permission for permanent residence.

A written notification about the decision made shall be sent to the foreigner temporarily residing in the Republic of Belarus no later than within 10 days after the decision has been made.

The Consular Department of the Ministry of Foreign Affairs of the Republic of Belarus shall notify a foreigner residing abroad of the decision made by the agency of the interior within 10 days after the decision has been made, through a diplomatic representation or consular establishment of the Republic of Belarus abroad.

Diplomatic representation or consular establishment of the Republic of Belarus abroad shall issue immigrant visa to foreigner who has received permission for entry into the Republic of Belarus for permanent residence.

31. Foreigners who have received in the established order permission for permanent residence in the Republic of Belarus shall be issued proper residence permits.

32. Foreign citizens permanently residing in the Republic of Belarus shall be issued residence permits for persons without citizenship only upon presentation of a document stating that competent agencies of the country of their residence have allowed them to leave citizenship of their country or that they have lost their citizenship.

33. A residence permit for a person without citizenship shall be replaced by residence permit of a foreign citizen if its holder can present at agencies of the interior a passport or any other document that supports the fact of the acquisition by the requestor of citizenship of a country.

34. Foreigners permanently residing in the Republic of Belarus are subject to residence registration at their places of permanent residence and de-registration at the place of permanent residence in the order established for citizens of the Republic of Belarus.

35. In cases stipulated by legislation of the Republic of Belarus permission for permanent residence of a foreigner in the Republic of Belarus may be cancelled by the agency of the interior at the place of permanent residence of its territory of the foreigner independently or by report of an involved agency.

When decision on cancellation of permission for permanent residence of foreigner in the Republic of Belarus is made in legal form, the agency of the interior at the place of permanent residence of the foreigner shall prepare necessary materials and forward them in the established order to the court in charge of this issue.

36. Before a decision on cancellation of permission for permanent residence in the Republic of Belarus has been made, the court or agency of the interior shall send to the foreigner a notification that shall list the reasons for review of that issue, time and place of review.

37. A foreigner whose permission for permanent residence in the Republic of Belarus has been cancelled, shall leave the territory of the Republic of Belarus within 1 month after the day of his/her notification about that decision.

The period of stay of a foreigner whose permission for permanent residence in the Republic of Belarus has been cancelled may be extended if the foreigner appeals against the decision on

cancellation of his/her permission for permanent residence in the Republic of Belarus in court (for the time of review of his/her appeal) or if he/she has other reasons stipulated by the legislation of the Republic of Belarus for temporary stay on the territory of the Republic of Belarus.

38. Permission for permanent residence in the Republic of Belarus may be granted for family reunification to close relatives of citizens of the Republic of Belarus and immigrants in the order established by the Ministry of Internal Affairs of the Republic of Belarus.

The order of presentation of appropriate documents for making such decisions shall be defined by the Ministry of Internal Affairs of the Republic of Belarus.

Movement of foreigners through the territory of the Republic of Belarus and their selection of place of residence in the Republic of Belarus

39. Foreigners may freely move through the territory of the Republic of Belarus with the exception of places visits of which require a special permission (pass) issued by agencies of the interior.

40. Entry (temporary stay and residence) of foreigners into border zone is prohibited with the exception of cases when:

invitations, telegrams received by foreigners indicate points located in that zone;

the foreigners have received passes from agencies of the interior for entry into border zone.

41. Foreigners who have changed their place of residence in the Republic of Belarus in violation of this Regulation shall return to their former place of residence at demand of agencies of the interior.

42. A foreigner shall inform the agencies of the interior of the Republic of Belarus about all changes of his/her place of residence within 10 days.

Responsibility for violation of this Regulation.

Reduction of term of stay of foreigners in the Republic of Belarus

43. For violation of this Regulation foreigners shall be liable in accordance with legislation of the Republic of Belarus.

Violation of this Regulation by persons who must follow its requirements (including persons who have invited foreigners to the Republic of Belarus for personal affairs or who provide services to them) entails liability in accordance with legislation of the Republic of Belarus.

44. Reduction of the period of stay of foreigners in the Republic of Belarus may be made for reasons stipulated by the legislation of the Republic of Belarus.

The order and rules of eviction of foreigners from the territory of the Republic of Belarus shall be defined by the legislation of the Republic of Belarus.

45. The decision on reduction of the period of stay of foreigners in the Republic of Belarus shall be made by the agency of the interior.

After a decision on reduction of the period of stay of a foreigner in the Republic of Belarus has been made, a proper note shall be made in his/her passport. The form of note and order of its entry shall be

defined by the Ministry of Internal Affairs of the Republic of Belarus.

46. The decision on reduction of the period of stay in relation to a foreigner who has a visa of the Republic of Belarus involves cancellation of the corresponding visa of the Republic of Belarus or reduction of the time of its validity.

The decision on reduction of the period of stay of a foreigner who has registration or permission for temporary stay involves cancellation of registration or reduction of the time of its validity.

A foreigner in whose relation a decision on reduction of the period of his/her stay in the Republic of Belarus has been made, shall leave the territory of the Republic of Belarus within the time indicated by the agency of the interior.

47. A foreigner has the right to appeal against a decision on reduction of the period of his/her stay in the Republic of Belarus in the order established by legislation.

48. During the review of the case on violation of legislation on immigration of the Republic of Belarus by a foreigner, the agency of the interior has the right to temporarily withdraw passport from the foreigner who has violated immigration legislation if he/she does not have a permanent place of residence in the Republic of Belarus.

After closing the case on violation of immigration legislation or this Regulation, the passport shall be returned to its holder.

49. The means coming to the republican budget from collection of fees from foreigners who have violated legislation of the Republic of Belarus on immigration shall be later forwarded to agencies of the interior for financing their expenses related to review and execution of cases on violation of immigration legislation.

The order of forwarding of the above said means to agencies of the interior shall be defined by the Ministry of Finances of the Republic of Belarus and the Ministry of Interior Affairs of the Republic of Belarus.

50. Foreigners may pay fees imposed on them for violation of immigration legislation in freely convertible currency at the day of payment exchange rate established by the National Bank of the Republic of Belarus.

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