

Introduced by the Council of Ministers
of the Republic of Belarus

LAW
OF THE REPUBLIC OF BELARUS
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On alteration and amendments of some legislative acts of the Republic of Belarus in connection with accession of the Republic of Belarus to the Convention on the Status of Refugees and Protocol Related to the Status of Refugees

Adopted by the House of Representatives 27 Nov.2002

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In force since 18 July 2003

Article 1. The following alterations and amendments shall be introduced into the Law on Refugees of the Republic of Belarus, dated February 22, 1995, in the wording of the Law of June 16, 1999(Records of the Supreme Soviet of the Republic of Belarus, 1995, No. 19, p. 229; National Register of the legislative acts of the Republic of Belarus, 1999, No 47, 2/43), the new wording should be as follows:

LAW
OF THE REPUBLIC OF BELARUS
ON REFUGEES

This Law shall establish the reasons and order of recognition of foreign citizens and persons stateless (hereinafter – aliens) as refugees in the Republic of Belarus, reasons for deprivation, loss of refugee status; it shall also determine the legal, economic, and social guarantees of protection of rights and legal interests of aliens applying for recognition as refugees and recognized as refugees, in accordance with the Constitution and the legislation of the Republic of Belarus, universally recognized principles and norms of the international law as well as with the international treaties of the Republic of Belarus

Article 1. Legislation of the Republic of Belarus on Refugees

Legislation of the Republic of Belarus on refugees consists of this Law, other normative legislative acts of the Republic of Belarus, as well as international treaties of the Republic of Belarus.

In case an international treaty whereof the Republic of Belarus is a party, establishes other rules than those of this Law, then the rules of the international treaty shall be followed.

Article 2. Main notions used in this Law and their definitions

For the purposes of this Law the following terms are used:

a refugee is a person who is not a citizen of the Republic of Belarus and is staying in its territory owing to well-founded fear of being persecuted in his country of origin for reasons of race, religion, nationality, ethnicity, membership of a particular social group or political opinion, and who is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who not having a nationality and is staying in the territory of the Republic of Belarus due to similar circumstances and is unable or, owing to such fear, is unwilling to return to the country of his former habitual residence;

an alien applying for recognition as refugee is an alien who is staying on the territory of the Republic of Belarus and who applies for recognition as refugee under circumstances stipulated in Paragraph Two of this Article;

members of family of an alien applying for recognition as refugee and of a refugee are spouse and children who are under eighteen years of age and unmarried, incapable parents with whom the alien has lived together and shared household, who came together with him to the Republic of Belarus or who came later for the purpose of family reunification;

a temporary accommodation center for refugees is a place of accommodation of aliens applying for recognition as refugees and their family members who are unable to settle on the territory of the Republic of Belarus independently during the period of examination of refugee applications;

a temporary certificate of refugee application registration is an identification document of an alien applying for recognition as refugee in the Republic of Belarus;

a refugee certificate is an identification document of a prescribed form of an alien recognized as refugee in the Republic of Belarus;

refugee status is the aggregate of rights, freedoms, responsibilities and legal interests of an alien recognized as refugee in the Republic of Belarus, as laid down in the legislation of the Republic of Belarus;

territorial migration agencies are the Migration Services of the Oblast Executive Committees, Minsk City Executive Committee;

forced migration is involuntary movement (resettlement) of people from their country of origin or their former habitual residence on the account of fear of being persecuted for reasons of race, religion, nationality, ethnicity, membership of a particular social group or political opinion; integration of refugees is a set of measures on adaptation of aliens recognized as refugees to socio-economic conditions in the Republic of Belarus;

distributive quotas for registration of aliens' applications for refugee status in the Republic of Belarus is an utmost annual limit of admission of aliens applying for recognition as refugees, to be used by territorial migration agencies;

third safe country is a country where the alien stayed prior to arrival at the Republic of Belarus with the exception of cases of transit through the territory of that country, and where he could apply for recognition as refugee or for asylum because that country:

adheres to the international standards on human rights in the area of asylum, established by international legal acts of universal and regional nature, including regulations on prohibition of torture, cruel or humiliating treatment or punishment;

adheres to the international principles of refugee protection as established by the 1951 Convention on the Status of Refugees and by the 1967 Protocol relating to the Status of Refugees, and first of all the principle of non-refoulement;

has its national legislation in the area of asylum and refugees and its appropriate state agencies grant refugee status or asylum.

Article 3. Limitations of Operation of this Law

The following aliens may not be recognized as refugees in the Republic of Belarus:

- in whose regard there are serious reasons to believe that they have committed crime against peace, war crime or a crime against humanity as defined in international acts concluded for taking measures against such crimes;
- in whose regard there are serious reasons to believe that they have committed a grave crime of non-political nature outside the Republic of Belarus prior to arrival at its territory;
- in whose regard there are serious reasons to believe that they are guilty of committing actions that contradict goals and principles of the Organization of United Nations;
- who enjoy protection or assistance of agencies or establishments of the Organization of United Nations with the exception of the office of the United Nations High Commissioner for Refugees.

Article 4. Authorities of the Ministry of Labor and Social Protection of the Republic of Belarus in implementation of this Law

The Ministry of Labor and Social Protection of the Republic of Belarus is the agency ensuring implementation of a single state policy in the area of forced migration.

The Ministry of Labor and Social Protection of the Republic of Belarus shall:

- carry out, together with republican agencies of state administration, the state policy in the area of forced migration;
- prepare proposals on development and improvement of the legislation of the Republic of Belarus and on conclusion of international treaties relating to refugees;
- establish, on coordination with concerned republican agencies of state administration, the order of processing applications for refugee status from aliens in the Republic of Belarus (hereinafter – applications);
- develop projects of integration of refugees;
- coordinate interaction of republican agencies of state administration on issues related to refugees;
- establish distributive quota for territorial migration agencies for registration of applications;
- carries out direction and monitoring of activities of the territorial migration agencies;
- on the basis of information from territorial migration agencies, take measures to find parents or other legal representative or relatives of minors who have arrived at the Republic of Belarus unaccompanied by legal representatives and who applies for recognition as refugee;
- according to the procedure established by legislation decide on recognition or on refusal to recognize an alien as a refugee, on suspension, cessation, resumption of examination of applications, on loss of refugee status, on cancellation of refugee status, on cancellation of decisions on recognition of aliens as refugees, on restoration of refugee status, on annulment of these decisions and inform the territorial migration agencies about the above decisions;
- send notifications about aliens listed in Part Two of Article 37 of this Law to the interior authorities to facilitate issuance of permissions for temporary residence in the Republic of Belarus;
- establish the order of provision of financial and other assistance to aliens applying for recognition as refugees, to refugees as well as to the members of their families;

- establish the standard form of refugee certificate;
- establish the order of issuance and exchange of refugee certificates as well as the order of registration and storage of refugee certificate forms;
- issue refugee certificates to aliens recognized as refugees;
- introduce into the Council of Ministers of the Republic of Belarus, upon coordination with local executive and administrative agencies, proposals on establishment of centers of temporary accommodation of refugees;
- collect, systematize, analyze and forward to territorial migration agencies information about political, socio-economic, sanitary and epidemiological situation in countries of citizenship or former habitual residence of aliens applying for recognition as refugees;
- on the basis of requests, receive free of charge from legal entities, irrespective of the type of ownership, and from physical persons, information needed to verify data provided by an alien applying for recognition as refugee, with the exception of cases when the legislation of the Republic of Belarus provides for another method of acquisition of such information;
- carry out registration of aliens applying for recognition as refugees and recognized as refugees in the Republic of Belarus;
- carry out reception of aliens applying for recognition as refugees and refugees.

Decisions of the Ministry of Labor and Social Protection of the Republic of Belarus, made in accordance with its authority regarding persons applying for recognition as refugees and refugees, are mandatory for the republican agencies of state administration, local executive and administrative agencies, as well as for legal entities irrespective of the type of ownership and for physical persons.

Article 5. Authority of territorial migration agencies in implementation of this Law

Territorial migration agencies shall:

- carry out reception of aliens applying for recognition as refugees, and register their applications;
- issue to the aliens temporary application certificates on registration of application;
- review registered applications and prepare opinions on them;
- send aliens applying for recognition as refugees to the interior authorities for mandatory finger printing; and send there persons without identification documents or in case the documents bear signs of counterfeiting - also for the procedure of personal identification;
- in case of detection of signs of counterfeiting in the documents of aliens applying for recognition as refugees, forward these documents to the interior authorities for expertise;
- send aliens applying for recognition as refugees for mandatory medical examination;
- issue assignments for temporary accommodation to aliens applying for recognition as refugees who are unable to settle independently;
- issue to aliens recognized as refugees, refugee certificates;
- carry out initial registration of refugees and their annual re-registration;
- take decisions on suspension or cessation of examination of application
- notify the interior authorities about adopted and effective decisions on recognition or on refusal to recognize an alien as refugee, on suspension, resumption of examination of applications, on loss of refugee status, on cancellation of refugee status, on annulment of decisions on recognition of aliens as refugees, on restoration of refugee status, and on cancellation of such decisions;
- initiate decisions on loss of refugee status or on cancellation of refugee status, as well as on cancellation of a decision on recognition of an alien as refugee;
- take part in development and implementation of projects of integration of refugees.

Article 6. Authority of the Border Troops in implementation of this Law

The Border Troops shall detain aliens who cross or attempt to cross the State Border of the Republic of Belarus illegally. If the detained aliens state their intention to be recognized as refugees in the Republic of Belarus, the Border Troops shall carry out check on them and within three days they shall notify the territorial migration agencies about such aliens, also they shall allow representatives of the above agencies unhindered access for interviewing and registration of applications.

Article 7. Authority of state security authorities in implementation of this Law

State security authorities shall:

upon request of territorial migration agencies or the Ministry of Labor and Social Protection of the Republic of Belarus, provide, within their competence, information about applicability of conditions stipulated in Article 3 of this Law to the aliens applying for recognition as refugees;

initiate decisions on suspension, cessation of examination of applications, on loss of refugee status or on cancellation of refugee status.

Article 8. Authority of the interior authorities in implementation of this Law

The interior authorities shall:

detain aliens for illegal stay in the Republic of Belarus. If the detained aliens state their intention to be recognized as refugees in the Republic of Belarus, immediately notify territorial migration agencies about such aliens, and also they shall allow representatives of the above agencies unhindered access for interviewing and registration of applications;

upon request of territorial migration agencies or the Ministry of Labor and Social Protection of the Republic of Belarus, provide, within their competence, information about applicability of conditions stipulated in Articles 3 and Paragraph 10 of the Article 30 of this Law;

carry out mandatory fingerprinting of aliens applying for recognition as refugees;

carry out the procedure of personal identification in relation to aliens applying for recognition as refugees who do not possess identification documents, or, in case these documents bear signs of counterfeiting;

carry out the examination of documents of aliens applying for recognition as refugees in case of detection of signs of counterfeiting;

carry out registration of aliens applying for recognition as refugees and recognized as refugees in the Republic of Belarus;

draw up and issue to aliens listed in Part Two of Article 37 of this Law, permissions for temporary residence on the territory of the Republic of Belarus, in order established by the Council of Ministers of the Republic of Belarus;

initiate decisions on suspension, cessation of examination of applications, on loss of refugee status or on withdrawal of refugee status;

draw up and issue to aliens recognized as refugees and to their family members, residence permits and travel documents for leaving the territory of the Republic of Belarus and for entrance into the territory of the Republic of Belarus;

carry out the deportation of aliens refusing to depart voluntary, as regards whom there is an effective decision on cessation of examination of applications, on refusal in recognition as refugees, on loss of refugee status, or on withdrawal of refugee status, and their family

members outside the territory of the Republic of Belarus, in compliance with this Law, other legislation and international treaties of the Republic of Belarus, with the exception of aliens in whose regard this Law provides otherwise.

Article 9. Authority of the Ministry of Foreign Affairs of the Republic of Belarus in implementation of this Law

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

- take part in negotiations, preparation of documents and introduction of proposals on conclusion of international treaties relating to refugees, between the Republic of Belarus and other countries;
- upon request from the Ministry of Labor and Social Protection of the Republic of Belarus, provide information about political, socio-economic, sanitary and epidemiological situation in the countries of origin of refugees, as well as information about changes in passport and visa regimes of foreign countries;
- promote voluntary return of refugees to countries of their citizenship or to resettlement in countries that agree to accept them;
- within its competence, facilitate satisfaction of requirements of this Law including provisions on deportation of aliens outside the territory of the Republic of Belarus in whose regards examination of applications has been discontinued, who have received refusal in recognition as refugees, who have lost their refugee status or whose refugee status has been withdrawn.

Article 10. Authority of the Ministry of Health of the Republic of Belarus in implementation of this Law

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

- mandatory free medical examination of aliens applying for recognition as refugees;
- provision of free emergency medical aid to aliens applying for recognition as refugees;
- medical services for underage children of aliens applying for recognition as refugees and underage children of aliens recognized as refugees equally with children who are citizens of the Republic of Belarus.

Article 11. Authority of the Ministry of Education of the Republic of Belarus in implementation of this Law

The Ministry of Education of the Republic of Belarus shall:

- ensure access to general (non-special) secondary and preschool education to underage children of aliens applying for recognition as refugees and recognized as refugees, as well as to aliens under eighteen years of age who have arrived at the Republic of Belarus unaccompanied by their legal representatives and are applying for recognition as refugees and recognized as refugees, equally with children who are citizens of the Republic of Belarus;
- upon coordination with the Ministry of Labor and Social Protection of the Republic of Belarus, determine the order of establishment of guardianship or trusteeship over aliens under eighteen years of age who are unmarried and who have arrived at the Republic of Belarus unaccompanied by their legal representatives and are applying for recognition as refugees or recognized as refugees.

Article 12. Authority of local executive and administrative agencies in implementation of this Law

Local executive and administrative agencies shall:

coordinate proposals on establishment of centers of temporary accommodation of refugees, introduced by the Ministry of Labor and Social Protection of the Republic of Belarus to the Council of Ministers of the Republic of Belarus, and determine locations for centers of temporary accommodation of refugees;

establish guardianship or trusteeship over aliens under eighteen years of age who are unmarried and who have arrived at the Republic of Belarus unaccompanied by their legal representatives and are applying for recognition as refugees or recognized as refugees, and ensure other forms of fosterage;

provide assistance in integration of aliens recognized as refugees.

Article 13. Authority of state employment authorities in implementation of this Law

State employment authorities shall organize professional training and job placement of aliens recognized as refugees at the place of their registration by territorial migration agency and by the interior authorities.

Article 14. Submittal of application for recognition as refugee

An alien stated his intention to be recognized as refugee in the Republic of Belarus, as well as his family members who are 18 years old or above, have to submit their applications in writing in person or through authorized for that purpose representative:

to a Border Troops unit or to interior authority;

to a territorial migration agency.

An alien who was forced to illegally cross the State Border of the Republic of Belarus and who without delay submitted his application for recognition as refugee to appropriate authorities, shall be exempt from liability for illegal entry into the Republic of Belarus and for illegal stay in the Republic of Belarus.

Article 15. Order of submission of applications for recognition as refugees by minors who have arrived at the Republic of Belarus unaccompanied by their legal representatives and establishment of guardianship or trusteeship over them

In relation to an alien under eighteen years of age who is unmarried and who has arrived at the Republic of Belarus unaccompanied by his parents or other legal representatives (hereinafter – minor) and who has stated his intention to apply for recognition as refugee, territorial migration agency shall conclude an Act of Detection of Lost Child in established form and it shall immediately forward the said Act to the agency of guardianship and trusteeship at the location of the minor.

From the time of conclusion of the Act of Detection of Lost Child, the minor shall obtain rights provided in Article 17 of this Law.

Upon receipt of the Act of Detection of Lost Child, the agency of guardianship and trusteeship shall send to the territorial migration agency on behalf of the minor an application and undertake other steps for protecting his rights and legal interests.

In order to arrange fosterage of the minor who is under examination of being recognized as refugee, territorial migration agency shall if possible identify candidates for guardians or trustees from among the aliens who have arrived together with the minor, or other persons who have expressed their agreement to undertake the responsibility for his fosterage, behavior and maintenance. An alien applying for recognition as refugee may be appointed as guardian or trustee of the minor.

At arrangement of fosterage of the minor, the agency of guardianship and trusteeship shall consider his ethnic origin, religion, affiliation with a certain culture, native language, possibility of continuity of fosterage and education, kinship.

The issue of temporary arrangement of fosterage of the minor shall be resolved within fourteen days upon receipt of the Act of Detection of a Lost Child by the agency of guardianship and trusteeship.

In case of impossibility of establishment of guardianship or trusteeship over the minor, he shall be forwarded for fosterage to a state or non-governmental boarding school.

At assignment of an minor to a boarding school, the local executive and administrative agency shall issue a decision on ensuring state support for him; as well as a decision on issuance of a allowance in established by legislation order.

A guardian, trustee, or the head of a boarding school shall take part in the procedure of recognition of the minor as refugee, he shall represent his interests, make on his behalf and in the interests of his ward other actions needed for issuance of decision on his application. Guardians and trustees shall have other rights and responsibilities as established by the legislation of the Republic of Belarus.

A guardian, trustee or another person whose presence is in the interests of the minor, shall be present in course of interview with the minor.

Article 16. Registration of application of an alien applying for recognition as refugee

Applications shall be registered by a territorial migration agency at the location of the alien.

At the time of registration of application the alien shall be issued a temporary certificate of application registration for the period of examination of his application. The certificate shall also be issued to the alien's family members sixteen years of age or above.

Information about the alien's family members under sixteen years of age who have arrived together with him, shall be recorded in certificates of both parents, or in case of absence of parents – in the certificate of another legal representative.

Certificate of a minor applying for recognition as refugee in the Republic of Belarus who has arrived at the Republic of Belarus unaccompanied by legal representatives, shall be issued to his guardian or trustee.

An alien who has received the certificate, and his family members shall be registered in the interior authority at their location, for the duration of examination of the application.

Upon registration of application, the alien as well as the alien's family members sixteen years of age or above who have arrived together with him shall undergo mandatory fingerprinting and medical examination in order established by the Ministry of the Interior and by the Ministry of Health of the Republic of Belarus accordingly.

Article 17. Rights of an alien whose application for recognition as refugee has been registered.

An alien whose application has been registered, as well as his family members who have arrived together with him, shall have the right to:

- receipt of information about the order of recognition as refugee, their rights and responsibilities;

- for the period of examination of application, residence in the center of temporary accommodation of refugees upon assignment of territorial migration agency, or independent accommodation with the family of a citizen of the Republic of Belarus or an alien permanently residing in the Republic of Belarus, provided all adult family members of the person providing living quarters, agree to joint dwelling irrespective of the living space of living quarters occupied;

 - free emergency medical aid;

 - receipt of financial and other assistance in order and amount determined by the Council of Ministers of the Republic of Belarus;

 - job placement or business activities in order established by the legislation for foreign citizens and persons without citizenship who temporarily reside on the territory of the Republic of Belarus;

 - preschool and general (non-special) secondary school education of his children;

 - submission of application for discontinuance of examination of his application;

 - legal defense;

 - enjoyment of other rights stipulated by the legislation and international treaties of the Republic of Belarus for foreign citizens and persons without citizenship temporarily residing on the territory of the Republic of Belarus.

Article 18. Responsibilities of an alien whose application for recognition as refugee has been registered.

An alien whose application has been registered, as well as his family members who have arrived together with him, shall be required to:

- observe the Constitution of the Republic of Belarus, this Law and other acts of legislation of the Republic of Belarus;

- depart for the center of temporary accommodation of refugees within three days upon receipt of assignment for temporary accommodation and register at the local interior authority within three working days upon arrival;

- provide to the Ministry of Labor and Social Protection of the Republic of Belarus or to the territorial migration agency authentic information needed for issuance of decision on the application, inform them immediately about change of place of residence;

- carry out other obligations stipulated by the legislation and international treaties of the Republic of Belarus for foreign citizens and persons without citizenship temporarily residing on the territory of the Republic of Belarus.

Article 19. Terms of examination of an alien's application for recognition as refugee

Examination of an application shall be carried out within six months upon the day of its registration, if present Law does not provide otherwise.

In case of complications with determination of validity of the alien's fears of becoming victim of persecution in the country of his citizenship (former habitual residence) examination may, on the basis of decision of the Ministry of Labor and Social Protection of the Republic of Belarus, be prolonged for a period of up to one year.

Article 20. Materials used during examination of an alien's application for recognition as refugee

During examination of a registered application for the purposes of issuance of a decision on recognition or refusal to recognize an alien as refugee, the territorial migration agency and the Ministry of Labor and Social Protection of the Republic of Belarus shall examine and use:

- information obtained in the course of individual interviews with the alien in question and his family members who have arrived together with him;
- circumstances of arrival at the territory of the Republic of Belarus;
- presented documents;
- information from presented state security authorities and from interior authorities;
- information from legal and physical persons;
- objective information about the country of citizenship or former habitual place of residence;
- other documents relevant for review of application.

Article 21. Accelerated procedure of examination of an alien's application for recognition as refugee

If in the initial stage of examination of application it becomes evident that the application is manifestly unfounded or abusive, the Ministry of Labor and Social Protection of the Republic of Belarus shall, upon submission of the territorial migration agency, conduct during one month the accelerated procedure of examination of application and shall issue a decision on refusal in recognition of the alien as refugee or on forwarding of the case into the territorial migration agency for the complete procedure of examination of application. In case of accelerated procedure, information from the republican agencies of state administration listed in Articles 7 and 8 of this Law, about availability of circumstances stipulated in Articles 3 and Paragraph 10 of the Article 30 of this Law, shall not be requested.

Article 22. Examination of refugee applications from aliens who are members of one family.

Examination of refugee applications from aliens who are members of one family shall be carried out in relation to each family member eighteen years of age and above.

If one of family members has been recognized as refugee, other members of his family who have arrived together with him, shall be recognized as refugees in the Republic of Belarus for fulfillment of the principle of family unity in the absence of circumstances provided in the Article 3 of the present Law.

Members of family of an alien recognized as refugee, who have arrived at the territory of the Republic of Belarus for the purposes of family reunification shall, in accordance with the principle of family unity, be recognized as refugees in the Republic of Belarus in absence of circumstances stipulated in Article 3 of this Law.

Article 23. Order of examination of refugee applications from aliens who have committed crimes on the territory of the Republic of Belarus

If a criminal proceedings were instituted in relation to an alien applying for recognition as refugee for a crime committed on the territory of the Republic of Belarus, examination of application shall be suspended until the criminal investigation authorities

issues a decision regarding discontinuance of preliminary investigation or criminal prosecution in relation to the alien in question, or until the effective date of court verdict. If the alien is sentenced for committing a crime (with the exception of grave and specially grave crimes), examination of application shall be suspended until the end of the term of sentence.

Examination of suspended application shall be resumed upon expiry of the term of sentence, at the alien's request.

Article 24. Suspension, discontinuance and resumption of examination of alien's application for recognition as refugee

If within one month upon the day of proper notification the alien does not come upon request of the Ministry of Labor and Social Protection of the Republic of Belarus or of territorial migration agency, for addressing issues related to provision of refugee status, examination of his application shall be suspended. If within one month upon the day of the follow notification the alien does not come up to the mentioned above authorities, examination of suspended application shall be discontinued.

Examination of suspended application shall be resumed if the alien provides evidence of circumstances that impeded his timely arrival at the authorities listed in Part One of this Article.

Decision on suspension or discontinuance of examination of application may be canceled if the alien provides evidence of circumstances that impeded his timely arrival at the authorities listed in Part One of this Article.

Decision on suspension or discontinuance of examination of application shall be issued by the Ministry of Labor and Social Protection or the territorial migration agencies.

Article 25. Decision on recognition of an alien as refugee or on refusal to recognize an alien as refugee

Decision on recognition of an alien as refugee or on refusal to recognize an alien as refugee shall be issued by the Ministry of Labor and Social Protection on the basis of the conducted procedure of examination of application and materials of the alien's personal records, taking into account the conclusion provided by the territorial migration agency.

An alien shall be recognized as refugee for the period of preservation of the circumstances that served as grounds for recognition of him as refugee, in the country of his citizenship or former habitual residence.

Article 26. Refugee Certificate

An alien recognized as refugee who is sixteen years of age and above shall be issued a refugee certificate of established form in accordance with the Regulation on Refugee Certificate approved by the Council of Ministers of the Republic of Belarus.

Information about members of family of the alien recognized as refugee, who are under sixteen years of age, shall be recorded in certificates of both parents.

Refugee certificate of an alien under sixteen years of age who has arrived at the territory of the Republic of Belarus unaccompanied by legal representatives and recognized as refugee, shall be handed over to his guardian or trustee.

the certificate may not be seized from a refugee with the exception of cases stipulated by the legislation.

Article 27. Annulment of decision on recognition of an alien as refugee

If an alien in whose relation a decision was issued to recognize him as refugee, did not come to receive his refugee certificate within three months upon the day of his duly notification, the subject decision will be annulled. That decision may be canceled if the alien provides evidence of circumstances impeding timely receipt of refugee certificate.

Article 28. Registration of an alien who has received refugee certificate

An alien who has received a refugee certificate shall be registered at the territorial migration agency at the place of his residence.

Upon receipt of refugee certificate, national (civil) passport and other documents that replace it and are designed for foreign travel, that were issued by competent authorities of the country of citizenship or former habitual residence of the alien recognized as refugee, shall be handed in for storage to the territorial migration agency for the duration of recognition of the alien in question as refugee.

Registration of an alien recognized as refugee at the territorial migration agency shall serve as basis for temporary registration of the alien in question for a period of up to six months at the interior authority at the place of residence and further drawing up of a residence permit in established order.

The order of stay of a refugee on the territory of the Republic of Belarus shall be established by the Council of Ministers of the Republic of Belarus.

Article 29. Hand-delivery or sending of decision on refusal in recognition as refugee

The decision on refusal in recognition as refugee shall be hand-delivered or sent to an alien by the Ministry of Labor and Social Protection of the Republic of Belarus within five working days upon the time when decision was issued. They shall explain to the alien in whose relation there was issued a decision on refusal in recognition as refugee, the order of appealing against this decision as well as his legal status and legal status of his family members.

Article 30. Reasons for refusal in recognition as refugee

An alien may be refused in recognition as refugee if:

- the application is manifestly unfounded;
- the application is abusive;
- the alien does not meet the criteria listed in Paragraph Two of Article 2 of this Law;
- the alien has wittingly provided false information that could influence final decision on his application;
- there have been detected circumstances stipulated in Article 3 of this Law;
- the alien has been previously denied in recognition as refugee in relation with absence of one or several criteria stipulated in Paragraph Two of Article 2 of this Law, provided that the situation in the country of his citizenship or former habitual residence has not changed from the day of receipt of refusal and until the day of submission of new application;
- the alien has citizenship of a third country of whose protection he can avail himself;
- the alien has arrived at the Republic of Belarus from the territory of a third safe country; in the period of examination of the application, the alien was sentenced for committing a grave or especially grave crime on the territory of the Republic of Belarus.

Article 31. Rights of an alien recognized as refugee

An alien recognized as refugee shall have the right for:

- receiving information about his rights and responsibilities;
- legal defense equally with citizens of the Republic of Belarus;
- preschool and general school education of children equally with children who are citizens of the Republic of Belarus;
- professional technical, secondary special, higher and post-graduate education equally with foreign citizens and stateless persons residing in the Republic of Belarus;
- independent accommodation with the family of a citizen of the Republic of Belarus or an alien permanently residing in the Republic of Belarus, provided all adult family members of the person providing living quarters, agree to joint dwelling provided that after accommodation of the refugee and his family members the living space will not be less than 6 square meters for each resident;
- medical aid equally with foreign citizens and persons without citizenship who permanently reside in the Republic of Belarus;
- assistance with assignment for professional training and in job placement;
- job placement or business activities equally with foreign citizens and persons without citizenship who permanently reside in the Republic of Belarus;
- social maintenance equally with foreign citizens and stateless persons who permanently reside in the Republic of Belarus;
- acquisition of movables or real property in order established by the legislation of the Republic of Belarus equally with foreign citizens and persons without citizenship who permanently reside in the Republic of Belarus;
- receipt in the interior authorities at the place of residence of the alien and his family members, a residence permit and travel documents for leaving the territory of the Republic of Belarus and for entry into the Republic of Belarus;
- application to the interior authorities for permanent residence permit on the territory of the Republic of Belarus for reasons not related with refugee status;
- submission of application for citizenship of the Republic of Belarus upon seven years of being recognized as refugee;
- receipt of financial or other assistance in amount and in order established by the Council of Ministers of the Republic of Belarus;
- assistance from the Ministry of Labor and Social Protection of the Republic of Belarus with obtaining information about close relatives who live in the country of citizenship or former habitual residence of the refugee;
- participation in social activities equally with foreign citizens and persons without citizenship who permanently reside in the Republic of Belarus;
- voluntary return to the country of citizenship or former habitual residence;
- leave for residence in another country;
- enjoy other rights and freedoms equally with citizens of the Republic of Belarus if otherwise is not stipulated by the Constitution of the Republic of Belarus, laws and international treaties.

Article 32. Responsibilities of an alien recognized as refugee

An alien recognized as refugee shall:

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

within three working days upon receipt of the refugee certificate, get registered in the interior authority at his residence;

notify the territorial migration agency and appropriate interior authority within seven days about changes in last and first names, family membership, family status, acquisition of citizenship of the Republic of Belarus or citizenship of another country;

undergo annual re-registration at the territorial migration agency;

notify the territorial migration agency about intention to change the place of residence in the Republic of Belarus or to move to live outside the territory of the Republic of Belarus;

get de-registered at the territorial migration agency and at the appropriate interior authority upon change of place of residence, and within three working days upon arrival at the new place of residence, get registered at the territorial migration agency and get registered at the interior authority;

carry out other responsibilities equally with citizens of the Republic of Belarus unless otherwise is stipulated by the Constitution of the Republic of Belarus, laws and international treaties.

Article 33. Limitation of rights of an alien applying for recognition as refugee and of a refugee

The rights of an alien applying for recognition as refugee and of a refugee may be limited only in cases stipulated by the law, in interests of the national security, public order, protection of morality, public health, rights and freedoms of other persons.

Article 34. Loss of refugee status by an alien

An alien shall lose his refugee status:

upon acquisition of citizenship of the Republic of Belarus;

if he has voluntarily availed himself to the protection of the country of his citizenship;

if upon loss of citizenship, he has re-acquired it;

if he has acquired citizenship of another country and enjoys protection of the country of his new citizenship;

if he has voluntarily resettled in the country that he left or outside of which he stayed for fears of persecution for reasons stipulated in Paragraph Two of Article 2 of this Law;

if he can no further deny protection of the country of his citizenship since the circumstances on the basis of which he was recognized refugee, no longer exist;

if he does not have any certain citizenship and is able to return to the state of his former habitual residence since the circumstances on the basis of which he was recognized refugee, no longer exist;

Provisions secured in Paragraphs Seven and Eight of Part One of this Article shall not be applicable to refugees who are able to provide evidence based on previous persecution, for their refusal to use protection of the country of their citizenship or former habitual residence.

Article 35. Cancellation of refugee status from an alien

Refugee status shall be cancelled from an alien if he:

has wittingly provided false data or counterfeited documents that served as basis for recognizing him as refugee;

jeopardizes national security of the Republic of Belarus;

has committed on the territory of the Republic of Belarus a crime that is qualified by the legislation of the Republic of Belarus as grave or especially grave;
temporarily left the Republic of Belarus and has not returned into the Republic of Belarus in time limits indicated in the travel document.

Article 36. Decision on loss of refugee status by an alien or on cancellation of refugee status from an alien

The decision on loss of refugee status by an alien or on cancellation of refugee status of an alien shall be issued by the Ministry of Labor and Social Protection of the Republic of Belarus upon presentation of the republican agencies of state administration listed in Articles 7 and 8 of this Law or territorial migration agencies.

The decision on loss of refugee status by an alien or on cancellation of refugee status of an alien shall be hand-delivered or sent to the alien by the Ministry of Labor and Social Protection of the Republic of Belarus within five working days upon issuance of the decision. An alien who has lost his refugee status or whose refugee status has been cancelled, shall receive explanation about the order of appeal against that decision as well as about his legal status and the legal status of his family members.

In case of loss of refugee status or cancellation of refugee status of an alien, the certificate by decision of the Ministry of Labor and Social Protection it shall be considered invalid and shall be returned to the territorial migration agency.

Article 37. Guarantees of non-refoulement of aliens

An alien applying for recognition of refugee or recognized as refugee may not be returned or expelled against his will to the territory of the country where his life or freedom are endangered for the reasons of his race, religion, citizenship, nationality, affiliation to a certain social group or political opinion.

An alien in whose relation examination of application has been discontinued, or who has received a refusal in recognition as refugee or who has lost his refugee status or whose refugee status has been cancelled, may not be returned or expelled against his will to the territory of the country where his life or freedom are endangered for the reasons of his race, religion, citizenship, nationality, affiliation to a certain social group or political opinion.

Aliens listed in Part Two of this Article are entitled to receiving in interior authorities permission for temporary residence on the territory of the Republic of Belarus in order established by the Council of Ministers of the Republic of Belarus.

Aliens listed in Part Two of this Article, who have received permission for temporary residence in the Republic of Belarus, are entitled to job placement or business activities in order established by the legislation for foreign citizens and stateless persons temporarily residing on the territory of the Republic of Belarus.

Article 38. Confidentiality of information about aliens applying for recognition as refugees and recognized as refugees

Information about aliens applying for recognition as refugees and recognized as refugees may not be provided to state agencies, other organizations and citizens of the country of their citizenship or former habitual residence without written consent of these aliens, and passed to mass media without such consent.

Article 39. Right to appeal against decisions and actions (inaction) of state authorities and officials and their responsibilities

Decisions and actions (inaction) of state authorities and officials by the aliens applying for recognition as refugees and recognized as refugees as well as their legal representatives related to implementation of this Law, may be appealed against to a superior agency or in court.

Persons guilty of violating this Law, are accountable in accordance with the legislation of the Republic of Belarus.

Article 40. Order of lodging appeals against decisions of the Ministry of Labor and Social Protection and rights. Responsibilities of aliens who lodge appeals

An appeal against a decision of the Ministry of Labor and Social Protection of the Republic of Belarus on discontinuance of examination of application, on refusal to recognize an alien as refugee, on loss of refugee status, or on cancellation of refugee status may be lodged in court within one month upon receipt of such decision by the alien.

Until a decision is made in relation to the appeal against decision of the Ministry of Labor and Social Protection of the Republic of Belarus on discontinuance of examination of application for recognition as refugee or on refusal to recognize an alien as refugee, the alien lodging the appeal and his family members shall have the rights and responsibilities stipulated in Articles 17 and 18 of this Law.

Until a decision is made in relation to the appeal against decision of the Ministry of Labor and Social Protection of the Republic of Belarus on loss of refugee status or on cancellation of refugee status, the alien lodging the appeal and his family members shall have the rights and responsibilities stipulated in Articles 31 and 32 of this Law.

Article 41. Duty of an alien to leave the territory of the Republic of Belarus

An alien who has received the decision of the Ministry of Labor and Social Protection of the Republic of Belarus on discontinuance of examination of his application or on refusal in recognition as refugee and who has used his right of appeal against that decision in court, and who does not have other legal grounds for stay on the territory of the Republic of Belarus shall leave the territory of the Republic of Belarus together with members of his family within one month upon receipt of court rejection of his appeal against that decision with the exception of aliens in whose relation this Law provides otherwise.

An alien who has received decision of the Ministry of Labor and Social Protection of the Republic of Belarus mentioned in Part One of this Article, who has not used his right to appeal against that decision in court and who does not have other legal grounds for staying on the territory of the Republic of Belarus shall leave the territory of the Republic of Belarus together with members of his family before the end of one month' period upon the day of receipt of that decision, with the exception of aliens in whose relation this Law provides otherwise.

Article 42. Deportation

Aliens mentioned in Article 41 of this Law, who have not left the territory of the Republic of Belarus in established time period, shall be deported outside the territory of the Republic of Belarus in accordance with the legislation and international treaties of the Republic of Belarus unless this Law provides otherwise.

Article 43. Distribution and accommodation of aliens applying for recognition as refugees on the territory of the Republic of Belarus

Accommodation of aliens applying for recognition as refugees who are unable to settle independently, shall be carried out by local executive and administrative authorities upon assignment of territorial migration agencies, agreed with the Ministry of Labor and Social Protection of the Republic of Belarus.

For the purpose of accommodation of aliens applying for recognition as refugees, in accordance with decisions of the Council of Ministers of the Republic of Belarus, centers of temporary accommodation of refugees may be established.

Article 44. Mass arrival at the territory of the Republic of Belarus of aliens under circumstances stipulated in Paragraph Two of Article 2 of this Law

In case of mass arrival at the territory of the Republic of Belarus of aliens under circumstances stipulated in Paragraph Two of Article 2 of this Law, determination of the order of their accommodation on the territory of the Republic of Belarus and conditions of their maintenance shall be established by the Council of Ministers of the Republic of Belarus.

Article 45. Coverage of expenses related to implementation of this Law

Coverage of expenses on provision of financial and other assistance to aliens applying for recognition as refugees and recognized as refugees, on accommodation of aliens applying for recognition as refugees who are unable to settle independently and on other purposes aimed at solving problems of refugees, shall be budgeted in accordance with the Law of the Republic of Belarus on Budget in the next financial (budget) year.

Coverage of expenses on goals mentioned in Part One of this Article may also be carried out through use of funds received from international organizations and from other countries on the basis of international treaties concluded by the Republic of Belarus or by the Ministry of Labor and Social Protection of the Republic of Belarus on the ground of special authorisation, and from donations received from international organizations and other countries for implementation of programs (projects) approved by the Council of Ministers of the Republic of Belarus.

Coverage of expenses on goals mentioned in Part One of this Article may also be conducted with use of donations received from legal and physical entities.

Coverage of expenses related to deportation outside the territory of the Republic of Belarus of aliens mentioned in the Article 41 of the present Law shall be conducted at the means of the aliens being deported or, in absence of such means – in order and amounts determined by the Council of Ministers of the Republic of Belarus.

Article 46. International cooperation on problems of refugees

The Republic of Belarus cooperates with other countries, the United Nations High Commissioner for Refugees, other international organizations with the object of resolving problems of refugees.”

Article 2. Article 4 of the Law of the Republic of Belarus of 3 June 1993 “On Legal Status of Foreign Citizens and Persons Without Citizenship in the Republic of Belarus”

(Vedamastsi Vyarhounaha Saveta Respubliki Belarus, 1993, No. 21, p. 250) shall be supplemented with the new Part of the following text:

“Provisions of Part One of this Article shall not cover foreign citizens and stateless persons who apply for recognition as refugees or are recognized as refugees in accordance with the legislation of the Republic of Belarus.”

Article 3. This Law shall come into effect within six months upon the day of its official publication with the exception of Articles 2 –4 that come into effect on the day of official publication of this Law.

Article 4. The Council of Ministers of the Republic of Belarus shall within six months upon official publication of this Law:

prepare and introduce in established order a proposal on bringing legislative acts of the Republic of Belarus in conformity with this Law;

bring acts of the Government of the Republic of Belarus in conformity with this Law;

make sure that republican agencies of state administration subordinate to the Council of Ministers of the Republic of Belarus, revise and reverse standard legal acts that contradict this Law;

take other measures required for implementation of this Law.

President
of the Republic of Belarus A. Lukashenko