

Belarus: Law of 1994 on the Procedure for Exit From and Entry Into the Republic of Belarus by the Citizens of the Republic of Belarus

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

Publication Date 1 January 1994

Cite as *Belarus: Law of 1994 on the Procedure for Exit From and Entry Into the Republic of Belarus by the Citizens of the Republic of Belarus* [], 1 January 1994, available at: <http://www.refworld.org/docid/3ae6b5a58.html> [accessed 10 November 2014]

Comments Note: This law was revised in 2002; however, translation from Russian is not available. This is an unofficial translation The Law, No. 2335-XII, was signed by the Chairman of the Supreme Council of the Republic of Belarus on 2 June 1993. As amended and supplemented by the Laws of the Republic of Belarus of 4 February 1994 No 2752?XII (Transactions of the Supreme Soviet of the Republic of Belarus, 1994, No 6, article 74); of 31 May 1996 No 444?XIII; of 26 November 1997 No 95 (Transactions of the National Assembly of the Republic of Belarus, 1997, No 35, article 743); of 11 May 2000 No 373

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The present Law shall guarantee, in accordance with the principles of the Universal Declaration of Human Rights and other generally recognized international legal acts, the exercise of the right of a citizen of the Republic of Belarus to freely leave the country and return to it, shall govern the procedure for the legalization of documents to leave for abroad and to enter the Republic of Belarus.

Article 1. Right of Citizens of the Republic of Belarus to Exit from the Republic of Belarus and Entry into the Republic of Belarus

Every citizen of the Republic of Belarus has the right to exit from the Republic of Belarus and entry into the Republic of Belarus.

A citizen of the Republic of Belarus may not be deprived of the right to entry into the Republic of Belarus.

A citizen of the Republic of Belarus may not be deprived of the right to exit from the Republic of Belarus. The right to exit of a citizen of the Republic of Belarus may be provisionally restricted in accordance with the present Law and other legislative acts of the Republic of Belarus.

Article 2. Inadmissibility of Restricting the Rights of Citizens Leaving the Republic of Belarus for Permanent Residence Abroad

With respect to citizens who applied for exit from the Republic of Belarus for permanent residence abroad, and their family members all provisions of the legislation of the Republic of Belarus shall be in force; they shall enjoy all rights and bear responsibilities set by the Law. No arbitrary limitation of their civil, labor, housing and other rights shall be permitted.

Citizens of the Republic of Belarus before leaving for permanent residence abroad shall be obliged to carry out property liabilities with respect to persons under the jurisdiction of the Republic of Belarus, as well as liabilities with respect to payments of taxes to the budget of the Republic of Belarus, and other obligatory payments and financial sanctions.

Citizens of the Republic of Belarus who received the travel documents shall be entitled, in accordance with the legislation of the Republic of Belarus, to removal into a country of entry of property belonging to them according to the ownership right.

Citizens of the Republic of Belarus, when leaving for permanent residence abroad, shall be entitled to retain on the territory of the Republic of Belarus dwelling and other property belonging to them according to the ownership right, except for land.

Payment of pensions to the citizens of the Republic of Belarus leaving the Republic of Belarus for permanent residence abroad shall be carried out under the procedure and the conditions provided for in the legislation in force and international treaties of the Republic of Belarus.

Citizens of the Republic of Belarus who left the Republic of Belarus for permanent residence abroad upon their return to the Republic of Belarus for permanent or temporary residence shall enjoy on equal footing all rights guaranteed by the legislation of the Republic of Belarus and shall bear responsibilities provided for in the laws.

(Paragraph 2 - as amended by the Law of 26 November 1997)

Article 3. Legalization of Documents to Leave for Abroad

The legalization of documents of citizens to leave for abroad shall be carried out upon their individual application or upon the petition of their legitimate representatives by the competent state authorities at the place of permanent residence of an applicant.

The application to leave for permanent residence abroad shall be accepted, if the certificate of the inspection of the State Taxation Committee on the absence of the indebtedness with regard to taxes, other obligatory payments and financial sanctions, and notarially certified consent of persons who are maintained by an applicant and remain in the Republic of Belarus are available, and where an applicant has minor children residing in the Republic of Belarus also if the consent of their legitimate representative in the Republic of Belarus is available, and if there are no claims with respect to payment of alimony.

If, due to some reasons, the consent or the certificate provided for in paragraph two of the present Article can not be obtained, a person leaving the country shall be entitled to appeal to the court considering the question of availability or absence of the indebtedness with regard to the state budget or of alimony obligations. Upon the court's decision the alimony obligations can be paid off on a lump sum basis or, in accordance with the international treaties of the Republic of Belarus, commitments with respect to payment of alimony can be set.

The procedure and rules for the legalization of documents to exit from the Republic of Belarus shall be set by the Council of Ministers of the Republic of Belarus.

(Paragraphs 2 and 3 - as amended by the Law of 26 November 1997)

Article 4. Documents for Exit from the Republic of Belarus and Entry into the Republic of Belarus

Documents of citizens of the Republic of Belarus for exit from the Republic of Belarus and entry into

the Republic of Belarus shall be a passport of a citizen of the Republic of Belarus, diplomatic and service passports of citizens of the Republic of Belarus, as well as a national identity card of a sailor.

The procedure for the legalization of diplomatic and service passports of citizens of the Republic of Belarus, as well as of a national identity card of a sailor shall be governed by other legislative acts of the Republic of Belarus.

Passports properly legalized shall be valid for exit from the Republic of Belarus to all countries of the world. The procedure for entry of citizens of the Republic of Belarus into foreign countries shall be governed by their relevant legislation, as well as by the international treaties of the Republic of Belarus.

The citizens of the Republic of Belarus who left for permanent residence abroad shall be registered in the consular institution of the Republic of Belarus abroad with a proper stamp in a passport.

The citizens of the Republic of Belarus permanently residing abroad shall enter into the Republic of Belarus for temporary residence with a valid passport of a citizen of the Republic of Belarus.

The citizens of the Republic of Belarus shall return for permanent residence to the Republic of Belarus with passports of a citizen of the Republic of Belarus with a proper stamp certifying removal from a register in a consular institution of the Republic of Belarus abroad.

(Paragraphs 1 and 2 - as amended by the Law of 4 February 1994).

Article 5. Grounds for Provisional Restrictions of the right to exit from the Republic of Belarus

A citizen of the Republic of Belarus may be provisionally restricted to leave for abroad if:

- 1) such citizen possesses information constituting state secrets - until such circumstances preventing the exit cease to be in effect;
- 2) criminal proceedings have been instituted against him - until the termination of such criminal proceedings;
- 3) such citizen has been convicted for committing a crime - until such sentence has been served or lifted;
- 4) such citizen evades from the fulfillment of obligations imposed on him by the court of law until such obligations are fulfilled;
- 5) civil proceedings have been instituted against him in the court of law - until such proceedings are terminated;
- 6) such citizen has submitted false information when legalizing his documents;
- 7) such citizen has been registered with an enlistment office and is to be called up for a fixed term active military service in due time - until such military service has been completed, or until an exemption from such service has been granted in accordance with the law.

Enterprises, institutions and organizations shall be obliged to submit within a month period upon the requests of state bodies competent to legalize documents to leave for abroad, the information, whether the grounds indicated in paragraph one of the present Article that hinder leave for abroad exist.

If in a country arises an emergency situation making it impossible to guarantee safety conditions for

sojourn of citizens of the Republic of Belarus, the Council of Ministers of the Republic of Belarus may take a decision to restrict travel to such a country. These decisions and information about their cancellation shall be published. Such restrictions shall be in force until the termination of circumstances which hinder exit for abroad.

Stamp in a passport of a citizen of the Republic of Belarus certifying his exit for abroad can be cancelled in cases stipulated in points 1-6 of the paragraph one of the present Article, as well as in case of its forgery.

The ground for the denial of legalization of documents of a citizen to leave for permanent residence abroad may be cases stipulated in points 1-7 of paragraph one of the present Article, and for temporary residence abroad - points 1-6 of paragraph one of the present Article.

Restrictions stipulated in point 1 of the paragraph one of the present Article should be brought to the notice of citizens by their employers, by the administration of educational institutions and by the command of military units upon starting work, education, enlistment in the active military service related to access to information constituting state secrets.

Article 6. Term for Examination of Applications of Citizens and for Validity of Legalized Exit Documents

Application of a citizen of the Republic of Belarus to legalize exit documents for permanent residence abroad should be examined within three months from the date of submission of documents, and for temporary residence - within a month period.

Stamp in a passport on a temporary exit from the Republic of Belarus shall be valid for a five year period, and on a permanent exit - within one year. After the termination of the indicated in a passport term for the exit from the country, the legalized documents shall become invalid and an application shall be submitted anew in an established by the present Law procedure.

If the trip abroad is connected with the urgent medical treatment of a person leaving the country, with the serious illness or death of an immediate relative residing abroad, an application to legalize the documents shall be immediately considered, but not later than within three working days. A stamp shall be put in a passport authorizing a trip abroad up to three months.

A written notice about the denial of legalization of the exit documents on the grounds provided for by Article 5 of the present Law, shall be forwarded to the citizen not later than in ten days since such a decision has been taken.

In case of denial of an application for the exit documents, the renewed application shall be examined in six months from the day the decision has been taken. The documents submitted before shall be accepted for examination, provided the data indicated in them have not changed.

Article 7. Procedure for Appeal Against Provisional Restriction of Right to Exit Abroad

The provisional restriction of the right to exit abroad may be appealed against by a citizen to a higher-ranking state body authorized to examine applications and appeals by citizens, or to a court.

The provisional restriction of the right to exit abroad provided for by the paragraphs 2 and 3 of the part one of Article 5 of the present Law shall not be subject to appeal.

Article 8. State Levy for Legalization of Exit documents

The legalization of the exit documents shall be levied in the amount and in the manner established by the laws of the Republic of Belarus.

In case of the provisional restriction of the right to exit abroad the paid levy shall be returned. Where the passports legalized for exit abroad have been lost (stolen) or damaged, the application shall be renewed and the state levy shall be paid in the established amount.

Article 9. Exit of Minors from the Republic of Belarus

Citizens under 18 years old (hereinafter minors) may exit from the Republic of Belarus upon a written consent of their legitimate representatives or with their escort, if otherwise is not provided for in the present article. Where there is an absence of the written consent of one of the legitimate representatives, the exit of the minor may be allowed based on a court judgement.

The exit of a minor from the Republic of Belarus for medical treatment, rehabilitation, or consultation on these issues may be carried out upon a written consent of one of the legitimate representatives or with his/her escort.

Authenticity of the signatures of the legitimate representatives on a document on the consent for the exit of a minor from the Republic of Belarus shall be certified by an organ (official) which has the right to perform notarial acts or by an authorized official of the respective Passport and Visa Service, or by the head (deputy head) of the State Dwelling Exploitation Service at the place of residence of the legitimate representatives.

For the exit of the citizens of the Republic of Belarus aged between fourteen and eighteen years from the Republic of Belarus for permanent residence abroad their expressed in written form and notarially certified consent shall be additionally required.

(Article 9 - as amended by the Law of 11 May 2000)

Article 10. Exit of Incapable Persons from the Republic of Belarus

Citizens recognized by court as incapable have the right to exit abroad only escorted by their legitimate representatives.

Article 11. Application of International Treaties

Where international treaties of the Republic of Belarus establish the other rules than those provided for in the present Law, the rules of international treaties shall be applied.

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