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Readmission, return and reintegration: Legal framework in the Republic of Belarus

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Legal Framework

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1. Legal terms and procedures

1.1 Return

The term 'return' is not defined in the national legislation of Belarus, but legal basis for the return of Belarusian citizens is established by the Constitution adopted in 1994¹. Besides, the legislation determines procedure for return of citizens permanently residing outside Belarus².

One can also come across this term in the Belarusian normative legal acts, when impossibility of return to the country of previous permanent residence is mentioned in case of persons who were granted refugee status (asylum)³, as well as when powers and responsibilities of state bodies of different levels⁴ are described, when rights of foreigners who were granted refugee status or asylum in Belarus⁵ are stipulated, and objectives and tasks of Belarusian demographic security are formulated⁶.

Legal foundations for pre-schedule termination of employment contracts with foreign employees are established at the international level. Thus, Agreement on cooperation in labor migration and social protection of labor migrants⁷ and non-binding legal act "Migration of workforce in the CIS countries"⁸ stipulate that when a labor migrant violates legislation, authorities⁹ can demand pre-schedule termination of labor relations and return of the migrant to the state of departure. There is also an obligation of employer to terminate the labor contract following the request by the relevant body, if a migrant worker violates the law¹⁰.

Furthermore, international agreements of Belarus on temporary employment of citizens establish a procedure for financing the return to the labor migrant's country of origin in certain cases. Thus, for instance¹¹, if labor contract with a foreigner is terminated due to the closing down or reorganization of the employing company¹², then such labor migrant is subject to return to the country of departure¹³ at

¹ See article 30 of the Constitution: citizens of the Republic of Belarus have a right ... to return without hindrance (to the Republic of Belarus)

² Thus, these citizens are obliged to take themselves off the consular registry of citizens permanently residing outside Belarus (article 21 of the Law No. 49-Z of 20.09.2009 (version of 25.11.2011) "On procedure of departure of the citizens of the Republic of Belarus from the Republic of Belarus and entry to the Republic of Belarus")

³ Article 5 of the Law No. 354-Z of 23.06.2008 (version of 03.07.2011) "On granting the refugee status, additional and temporary protection to foreigners and stateless persons in the Republic of Belarus"

⁴ For instance: Belarusian Ministry of Foreign Affairs in the field of forced migration assists in voluntary return of foreigners who were granted refugee status or additional or temporary protection to the states of their citizenship or previous customary residence or in their movement to the countries that agree to admit them (article 13 of the Law No. 354-Z of 23.06.2008 (version of 03.07.2011) "On granting the refugee status, additional and temporary protection to foreigners and stateless persons in the Republic of Belarus")

⁵ Foreigner who was granted refugee status is entitled to voluntary return to the state of citizenship or previous customary residence (article 19 of the Law No. 354-Z of 23.06.2008)

⁶ Article 5 of the Law No. 80-Z of 04.01.2002 (version of 31.12.2009) "On demographic security of the Republic of Belarus"

⁷ Concluded in Moscow on 15.04.1994 (version of 25.11.2005) (article 5 of the Agreement)

⁸ Adopted by the Regulation of the Interparliamentary Assembly of CIS member states "On non-binding legal act "Migration of workforce in the CIS countries" (adopted in St. Petersburg on 13.05.1995)

⁹ State agencies whose scope of competence includes national security and/or migration management

¹⁰ Article 5 of the above-mentioned 1995 Regulation of the Interparliamentary Assembly of CIS member states

¹¹ Article 6 of the Agreement on cooperation in the field of labor migration and social protection of migrant workers (Moscow 15.04.1994 (version of 25.11.2005))

¹² Or due to job cuts or redundancy

¹³ Relevant for the member states of this Agreement

the expense of employer¹⁴. Requirements associated with such situations are also established by norms of national legislation¹⁵, for instance, employment contracts of Belarusian citizens abroad are to include provisions on mutual obligations of parties on return of those workers to the Republic of Belarus after the end of their labor contracts¹⁶. At the same time, unfortunately, neither at the international, nor at the national level there is a mechanism for the return of Belarusian citizens to the country. There are no specific legal procedures regarding Belarusian citizens who were deported or expelled from other countries (furthermore, they are not registered and accounted for (separately – as persons expelled or deported from another state), as far as this category of citizens always crosses the state border of Belarus on their own and on legal grounds¹⁷ and is not granted any legal status).

Some normative legal acts talk about the need to create conditions for return of highly qualified professionals and promising researchers to Belarus and identify tasks that need to be accomplished for this objective to be achieved¹⁸.

1.2 Repatriant, repatriation

The term ‘repatriant’ is also not used or defined in the national legislation. However the Regulation of the Interparliamentary Committee of Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan No. 8-13 “On the model law “On migration”¹⁹ stipulates who should be considered a repatriant. According to article 28, the status of repatriant is granted to autochthons who are victims of political oppression, as well as their descendants. Let us note that the real mechanism for granting this status is not well-described in the national legislation, hence there are no rights or obligations for persons who actually correspond to this definition of repatriant.

2. Procedure of return of the Belarusian citizens to the country

It is noteworthy that Belarusian migration legislation does not envisage measures to assist in return of Belarusian citizens and persons who used to have Belarusian citizenship. Of course, this is an oversight, but an even bigger oversight of migration policy is that one does not set an objective of developing a strategy in this field.

The state encourages repatriation only at the declarative level²⁰. The only legislative provision contributing to repatriation is the one that establishes the fact that a person used to have Belarusian citizenship as legal grounds for obtaining a permanent residence permit in Belarus²¹. Therefore, repatriation in Belarus is carried out on a voluntary basis and at the expense of returning persons.

¹⁴ Besides, such labor migrant is entitled to the same benefits and compensations as the ones offered by the legislation of the country of employment to its citizens laid off for the above-mentioned reasons

¹⁵ Part 1 article 19, part 2 article 20 of the Law No. 225-Z “On external labor migration” of 30.12.2010

¹⁶ Article 20 of the Law No. 225-Z “On external labor migration” of 30.12.2010

¹⁷ “The right of the citizen to enter the Republic of Belarus cannot be restricted” – part 4 article 3 of the Law No. 49-Z “On procedure of departure of the citizens of the Republic of Belarus from the Republic of Belarus and entry to the Republic of Belarus” of 20.09.2009 (version of 25.11.2011)

¹⁸ Regulation of the Belarusian Council of Ministers No. 1403 of 08.12.2005 (version of 16.12.2008) “On the State Migration Program for 2006 – 2010”

¹⁹ Adopted in St. Petersburg on 04.04.1999

²⁰ At the same time it does not create obstacles for it either

²¹ Article 53 of the Law No. 105-Z “On legal status of foreign citizens and stateless persons in the Republic of Belarus”

3. Return of foreigners to the countries of origin or arrival

3.1 Assistance to voluntary return of foreigners

As for assistance to voluntary return of foreigners to the country of origin, transit or third country, the only relevant provision is article 13 of the law No. 354-Z of 23.06.2008²². It determines that the Belarusian Ministry of Foreign Affairs in the field of forced migration assists in voluntary return of foreigners, who were granted refugee status or additional or temporary protection, to the states of their citizenship or previous customary residence, or in their movement to the states agreeing to admit them. However, nowhere in the legislation is it specified what kind of assistance is rendered²³.

If a foreigner having permit for permanent residence in Belarus (residence permit) is willing to move to another country for permanent residence, this foreigner's permit for permanent residence in Belarus will be annulled²⁴. A foreigner illegally staying in Belarus and willing to depart for another state is held administratively liable and after that can depart without hindrance.

To sum up, foreigners can leave Belarus on a voluntary basis without hindrance, and the state does not provide assistance in this case.

4. Compulsory return

Belarusian legislation envisages two forms of compulsory return of foreigners to other countries: deportation and expulsion.

Legal grounds for deportation and expulsion of foreigners from the country are stipulated by the Law No. 105-Z "On legal status of foreign citizens and stateless persons in the Republic of Belarus"²⁵.

4.1 Deportation

Deportation is a type of administrative sanction and represents administrative expulsion of a foreigner from Belarus²⁶. Foreigner can be deported to one of the following states: state of citizenship; state of customary residence; state from the territory of which this foreigner arrived in Belarus; state that expressed willingness to admit this foreigner; state requesting his or her extradition; state with which Belarus has an agreement on readmission²⁷. Let us note that by now Belarus has not concluded any agreements on readmission²⁸.

²² (version of 03.07.2011) "On granting the refugee status, additional and temporary protection to foreign citizens and stateless persons in the Republic of Belarus"

²³ One can presume that this could be assistance within the scope of authority of the Belarusian Ministry of Foreign Affairs, i.e. communication via diplomatic channels with a purpose of coordinating this issue with the relevant state

²⁴ Article 57 of the Law No. 105-Z "Permit for permanent residence issued to a foreigner can be annulled, if: ... foreigner obtained permit for permanent residence in a foreign state; ... foreigner stayed outside the Republic of Belarus for over one hundred eighty three days in the calendar year

²⁵ Chapter 5 "Deportation. Expulsion" (articles 64 – 70) of the Law No. 105-Z

²⁶ Article 6.2 "Types of administrative sanctions" of the Code of Administrative Offences No. 194-Z of 21.04.2003 (version of 30.12.2010) // National registry of legal acts of the Republic of Belarus, 09.06.2003, No. 63, 2/946.

²⁷ Regulation of the Council of Ministers of the Republic of Belarus No. 333 of 15.03.2007 (version of 31.05.2012) "On approval of the Regulation on procedure of deportation of foreign citizens and stateless persons"

²⁸ At present the issues of readmission in Belarus are not well elaborated at the legal level due to complexities associated with conclusion of bilateral international treaties. There is a Regulation of the Belarusian Council of Ministers No. 1918 of 31.12.2010 "On approval of the Regulation on procedure of transfer to adjacent states of foreign citizens and stateless persons who violated the rules of the near-border transfers set forth in the international treaties of the Republic of

If a foreigner commits an administrative offence leading to administrative sanction in the form of deportation²⁹, the ruling on deportation can be made by the competent state body (by that we understand judges, Belarusian border service bodies, internal affairs bodies, and state security bodies). A foreigner who committed the indicated offence can be subject to administrative detention³⁰ for the period of more than three hours, but for no longer than seventy two hours³¹. Consequently, in order to ensure administrative sanction in the form of deportation, prosecutor³² can authorize detention of this person for the period required for deportation³³. The law does not indicate the maximum term of administrative detention (however it cannot exceed three months, as far as here lies the difference between administrative detention and criminal sanction, i.e. arrest).

In 1999 decision was made in Belarus to establish *facilities for temporary placement of foreign citizens and stateless persons subject to deportation*, however such facilities have not been established as of now³⁴. At present when detained, these persons are placed in temporary detention and reception centers of the Ministry of Interior bodies.

When decision on deportation is made, one also decides for how long this person will be banned from entering Belarus, where he or she will be deported and through which checkpoint at the Belarusian state border³⁵.

The ruling on imposing an administrative sanction in the form of deportation is executed immediately. *One can appeal against this ruling* within five days by applying to superior public official or higher court³⁶ (and complaint is to be considered within three days after receipt). The ruling is subject to execution if appeal is denied³⁷.

Let us note that *costs associated with deportation* are borne by the foreign citizen or stateless person subject to deportation, or by legal / physical persons who solicited his or her entry, stay or residence in the Republic of Belarus³⁸. If this foreigner / solicitor refuses to cover expenses associated

(Contd.) _____

Belarus or who lost documents that had been used to enter the Republic of Belarus according to the rules of the near-border transfers”

²⁹ Exhaustive list of articles envisaging the possibility of deportation: Article 16.2 “Concealment of the source of the sexually transmitted disease or medical examination evasion”; article 23.24 “Violation of legislation on foreign gratuitous aid”; article 23.29 “Illegal crossing of the state border of the Republic of Belarus”; article 23.30 “Violation of the border regime”; article 23.31 “Violation of the regime of the state border of the Republic of Belarus”; article 23.32 “Violation of regime at the border checkpoints of the Republic of Belarus”; article 23.55 “Violation of the rules of stay in the Republic of Belarus, as well as the rules of transit through the territory of the Republic of Belarus”.

³⁰ In essence administrative detention of a physical person with regards to whom administrative procedure was initiated consists in ensuring short-term restriction of freedom for the committed administrative offence, in transferring this person to the body in charge of administrative procedure and in this person’s detention there (in the case under consideration – for the period of up to 72 hours). Consequently, if there are reasons to believe that this foreigner might evade from executing the ruling on deportation, deportation under escort is imposed, and if within 72 hours from the start of detention it is impossible to execute the ruling on deportation, then this person is detained for the period required for the deportation (based on prosecutor’s authorization)

³¹ Article 8.4 of the Belarusian Code No. 194-Z of 20.12.2006 (version of 13.07.2012) “Code of Execution Procedure of the Republic of Belarus for administrative offences” (with amendments that entered into force on 05.09.2012)

³² Prosecutor’s authorization cannot be appealed against

³³ Part 7 article 8.4 of the Code No. 194-Z of 20.12.2006

³⁴ Regulation of the Belarusian Council of Ministers No. 1592 of 15.10.1999 “On procedure of establishing facilities for temporary placement of foreigners and stateless persons subject to deportation”

³⁵ Part 4 article 11.9 of the No. 194-Z Code of 20.12.2006

³⁶ Article 12.4 of the Code No. 194-Z of 20.12.2006

³⁷ Article 13.2 of the Code No. 194-Z of 20.12.2006

³⁸ Part 2 article 20.2 of the Code No. 194-Z of 20.12.2006

with deportation, it is carried out at the expense of funds seized from the foreigner during administrative detention and (or) republic's budget³⁹.

The ruling on deportation can be executed in two forms: 1) voluntary; 2) compulsory (under police escort).

It is noteworthy that *deportation is suspended* by the competent body, if the foreigner to be deported applies for refugee status, additional protection or asylum in the Republic of Belarus⁴⁰. Application⁴¹ is considered within 15 days, and if the authenticity of the data is established, detention of a person can be terminated (following the decision of a competent body), deadline for the final decision is 30 days.

4.1.1 Voluntary deportation

This decision is made in the form of a ruling⁴², indicating the foreigner's departure period, that ought not to exceed thirty days from the date of the ruling. Foreigner, who was granted the right to voluntarily and at his or her own expense leave Belarus, is to identify the state, where he or she will go, and departure method. After documents are drawn up, travel documents necessary for departure are purchased and departure method is determined, foreigner within three days before the date of departure is obliged to notify the competent authority that made a decision to execute the ruling on voluntary deportation. When foreigner evades voluntary departure from the country within the period set in the ruling, the competent body undertakes measures to detain this person for the period required for execution of the ruling on deportation and does so on the basis of administrative detention protocol and prosecutor's authorization⁴³.

4.1.2 Compulsory execution of the ruling on deportation

In case when *the ruling on deportation is executed by force*, the competent body executing this ruling can file a request to the Belarusian Ministry of Foreign Affairs asking for assistance via diplomatic channels, in order for transit visas to be issued by diplomatic missions or consular offices of the relevant states. If the deported foreigner does not have the document for departure abroad⁴⁴, the competent body executing the ruling on deportation files a request to the Belarusian Ministry of Foreign Affairs asking for assistance via diplomatic channels in obtaining of such a document within the shortest time possible⁴⁵.

³⁹ Regulation of the Belarusian Council of Ministers No. 333 of 15.03.2007 (version of 31.05.2012) "On approval of the Regulation on procedure of deportation of foreign citizens and stateless persons"

⁴⁰ Article 20.4 of the Code No. 194-Z of 20.12.2006

⁴¹ Let us note that according to article 37 of the Law No. 354-Z of 2008 such application is considered within the expedited procedure, as far as the law deems it improper (in case if foreigner:

1. had an opportunity to apply for protection, but did so only after detention for illegal crossing of the Belarusian state border or illegal stay in its territory;
2. filed an application for protection with a purpose to avoid deportation or expulsion from Belarus.

⁴² Made by the competent body when there are no reasons to believe that foreigner might evade from executing the ruling on deportation

⁴³ Administrative detention cannot be appealed in court

⁴⁴ Passport or other document substituting it, meant for departure abroad and issued by authorities of the state of citizenship or customary residence or by an international organization.

⁴⁵ Or files such request directly to these diplomatic missions or consular offices if there are relevant agreements in place

When a foreigner who is a citizen of the state with which Belarus has visa regime of entry and departure is deported⁴⁶, he or she is issued visa for departure from Belarus by the internal affairs body for the period required for execution of the ruling on deportation.

The person detained for the execution of the ruling on deportation is escorted⁴⁷ only until the he or she crosses the state border of Belarus⁴⁸.

Let us also note that deportation of a foreigner leads to the reduction of the term of his or her temporary stay in Belarus and annulment of permit to temporarily reside in the country or permit to reside there permanently.

Deported foreigner can be banned from entering Belarus for the period from one year to five years (following the decision of a body that issued a ruling on deportation)⁴⁹. Such foreigners are also included in the List of persons whose entry to the Republic of Belarus is forbidden or undesirable.

4.1.3 Deportation of foreigners forcefully returned from the neighboring states

Let us also consider *the issue of return to Belarus of foreigners who illegally crossed the state border when departing from Belarus* to the neighboring states. Competent bodies of the neighboring states (Ukraine, Russia⁵⁰, Lithuania, Poland, Latvia), having detained the trespasser in their territory, perform necessary checkups (for instance, establish the fact and circumstances of illegal arrival from the Belarusian territory), after which the detained foreigner is deported to the country he or she came from (in this case to the Republic of Belarus). Such foreigner is transferred by public officials of the neighboring state to the State Border Committee of Belarus. Subsequently this person is held administratively liable for illegal crossing of the Belarusian state border⁵¹ and is deported⁵² under police escort to the country he or she came to Belarus from (it is usually Russia). Deportation is carried out according to the procedure set forth in Regulation No. 333 of 2007⁵³.

4.2 Expulsion

Expulsion of foreigners from Belarus is not a punishment and is applied by interior affairs or state security bodies⁵⁴ in the interests of national security, public order, public morals, public health, rights and liberties of Belarusian citizens and other persons, if this foreigner cannot be deported (article 65 of the Law No. 105-3).

⁴⁶ Departure visa is required, as far as if a foreigner (from a state with which there is visa regime) did not have a visa, then he or she had a right neither to enter nor to leave Belarus; otherwise de jure this foreigner commits an administrative offence – illegal crossing of the border, while departure is requested by government bodies. This visa is issued for the deported person to avoid this offence.

⁴⁷ Escort is carried out by officers of the competent body executing the ruling on deportation – border service bodies, internal affairs bodies, state security bodies of the Republic of Belarus.

⁴⁸ If this is coordinated with authorized agencies of the state where foreigner is deported, the deported foreigners can be transferred through state border checkpoints (with the exception of the Belarusian-Russian section of the border) with compulsory involvement of officers of the Belarusian border service bodies and of an authorized body of the state where foreigner is deported.

⁴⁹ Article of the Law No. 105-Z of 04.01.2010 “On legal status of foreigners and stateless persons in the Republic of Belarus”

⁵⁰ There is no state border protection regime at the border between Belarus and Russia

⁵¹ According to article 23.29 of the Belarusian Code of Administrative Offences No. 194-Z of 21.04.2003.

⁵² Article 23.29 of the Code No. 194-Z envisages deportation as a sanction for this offence

⁵³ Regulation of the Belarusian Council of Ministers No. 333 of 15.03.2007 (version of 31.05.2012) “On approval of the Regulation on procedure of deportation of foreign citizens and stateless persons”

⁵⁴ They make such decisions upon their own initiative or in response to request by the interested state agencies

Some categories of foreigners defined by legislation⁵⁵ can be expelled from Belarus only in the following cases: they create a threat to national security; they committed a criminal offence in Belarus that is considered a grave crime or a felony by the Belarusian Criminal Code.

As for foreigners, whose applications for protection were considered, who were denied the extension of the period of additional protection or whose refugee status or additional protection were annulled and who at the same time do not have legal grounds for stay in Belarus, they are obliged to leave Belarusian territory within fifteen days after being informed about the corresponding decision (part 1 article 53 of the Law No. 354-Z of 2008)⁵⁶. They are to leave the territory of Belarus on their own and at their own expense. If it is impossible for them to return⁵⁷, then they have a right to obtain permit for temporary residence in Belarus⁵⁸.

When considering the issue of foreigner's expulsion, the competent body informs him or her about that⁵⁹. Unlike deportation, in the course of decision-making about **expulsion**⁶⁰ foreigner is not subject to administrative detention and is to reside in the place of temporary stay⁶¹.

The issue of foreigner's expulsion can be resolved in his or her presence. In this case the foreigner has a right to offer explanations and provide information and documents clarifying the relevant circumstances⁶².

The ruling on expulsion can be implemented in one of the *two forms*: expulsion by way of voluntary departure⁶³; compulsory expulsion.

4.2.1 Expulsion by way of voluntary departure

Decision on expulsion of foreigner by way of voluntary departure is made, when there are no reasons to believe that this foreigner might evade executing such decision.

Foreigner who is to be expelled by way of voluntary departure can choose the state where he or she will go and the method of departure from the country. The ruling on expulsion indicates the time period within which the foreigner is obliged to leave the country⁶⁴, period of banned entry to Belarus, timeframe and procedure of appeal against the ruling.

⁵⁵ Foreigner applying for refugee status or additional protection in Belarus
 foreigner who was granted refugee status or additional or temporary protection in Belarus;
 foreigner consideration of whose application for refugee status or additional protection in Belarus was stopped;
 foreigner who was denied refugee status or additional protection in Belarus;
 foreigner who was denied extension of the period of additional protection in Belarus;
 foreigner who lost refugee status or additional protection in Belarus;
 foreigner whose refugee status or additional protection in Belarus was annulled.

⁵⁶ If they did not use the right to appeal this decision in court – if they did appeal, but without success, then within 15 days after the court ruling denying appeal enters into force

⁵⁷ When they are not willing to return to the territory of the state, where their life or freedom are in danger due to race, faith, citizenship, nationality, membership in a certain social group or political beliefs (part 1 article 5 of the Law No. 354-Z of 2008)

⁵⁸ Part 4 article 5 of the Law No. 354-Z of 2008.

⁵⁹ Foreigner is handed the corresponding notice

⁶⁰ Regulation of the Belarusian Council of Ministers No. 146 of 03.02.2006 (version of 31.05.2012) “On approval of the Regulation on procedure of expulsion of foreign citizens and stateless persons from Belarus and on declaring some regulations of the Council of Ministers of the Republic of Belarus deportation of such persons no longer in force”

⁶¹ Address this person used for registration at an agency carrying out registration of foreigners who arrived in Belarus, and if he or she is present in Belarus without registration – in the place of temporary stay allowed by the competent body.

⁶² All this is to be taken into account by the competent body when considering the issue of deportation

⁶³ In this case foreigner personally identifies the state where he or she is to go within the established period of departure and the method of departure.

⁶⁴ Maximum period within which foreigner is to depart is not to exceed thirty days.

After the documents are drawn up, travel documents necessary for departure from Belarus are purchased and departure method is chosen, within three days before departure date foreigner is obliged to notify the competent body that made a decision on expulsion by way of voluntary departure.

4.2.2 Compulsory expulsion

If decision is made on *compulsory expulsion*, foreigner is subject to administrative detention⁶⁵. He or she is to be immediately informed about the reasons for detention, his or her rights⁶⁶ and obligations⁶⁷. Besides, in case of foreigner's request, this fact is to be reported to the Ministry of Foreign Affairs, in order to notify the diplomatic mission or consular office of the detainee's state of citizenship or customary residence⁶⁸.

The ruling on compulsory expulsion indicates the period of banned entry to Belarus, the state where foreigner is expelled, and timeframe and procedure of appeal.

Foreigner subject to compulsory expulsion can be expelled to one of the following states: state of citizenship; state of customary residence; state from where the foreigner came to Belarus; state that expressed willingness to admit him or her; state requesting his or her extradition; state with which Belarus has an agreement on readmission.

Foreigner subject to compulsory expulsion is included into the List of persons whose entry to Belarus is banned or undesirable and he or she is banned from entry to Belarus for the period from one to ten years⁶⁹.

Expulsion can be suspended if the foreigner applies for refugee status, additional protection or asylum in Belarus.

Foreigner subject to compulsory expulsion is escorted⁷⁰ through the checkpoint at the Belarusian state border until he or she crosses the border. The costs of compulsory expulsion are covered at the foreigner's expense⁷¹ or at the expense of the petitioning person⁷².

If it is impossible for the foreigner to return, he or she has a right to obtain a permit for temporary residence in Belarus. Article 48 of the Law No. 105-Z of 2010 stipulates the following grounds for obtaining such a permit: impossibility of return or expulsion against the foreigner's will to the state, where his or her life or freedom are in danger due to race, faith, citizenship, nationality, membership in a certain social group or political beliefs or where he or she faces torture or if there is no state that would agree to admit the foreigner (status is granted for the period within which return or expulsion are impossible, but for no longer than one year (subsequently if the grounds are still there, then the period is extended for another year etc.)).

⁶⁵ This decision is made by the competent body, it cannot be appealed.

⁶⁶ Among other things he or she is allowed to have meetings, have phone conversations at his or her own expense with representatives of diplomatic missions or consular offices of the state of citizenship or customary residence, communities, international organizations or their offices, relatives and other persons.

⁶⁷ It is important to note that detention is not applied to foreigners who did not reach the age of 16 or are over 60; who have obvious signs of disability; pregnant women.

⁶⁸ Within 24 hours from the day of detention.

⁶⁹ In exceptional cases the competent body can allow the deported foreigner to enter Belarus for the period of no longer than 30 days before the ban on entry expires.

⁷⁰ By officers of the Belarusian internal affairs or state security bodies.

⁷¹ Foreigner has a right to contact at his or her own expense a diplomatic mission or consular office of the state of citizenship, a community, an international organization or its office, as well as relatives and other persons asking for assistance in covering the costs associated with his or her expulsion.

⁷² In case of foreigner's or petitioning person's refusal (lack of funds) to cover expenses associated with expulsion, or in case of dissolution of the petitioning legal person or death the petitioning physical person, expulsion is carried out at the expense of funds confiscated from the foreigner during detention and/or at the expense of republic's budget.