

## MPC – MIGRATION POLICY CENTRE

Co-financed by the European Union

### *MPC - MIGRATION PROFILE*

## Belarus

The Demographic-Economic Framework of Migration  
The Legal Framework of Migration  
The Socio-Political Framework of Migration

Report written by the

### **MPC Team**

on the basis of CARIM East database and publications

June, 2013

## The Demographic-Economic Framework of Migration

Since gaining independence in 1991, emigration patterns have been particularly centred toward Russia as well as some European Union Member States. The profile of Belarusian migrants tends largely to differ according to destination. The majority of labour migrants moving toward the European Union are female, whilst the contrary is observed regarding flows to Russia and other CIS states. On average, Belarusian migrants show a medium-high level of education and are employed in medium skilled jobs.

According to official Belarusian statistics, since 2000 Belarus has experienced a net positive migration balance. Immigrants are mainly originating in other CIS countries and likely to be employed in the construction, trade and agriculture sector. Despite few estimates available, irregular migrants employed in the informal economy is well known as being a major feature of migration in Belarus.

Outward migration	Inward migration																																																																																																																																																																										
<p><b>Stock</b></p> <p>According to destination countries' statistics, 1,361,593 or 453,479 Belarusian migrants resided abroad in years around 2012 (table 1), who represent respectively 14.4% or 4.8% of the total population residing in Belarus. The difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.</p> <table border="1"> <caption>Table 1 - Belarusian emigration stocks by country of residence, most recent data (c. 2012)</caption> <thead> <tr> <th>Country of residence</th> <th>Definition (a)</th> <th>Reference date (Jan 1st)</th> <th>Number</th> <th>Number</th> <th>%</th> <th>%</th> </tr> </thead> <tbody> <tr> <td><b>European Union</b></td> <td></td> <td></td> <td><b>285,187</b></td> <td></td> <td><b>20.9</b></td> <td><b>62.9</b></td> </tr> <tr> <td>of which Poland</td> <td>(A)</td> <td>2012</td> <td>83,620</td> <td></td> <td>6.1</td> <td>18.4</td> </tr> <tr> <td>Lat via</td> <td>(A)</td> <td>2011</td> <td>57,867</td> <td></td> <td>4.2</td> <td>12.8</td> </tr> <tr> <td>Li thuania</td> <td>(A)</td> <td>2008</td> <td>56,170</td> <td></td> <td>4.1</td> <td>12.4</td> </tr> <tr> <td><b>CIS countries + Georgia</b></td> <td></td> <td></td> <td><b>941,674</b></td> <td><b>33,560</b></td> <td><b>69.2</b></td> <td><b>7.4</b></td> </tr> <tr> <td>of which Russia</td> <td>(A)</td> <td>2002</td> <td>935,782</td> <td>X</td> <td>68.7</td> <td>X</td> </tr> <tr> <td>Russia</td> <td>(B)</td> <td>2010</td> <td>X</td> <td>27,668</td> <td>X</td> <td>6.1</td> </tr> <tr> <td>Ukraine</td> <td>(B)</td> <td>2001</td> <td>5,872</td> <td></td> <td>0.4</td> <td>1.3</td> </tr> <tr> <td><b>Other countries (b)</b></td> <td></td> <td></td> <td><b>134,732</b></td> <td></td> <td><b>9.9</b></td> <td><b>29.7</b></td> </tr> <tr> <td>of which Israel</td> <td>(A)</td> <td>2005</td> <td>62,541</td> <td></td> <td>4.6</td> <td>13.8</td> </tr> <tr> <td>US</td> <td>(A)</td> <td>2011</td> <td>60,590</td> <td></td> <td>4.4</td> <td>13.4</td> </tr> <tr> <td>C anada</td> <td>(A)</td> <td>2006</td> <td>7,395</td> <td></td> <td>0.5</td> <td>1.6</td> </tr> <tr> <td><b>Main total</b></td> <td></td> <td></td> <td><b>1,361,593</b></td> <td><b>453,479</b></td> <td><b>100.0</b></td> <td><b>100.0</b></td> </tr> </tbody> </table> <p>(a): Belarusian migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence, in Russia both numbers are reported.                  (b): "Other countries" include Iceland, Liechtenstein, Norway, Switzerland, Egypt, Jordan, Israel, Turkey, US, Canada, Australia, New Zealand and Japan.                  Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)</p>	Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%	<b>European Union</b>			<b>285,187</b>		<b>20.9</b>	<b>62.9</b>	of which Poland	(A)	2012	83,620		6.1	18.4	Lat via	(A)	2011	57,867		4.2	12.8	Li thuania	(A)	2008	56,170		4.1	12.4	<b>CIS countries + Georgia</b>			<b>941,674</b>	<b>33,560</b>	<b>69.2</b>	<b>7.4</b>	of which Russia	(A)	2002	935,782	X	68.7	X	Russia	(B)	2010	X	27,668	X	6.1	Ukraine	(B)	2001	5,872		0.4	1.3	<b>Other countries (b)</b>			<b>134,732</b>		<b>9.9</b>	<b>29.7</b>	of which Israel	(A)	2005	62,541		4.6	13.8	US	(A)	2011	60,590		4.4	13.4	C anada	(A)	2006	7,395		0.5	1.6	<b>Main total</b>			<b>1,361,593</b>	<b>453,479</b>	<b>100.0</b>	<b>100.0</b>	<p><b>Stock</b></p> <p>In 2009, 926,635 individuals born abroad and 142,087 foreign citizens resided in Belarus, or 9.8% and 1.5% of the total population, respectively.</p> <table border="1"> <caption>Table 2 - Immigration stocks in Belarus according to different criteria, 2009</caption> <thead> <tr> <th>Country of citizenship/country of birth</th> <th>Number (birth)</th> <th>Number (citizenship)</th> </tr> </thead> <tbody> <tr> <td><b>CIS countries + Georgia</b></td> <td><b>850,173</b></td> <td><b>112,978</b></td> </tr> <tr> <td>of which Russia</td> <td>524,101</td> <td>83,561</td> </tr> <tr> <td>Ukraine</td> <td>186,266</td> <td>16,874</td> </tr> <tr> <td>Kazakhstan</td> <td>72,077</td> <td>1,811</td> </tr> <tr> <td>Uzbekistan</td> <td>14,653</td> <td>1,661</td> </tr> <tr> <td>Azerbaijan</td> <td>11,848</td> <td>1,452</td> </tr> <tr> <td>Moldova</td> <td>8,138</td> <td>1,636</td> </tr> <tr> <td>Turkmenistan</td> <td>7,627</td> <td>2,828</td> </tr> <tr> <td>Georgia</td> <td>7,452</td> <td>1,078</td> </tr> <tr> <td>Armenia</td> <td>7,255</td> <td>1,622</td> </tr> <tr> <td>Tajikistan</td> <td>5,389</td> <td>320</td> </tr> <tr> <td>Kyrgyzstan</td> <td>5,367</td> <td>135</td> </tr> <tr> <td><b>Other countries</b></td> <td><b>76,462</b></td> <td><b>29,109</b></td> </tr> <tr> <td>of which Germany</td> <td>17,605</td> <td>216</td> </tr> <tr> <td>Lithuania</td> <td>15,191</td> <td>2,995</td> </tr> <tr> <td>Poland</td> <td>8,516</td> <td>1,553</td> </tr> <tr> <td>China</td> <td>2,247</td> <td>1,545</td> </tr> <tr> <td><b>Total migrants</b></td> <td><b>926,635</b></td> <td><b>142,087</b></td> </tr> <tr> <td>% of the total population</td> <td>9.8</td> <td>1.5</td> </tr> <tr> <td><b>Stateless</b></td> <td>-</td> <td><b>16,116</b></td> </tr> <tr> <td><b>Country not declared</b></td> <td><b>188,391</b></td> <td><b>179,450</b></td> </tr> <tr> <td><b>Total migrants + stateless + country not declared</b></td> <td><b>1,115,026</b></td> <td><b>337,653</b></td> </tr> <tr> <td>% of the total population</td> <td>11.7</td> <td>3.6</td> </tr> </tbody> </table> <p>Source: Population Census - 2009</p> <p>Again, this discrepancy is due to the fact that the majority of individuals born abroad are people born in the USSR with Belarusian descent who, after the dissolution of the USSR, 'returned' en masse to their parents' home country. Rather than international migrants, they are today perceived as ethnic Belarusians.</p> <p>The majority of the born abroad population is indeed originating from former Soviet Republics (91.7%) and especially Russia (56.6%), Ukraine (20.1%) and Kazakhstan (7.8%).</p> <p>As with the foreign population, more than 1 out of 2 persons (53.1%) did not declare their country of citizenship at the time of the census, while another 4.8% were stateless.</p>	Country of citizenship/country of birth	Number (birth)	Number (citizenship)	<b>CIS countries + Georgia</b>	<b>850,173</b>	<b>112,978</b>	of which Russia	524,101	83,561	Ukraine	186,266	16,874	Kazakhstan	72,077	1,811	Uzbekistan	14,653	1,661	Azerbaijan	11,848	1,452	Moldova	8,138	1,636	Turkmenistan	7,627	2,828	Georgia	7,452	1,078	Armenia	7,255	1,622	Tajikistan	5,389	320	Kyrgyzstan	5,367	135	<b>Other countries</b>	<b>76,462</b>	<b>29,109</b>	of which Germany	17,605	216	Lithuania	15,191	2,995	Poland	8,516	1,553	China	2,247	1,545	<b>Total migrants</b>	<b>926,635</b>	<b>142,087</b>	% of the total population	9.8	1.5	<b>Stateless</b>	-	<b>16,116</b>	<b>Country not declared</b>	<b>188,391</b>	<b>179,450</b>	<b>Total migrants + stateless + country not declared</b>	<b>1,115,026</b>	<b>337,653</b>	% of the total population	11.7	3.6
Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%																																																																																																																																																																					
<b>European Union</b>			<b>285,187</b>		<b>20.9</b>	<b>62.9</b>																																																																																																																																																																					
of which Poland	(A)	2012	83,620		6.1	18.4																																																																																																																																																																					
Lat via	(A)	2011	57,867		4.2	12.8																																																																																																																																																																					
Li thuania	(A)	2008	56,170		4.1	12.4																																																																																																																																																																					
<b>CIS countries + Georgia</b>			<b>941,674</b>	<b>33,560</b>	<b>69.2</b>	<b>7.4</b>																																																																																																																																																																					
of which Russia	(A)	2002	935,782	X	68.7	X																																																																																																																																																																					
Russia	(B)	2010	X	27,668	X	6.1																																																																																																																																																																					
Ukraine	(B)	2001	5,872		0.4	1.3																																																																																																																																																																					
<b>Other countries (b)</b>			<b>134,732</b>		<b>9.9</b>	<b>29.7</b>																																																																																																																																																																					
of which Israel	(A)	2005	62,541		4.6	13.8																																																																																																																																																																					
US	(A)	2011	60,590		4.4	13.4																																																																																																																																																																					
C anada	(A)	2006	7,395		0.5	1.6																																																																																																																																																																					
<b>Main total</b>			<b>1,361,593</b>	<b>453,479</b>	<b>100.0</b>	<b>100.0</b>																																																																																																																																																																					
Country of citizenship/country of birth	Number (birth)	Number (citizenship)																																																																																																																																																																									
<b>CIS countries + Georgia</b>	<b>850,173</b>	<b>112,978</b>																																																																																																																																																																									
of which Russia	524,101	83,561																																																																																																																																																																									
Ukraine	186,266	16,874																																																																																																																																																																									
Kazakhstan	72,077	1,811																																																																																																																																																																									
Uzbekistan	14,653	1,661																																																																																																																																																																									
Azerbaijan	11,848	1,452																																																																																																																																																																									
Moldova	8,138	1,636																																																																																																																																																																									
Turkmenistan	7,627	2,828																																																																																																																																																																									
Georgia	7,452	1,078																																																																																																																																																																									
Armenia	7,255	1,622																																																																																																																																																																									
Tajikistan	5,389	320																																																																																																																																																																									
Kyrgyzstan	5,367	135																																																																																																																																																																									
<b>Other countries</b>	<b>76,462</b>	<b>29,109</b>																																																																																																																																																																									
of which Germany	17,605	216																																																																																																																																																																									
Lithuania	15,191	2,995																																																																																																																																																																									
Poland	8,516	1,553																																																																																																																																																																									
China	2,247	1,545																																																																																																																																																																									
<b>Total migrants</b>	<b>926,635</b>	<b>142,087</b>																																																																																																																																																																									
% of the total population	9.8	1.5																																																																																																																																																																									
<b>Stateless</b>	-	<b>16,116</b>																																																																																																																																																																									
<b>Country not declared</b>	<b>188,391</b>	<b>179,450</b>																																																																																																																																																																									
<b>Total migrants + stateless + country not declared</b>	<b>1,115,026</b>	<b>337,653</b>																																																																																																																																																																									
% of the total population	11.7	3.6																																																																																																																																																																									

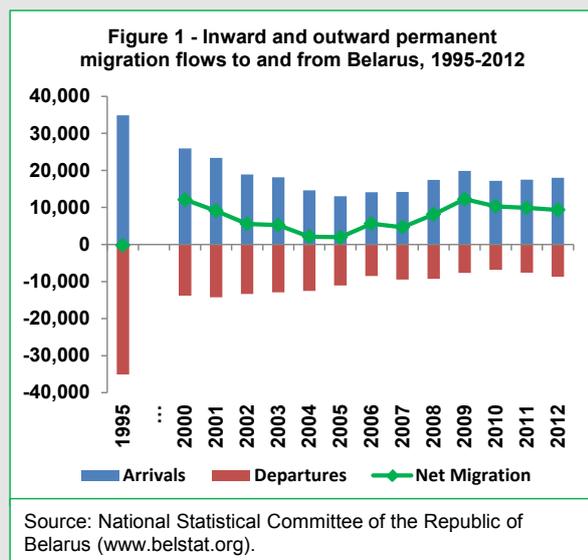
The age division of migrants shows just under two thirds are within the age group of the working population, with only 3.6% aged less than 15.

39.9% of Belarusian emigration stocks, sourced in 2006, are educated to the tertiary level. The same value stands at 34.8% in other CIS countries and 40.1% in OECD states. In the latter countries, Belarusian migrants are mainly employed as professionals (26.5%), service workers and shop and market sales workers (17.6%).

## Flows

As with other CIS countries major outflows were experienced in the early 1990s peaking at 11.5 persons per thousand in 1990. In 2009 this had fallen to 2.1 persons per thousand. The fall in flows can be attributed to a shift from socio-political push factors in the early 1990s to an increase in the influence of economic push and pull factors.

According to official Belarusian statistics, since 2000 Belarus has experienced net positive (permanent) migration balance (figure 1).



In 2000-2012, permanent departures were recorded at 136,114, among which 66.6% towards CIS countries. The reasons why two-thirds of emigrant flows went there and especially to Russia include: common language, common traditions, family reunification and freedom of movement agreement.

Specifically regarding temporary migration, data highlights that in 2010, 5,000 Belarusians officially registered for temporary work abroad, with 60% aged less than 24 years of age. Belarusian migrants working in CIS countries are heavily distributed within the construction and manufacturing industries, whereas for countries outside of the CIS migrants are employed in trades

These huge numbers reflect a situation shared by most CIS countries. After the dissolution of the USSR, large number of people lost their citizenship as they were unable to confirm or acquire citizenship of any new-born state. This was the result of cumbersome legal requirements adopted in new independent states (for more details, see the section on 'citizenship' in 'The Legal Framework' below). As a result, all these people fell in the category of 'non status migrants'.

## Flows

Out of all post-Soviet countries Belarus and Russia were the only countries to have positive migration inflows in the 2000s (figure 1).

On average there was a positive 9,000 inflow of permanent migrants, with 90% emanating from Russia, Ukraine and Kazakhstan. Of these nationalities Ukrainians are more likely to be distributed in urban centres. Motivations for migrating into Belarus give a telling picture: 32% were family reunifications, 24% return migrants and 24% to work.

Among labour migrants, Ukrainians, Russians and Turks constitute the highest number. Overall, the construction, trade and agriculture sectors are the main sources of employment, despite labour migrants from Russia are from particularly highly paid occupations such as heads of enterprises and organisations, finance, economic and accounting professionals.

Young males (15-24 years of age) and young women (20-29 years of age) are the dominant age groups. Females generally have high levels of education whereas males tend to have general or incomplete secondary-level education.

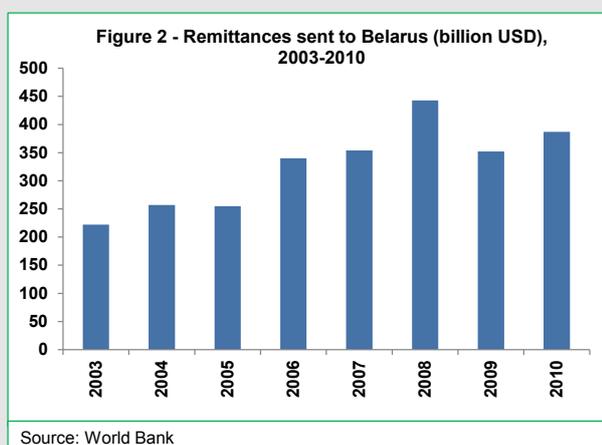
There are varying estimates to the size of irregular migration flows into Belarus. The Ministry of Taxes and Duties claim 15% of the workforce are irregular migrants. Another study by Dreher, Schneider (2006) claims nearly half of the workforce is constituted by irregular migrants.

Sectors that have large concentrations of irregular migrants include the service sector, construction, trade, consultancy and catering. One clear conclusion taken from Belarus is the ease in which informal and formal economies can be crossed (Chubrik, Pelipas, and Rakova, 2007).

## MPC Migration Profile: BELARUS

and services (source: registration cards for labour migrants, in Bobrova and Shakhotska 2012). It is worth mentioning that these data on temporary migration are likely to underestimate current flows as detected at the origin end. For example, in 2011 only in Poland, 10,788 first residence permits for work reasons were granted to Belarusian citizens whereas the Belarusian authorities estimated a total of 1,811 emigrants in all non-CIS countries. This discrepancy is also due to the fact that most Belarusian migrants simply emigrate via tourists or guest visas and then find temporary employment at the destination end. Recent estimates put at 150,000 persons per annum irregularly migrating from Belarus, with 85% going to Russia (Luchenok and Kolesnikova, 2011).

Remittances from Belarus are comparatively small in comparison to other CIS countries. Yet there has been a continual increase (see figure 2), with the exception of the world financial crisis.



References: Bobrova A., Shakhotska L., Shymanovich G. 2012. Belarus country report // Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe - European Commission DG Employment, Social Affairs and Inclusion, available at

[http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDcQFjAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FBlobServlet%3FdocId%3D8844%26langId%3Den&ei=FGVIUa\\_YKKX44QT8xYCQDQ&usq=AFQjCNEt4Jvm-eJ5V9VoPJfmhkhkMyLJGg&bvm=bv.44990110,d.bGE](http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDcQFjAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FBlobServlet%3FdocId%3D8844%26langId%3Den&ei=FGVIUa_YKKX44QT8xYCQDQ&usq=AFQjCNEt4Jvm-eJ5V9VoPJfmhkhkMyLJGg&bvm=bv.44990110,d.bGE), date of access: 10/04/2013; Chubrik, A., Haiduk K., Pelipas. I. (Eds.). 2007. Growth for All? Economy of Belarus: The Challenges Ahead, Minsk, IPM Research Center; Dreher, Axel & Schneider, Friedrich, 2006. "Corruption and the Shadow Economy: An Empirical Analysis," IZA Discussion Papers 1936, Institute for the Study of Labor (IZA); Luchenok, K., Kolesnikova, I. 2011. The influence of migration flows on socio-economic parameters of the country: the experience of Belarus/Belarus fund of public politics, BPPF #2/2011RU, available at <http://www.bkdp.org/index.php?showfile=1&fid=14&p=downloads&area=1&categ=7&print=1>, date of access: 10/04/2013.

## The Legal Framework of Migration

In the early 1990s, after the collapse of the Soviet Union, Belarus had to face the problem of migration management and, in particular, of international labour flows. The development of the Belarusian legislation regulating social relations in the field of labour migration took place against the background of significant social, economic and political changes. Belarus became both the host country for labour migrants and their country of origin. It should be noted that the Republic of Belarus had no experience in the field of legal regulation of international labour migration. Therefore, the development of the Belarusian legislation in this area took place, on the one hand, in accordance with international law. On the other hand, Belarusian legislation took over many provisions from the regulations of the former Soviet Union, with all their advantages and flaws.

In the first half of the 1990s laws were passed, which established the basis of the legal regulation of migration. Belarusian legislation however still lacks comprehensive solutions regulating labour migration, integration of migrants and refugees as well as return and reintegration. Its particular feature is also that it tries to extensively regulate entry and exit of its own citizens.

Legal Framework	Outward migration	Inward migration
<b>General legal references</b>	<p style="text-align: center;"><b>Legal and political framework governing migration and mobility</b></p> <p>2010 Law On the Legal Status of Foreign Nationals and Stateless Persons</p> <p>2010 Law On External Labour Migration</p> <p>2010 Law On the Legal Status of Foreign Nationals and Stateless Persons</p> <p>2009 Law On the Procedure of Entry and Exit for the Citizens of the Republic of Belarus</p> <p>2008 Law On Refugee Status, Subsidiary and Temporary Protection to Foreign Nationals and Stateless Persons</p> <p>2006 Law On the Legal Status of Foreign Nationals and Stateless Persons in the Republic of Belarus</p> <p>2002 Law On Citizenship of the Republic of Belarus 1994 Constitution</p>	

<p><b>Entry and Exit</b></p>	<p style="text-align: center;"><b>Visa</b></p> <p>Citizens of Belarus are exempt from short-term visa requirements in the CIS countries, Georgia, Montenegro, Serbia, China (tourist group travels), Cuba, Bolivia and Venezuela.</p> <p>Belarusian citizens enjoy freedom of movement within the Union State of Russia and Belarus, as well as within the Common Economic Space of the Eurasian Economic Community, with the Russian Federation and Kazakhstan.</p> <p style="text-align: center;"><b>Cross-border mobility</b></p> <p>Local Border Traffic agreements have been signed with Latvia, Lithuania and Poland for visa-free travel of residents of border territories.</p> <p>National legislation related to the right of citizens to exit and enter the Republic of Belarus is based on the following principles (art. 3 of the Law № 49-3 on the rules of entry and exit of the Belarusian citizens):</p> <ol style="list-style-type: none"> <li>1. every citizen has a right to exit the Republic of Belarus and enter the Republic of Belarus;</li> <li>2. citizens cannot be denied the right to enter the Republic of Belarus and exit it;</li> <li>3. the right to enter the Republic of Belarus can not be restricted.</li> </ol> <p>However, according to art. 3 of the Law № 49-3 the right of a citizen to exit the Republic of Belarus can temporarily be restricted. Article 7 of the Law № 49-3 contains a comprehensive list of reasons to temporarily restrict citizens' right to exit the country.</p> <p>Law № 49-3 (art. 23) establishes that citizens, whose right to exit the Republic of Belarus is temporarily restricted, have the right to appeal against the actions (or failure to act) of the state authorities to the superior state authority (superior official) and/or court.</p>	<p style="text-align: center;"><b>Visa</b></p> <p>Belarus applies 3 types of visa: "B" - transit visa for max 2 days; "C" – short term visa for max 90 days stay; and "D" - long-term visa for a stay of max 90 days during one year, unless stated otherwise in an international agreement.</p> <p>Citizens of CIS countries, Georgia, Serbia, Montenegro, China (tourist group travel), Bolivia, Cuba and Venezuela are exempted from the short-term visa requirement.</p> <p style="text-align: center;"><b>Cross-border mobility</b></p> <p>In accordance with the <i>Law № 105-3 on legal status of foreign nationals</i>, those foreigners who have no valid residence permit can enter the Republic of Belarus, exit it or carry out transit travel through the territory of the Republic of Belarus only with valid travel documents and with a visa.</p> <p>Foreigners applying for visa or entry to the Republic of Belarus are required to have enough funds to cover their expenses during their stay in Belarus and to timely leave the country.</p> <p>Foreigners can only exit the Republic of Belarus if they have visas. A foreigner can temporarily be restricted in his right to leave the Republic of Belarus. Comprehensive list of grounds for such a refusal can be found in art. 33 of the Law № 105-3.</p> <p>Law № 105-3 envisages mandatory non-judicial procedure for foreigners to file an appeal against decisions or actions (including failure to act) of state authorities and officials of the Republic of Belarus related to the execution of Law № 105-3.</p>
<p><b>Irregular migration</b></p>	<p>Belarus has no readmission agreements in place.</p> <p>At the legal level, the issues of readmission in the Republic of Belarus are currently poorly developed due to difficulties in concluding such bilateral agreements. The only relevant regulation pertaining to this issue is the</p>	<p>The legal basis for preventing irregular migration to the Republic of Belarus is provided by:</p> <ol style="list-style-type: none"> <li>a. The Decree by the President of the Republic of Belarus of 2 October 2010 № 518 "<i>On the State program for the prevention of human trafficking, irregular migration and related unlawful acts for 2011-2013</i>";</li> </ol>

	<p>decree by the Council of Ministers of the Republic of Belarus of 31.12.2010 № 1918 <i>“On the Approval of the Regulations on the procedure of handing over to neighbouring states foreign nationals and stateless persons, who have violated the rules of local border traffic, set up by international agreements of the Republic of Belarus or who have lost the documents, according to which they had entered the territory of the republic of Belarus.”</i></p>	<p>b. <i>Administrative Code of the Republic of Belarus</i> of 21 April 2003. № 194-3 (arts. 23, 29, 23.55);</p> <p>c. <i>Criminal Code of the Republic of Belarus</i> of 9 July 1999. № 275-3 (art. 371, 371-1, 371-2).</p> <p>Article 23.29 of the Administrative Code (AC) envisages responsibility for trespassing the State Border of the Republic of Belarus (i.e. at unauthorized points, using counterfeit documents, etc.) The sanction by article 23.29 envisages expulsion of the offender. The remark in article 23.29 indicates, however, that this article does not cover the instances of violating the rules of crossing the State Border of the Republic of Belarus by foreign nationals and stateless persons applying for refugee status, asylum or other kind of protection on the territory of the country.</p> <p>Belarusian legislation also envisages employer’s sanctions for employing irregular migrants (including illegal employment) (section 2 art. 23.55 of AC).</p> <p>Art.371-1 of the Criminal Code that defines criminal responsibility for organizing irregular migration (smuggling activities).</p> <p>Art. 371-2 of the Criminal Code establishes responsibility for violating terms of entry ban to the Republic of Belarus in case a foreigner, who had been previously expelled or removed from the country, entered Belarus before the expiration of expulsion term and is staying on its territory.</p>
--	---	--

	<p>Belarus is a party to the following regional agreements:</p> <ul style="list-style-type: none"> <li>– 1998 Agreement on cooperation between CIS Member States in combating illegal migration (entered into force in Belarus in 1999)</li> <li>– 2010 EurAsEC Cooperation Agreement on Countering Illegal Labour Migration from Third Countries (entry into force on 1 January 2012)</li> </ul> <p>The legal basis for prevention of human trafficking in the Republic of Belarus is ensured by:</p> <ol style="list-style-type: none"> <li>1. The Law of the Republic of Belarus of 07.01.2012 № 350-3 “<i>On Human Trafficking Prevention</i>”;</li> <li>2. A decree by the President of the Republic of Belarus of 02.10.2010 № 518 “<i>On the State Program for the prevention of human trafficking, irregular migration and related unlawful acts for 2011-2013</i>”;</li> <li>3. A decree by the Ministry of Public Health of the Republic of Belarus of 28.04.2012 № 41 “<i>On establishing a list of required medical services provided by state health service agencies, including in-patient departments, to the victims of human trafficking irrespective of the place of their permanent residence</i>”;</li> <li>4. The Criminal Code of the Republic of Belarus (arts. 181, 181-1, 182, 183).</li> </ol> <p>Belarus ratified Palermo Protocols in 2003.</p>	
<p><b>Rights and settlement</b></p>	<p>The issues of emigration from the Republic of Belarus are addressed in chapter 4 of Law № 49-3 <i>on the rules of entry and exit of the Belarusian citizens</i>. Permanent residence of Belarusian citizens abroad is formally established by issuing a passport of the citizen of the Republic of Belarus for permanent residence abroad and by registering them at Belarusian consulates.</p> <p>Art 20 of Law № 49-3 lists the responsibilities of citizens declaring their will to emigrate permanently before they are issued the above-mentioned passport.</p> <p>Citizens who have received the passport are required to register at a consulate or diplomatic mission of the Republic of Belarus in the country of permanent residence (art. 21 of Law № 49-3). Based on the data provided by the consular register of the citizens permanently residing abroad, the Ministry of Foreign Affairs of Belarus upkeep the relevant database.</p>	<p>Upon their arrival to Belarus, foreigners are required to register within 5 days with a nearest registering authority (30 days for the citizens of the Russian Federation, Kazakhstan, the Republics of Latvia, Lithuania, and Ukraine).</p> <p><b>Permits for temporary stay</b> are granted to foreigners coming for a period shorter than one year (art. 43, Law № 105-3 <i>on legal status of foreign nationals</i>). Family members of a temporary resident can likewise apply for similar permits if they authenticate the sources of lawful income.</p> <p><b>Permanent residence permit</b> is granted to foreigners who: 1) are close relatives of the citizens of the Republic of Belarus permanently residing in the country; 2) have been granted refugee status or asylum; 3) have a right to family reunification; 4) have been legally residing in Belarus for past seven or more years; 5) are eligible to obtain Belarusian citizenship; 6) previously had the citizenship of the Republic of Belarus; 7) have sought for skills; 8) have abilities and talents or have performed outstanding services to the Republic of Belarus; 9) have invested in Belarus no less than 150,000 Euros; 10) are ethnic Belarusians or their direct descendants: children, grandchildren, great-grandchildren, born outside the current territory of the Republic of Belarus.</p>

		<p>Foreigners on the territory of Belarus are equal before the law as the citizens of the Republic of Belarus (chapter 2 of the Law № 105-3). <i>Law № 105-3 on the legal status of foreign nationals and stateless persons</i> defines the scope of the rights and duties according to the category. In accordance with the Law foreign nationals have the right to freely move and to choose the place of stay (residence). At the same time <i>temporarily staying and residing</i> foreigners are obliged to reside only at the address of registration (or for which a permit for temporary residence has been issued).</p> <p>Foreign nationals cannot become members of political parties or other associations pursuing political goals (art. 9, Law № 105-3).</p> <p>Permanent residents enjoy all the socio-economic rights (art. 10, Law № 105-3). Temporary residents are granted the right to legally participate in the state social security system programs with mandatory contributions by employers.</p> <p>All foreigners in the Republic of Belarus are obliged to reimburse the costs spent by the Republic of Belarus for the upkeep of their children in public care (art. 24 of the Law № 105-3).</p> <p>There are exceptions from the general legislation defining the status of foreign nationals related to the citizens of CIS countries. These exceptions are established by agreements between CIS member states.</p>
<p><b>Labour</b></p>	<p>The principle normative legal act related to labour migration is the Law № 225-3 “<i>On External Labour Migration</i>.” It regulates employment of foreigners in the Republic of Belarus, as well as overseas employment according to labour contracts of citizens and foreigners permanently residing in Belarus.</p> <p>Bilateral agreements on labour migration have been concluded with six CIS countries (AM, AZ, KZ, MD, RF, UA) and Lithuania, Poland, Serbia. CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states (2008) and Agreement on Cooperation in the Field of Labour Migration and Social Protection for Migrant Workers (1994) apply vis-à-vis certain CIS states.</p>	<p>Russian and Kazakh citizens enjoy a free access to the Belarusian labour market, with the same right as Belarusian citizens.</p> <p>All other foreigners are subject to Law № 225-3.</p> <p>Foreigners permanently residing in the country have the right to engage in labour or entrepreneurial activities equal to that of the citizens of the Republic of Belarus and according to the procedure established by law.</p>

	<p>2010 EurAsEC Agreement on the Legal Status of Migrant Workers and the Members of their Families with RF and KZ allowing BY citizens to work in these countries without work permits.</p> <p>Law № 225-3 envisages a number of measures to ensure the rights of Belarusian migrant workers abroad. A contract is required for people who plan to work abroad. Activities of private firms engaged in employment abroad are now licensed, precisely regulated by law and put under control of relevant state institutions. Liability for abuses in this field has likewise been established. The powers of state institutions have been defined, including of those responsible for supervision of migrants' contracts with employers. It has also been established that such contracts should include conditions of paying wages, residence, overtime work, social security in case of illness, etc.</p>	<p>Temporary residents do not have the right to carry out entrepreneurial activities without forming a legal entity, unless otherwise specified by law and international agreement of the Republic of Belarus.</p> <p>The procedure of recruitment of foreign labour is regulated by the decree of the Council of Ministers of Belarus № 885.</p> <p>Activities related to attracting foreign labour force to Belarus is not licensed. If an employer intends to bring in and employ 10 or more migrants, an authorization issued by the Department for citizenship and migration of the Ministry of Internal Affairs is needed.</p> <p>The legislation of the Republic of Belarus establishes a comprehensive list of the reasons to refuse or cancel employers' authorizations or special licenses to labour immigrants.</p> <p>Moreover the legislation defines the state guarantees to labour immigrants carrying out their labour activities in the Republic of Belarus (art. 33 of the Law № 225-3).</p> <p>Recently, the Council of Ministers of the Republic of Belarus proposed to establish quotas for labour migrants.</p>
	<p>The peculiarity of international agreements of the Republic of Belarus related to migration is that the greatest progress in developing bilateral agreements has been achieved only in agreements with the countries of the Commonwealth of Independent States (hereinafter – CIS or Commonwealth) on the whole and within the Eurasian Economic Community (Common Economic Space) in particular.</p> <p>The key bilateral agreement related to <b>free movement of people</b> is the Agreement between the Republic of Belarus and the Russian Federation on ensuring equal rights of the citizens of the Republic of Belarus and of the Russian Federation to the freedom of movement, free choice of the place of stay and residence on the territories of the member states of the Union State (concluded in Saint-Petersburg on 24.01.2006). Other CIS agreements on labour migration concluded by Belarus mostly duplicate, complement and specify the articles of the Agreement on Cooperation in the Field of Labour Migration and Social Protection for Migrant Workers (concluded in Moscow on 15.04.1994, the version of 25.11.2005). In case there are no bilateral agreements between the Republic of Belarus and a particular CIS state related to the exchange of labour force, the countries apply the aforementioned Agreement of 1994, as well as the 2008 CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states, which apart from Belarus has been ratified by Armenia, Azerbaijan and Ukraine.</p>	

<p><b>Citizenship</b></p>	<p>Simplified procedure for granting citizenship is established for Belarusians. For example, as required by the general rules, 7 year residence term can be shortened or omitted for ethnic Belarusians or people identifying themselves as Belarusians, as well as their descendants born outside the territory of the present day Belarus (art. 14 of the Law 136-3 “<i>On the Citizenship of the Republic of Belarus</i>”).</p> <p>In accordance with article 17 of Law 136-3 the citizenship of the Republic of Belarus ceases in case of: 1) renunciation of the citizenship of the Republic of Belarus; 2) loss of the citizenship of the Republic of Belarus.</p> <p>A citizen of the Republic of Belarus upon reaching the age of 18 is eligible to apply for renunciation of the citizenship of the Republic of Belarus (art. 18 of the Law № 136-3).</p> <p>The citizenship of the Republic of Belarus is lost (art. 19 of the Law № 136-3) in case:</p> <p>1) the person enters military service, police service, national security agencies, justices or other national agencies of a foreign state; 2) parents (single parent) submit application on behalf of their child, who along with the citizenship of a foreign state also acquired the citizenship of the Republic of Belarus.</p> <p>The decision on cessation of the citizenship of the Republic of Belarus is cancelled if it has been made on the basis of deliberately misleading data or counterfeit documents. The decision on cessation of the citizenship of the Republic of Belarus is made by the President of the Republic of Belarus according to procedure established by him.</p>	<p>The principal normative legal act related to citizenship is the Law of the Republic of Belarus of 2002 № 136-3 “<i>On the citizenship of the Republic of Belarus</i>.”</p> <p>Citizenship in the Republic of Belarus can be obtained:</p> <ol style="list-style-type: none"> <li>1) by birth (art. 13 of Law № 136-3) to Belarusian citizens or stateless persons, or</li> <li>2) by acquisition (art. 14 of Law №136-3). This procedure is open to any permanent resident, after 7 years of residence, who can prove links with the country, including knowledge of one of the official languages, has the source of lawful income and has no citizenship or loses the previous citizenship upon acquisition of the Belarusian citizenship.</li> <li>3) by registration (art. 15 of the Law №136-3). This procedure is open to any permanent resident with a citizenship of the former USSR and no Belarusian citizenship</li> <li>4) in line with international agreements on simplified acquisition that Belarus concluded with several countries.</li> </ol> <p>Simplified procedure for granting citizenship is established for certain categories of persons (art. 14 of Law 136-3).</p> <p>The decision on a cquisition of the citizenship of the Republic of Belarus is cancelled if it has been made on the basis of deliberately misleading data or counterfeit documents. The decision on acquisition of the citizenship of the Republic of Belarus is made by the President of the Republic of Belarus according to procedure established by him.</p>
<p><b>International Protection</b></p>	<p>The legislation of the Republic of Belarus envisages granting people, persecuted in other states for their political or religious beliefs, ethnic origin etc.,</p> <ol style="list-style-type: none"> <li>1. refugee status;</li> <li>2. asylum.</li> </ol>	

According to the Decree of the President № 204 a right to asylum is the right of a foreigner, persecuted in any other state for his/her political or religious beliefs or ethnic origin, to stay on the territory of the Republic of Belarus (point 2). Asylum is granted by the President of the Republic of Belarus.

Foreigners who have been granted Asylum in Belarus enjoy the rights and freedoms, as well as the duties, equal to those of foreigners permanently residing in Belarus. Asylum also extends to family members, who have arrived together with the foreigner who has been granted asylum.

Law № 354-3 “*On Granting Foreign Nationals and Stateless Persons in the Republic of Belarus with Refugee Status, Subsidiary and Temporary Protection*” defines three categories of foreigners as according to their legal status.

- 1) Foreigners who have been granted refugee status;
- 2) Foreigners who have been granted subsidiary protection (up to 1 year);
- 3) Foreigners who have been granted temporary protection (group protection up to 1 year).

Article 47 (“Family reunification”) of Law № 354-3 states that members of the family of a foreigner who have been granted refugee status or additional protection, are also granted refugee status or additional protection in accordance with the principle of family unity.

The application distribution system is based on **annually established quotas**. These quotas define the number of applications for granting protection which can be filed in each of the six regions of the Republic of Belarus within a calendar year. In case of the exhaustion of the above-mentioned regional quotas, applications can still be filed in Minsk.

Refugees obtain special benefits and their socio-economic rights are equal to those of the citizens of the Republic of Belarus: for example, refugees are eligible to free access to national education and health care systems, refugees’ children can attend the institutions of pre-school education, etc.

## The Socio-Political Framework of Migration

Belarusian migration policy is concerned with national security and economic development. For the first issue, the questions of border management and a fight against irregular migration (including trafficking) has been on the top of policy objectives. Belarus has in place a legislative and policy framework dealing with these topics.

However, since its independence, Belarus has also developed a complex system of normative documents regulating legal status of foreigners in Belarus, as well as labour immigration and emigration. Especially recently, the policy attempts to regulate the import and export of workforce. One of the concerns is the protection of the Belarusian labour market from an uncontrolled inflow of migrant workers, the other: improving the situation on the domestic labour market through employment of Belarusians abroad. The country has set up licensing procedure for recruitment of foreign labour force and for employment of citizens of the Republic of Belarus abroad. This type of activity carried out by legal entities and individual entrepreneurs who have received in due course special permit (license) issued by the authority as the Ministry of Interior of the Republic of Belarus.

Migration is viewed as an important resource in the economy. According to the state program one of the prerequisites for efficient external migration policy is a creation of favourable environment for social and economic adaptation and integration of migrants. In terms of geographic destinations however, Belarus considers only CIS countries (in particular, Russia, Ukraine, and Kazakhstan). This emphasis is not coincidental: Belarus acceded to the Common Economic Space (Eurasian Community).

Socio-Political Framework	Outward migration	Inward migration
<b>Governmental Institutions</b>	Ministry of Foreign Affairs protects the rights of citizens abroad; ensures development of ties with Belarusians abroad.	<p>The President participates in shaping the details of migration policy through decrees and takes decisions regarding acquisition or loss of citizenship</p> <p>Executive power in the country is represented by the Council of Ministers of Belarus which is not elected but appointed by the supreme authorities.</p> <p>Other authorities included in migration policy making:</p> <p>Ministry of Internal Affairs is responsible for a range of migration issues: migration statistics, monitoring migration situation, countering illegal migration, improving legislative acts, migration policy, informing the population about migration issues.</p>
<b>Governmental Strategy</b>	<p>Policy framework one migration focuses on development of the country. Relevant recent document:</p> <ul style="list-style-type: none"> <li>- National Demographic Policy and Action Plan of Belarus, 2011-2015</li> </ul> <p>Proposes several measures supporting return of Belarusian scientists from abroad, especially if their skills could be useful for economic development of the country.</p>	<p>Policy framework on immigration covers three policy fields: demographic development, irregular migration and trafficking. Relevant recent documents:</p> <ul style="list-style-type: none"> <li>- National Demographic Policy and Action Plan of Belarus, 2011-2015</li> <li>- National Policy and Action Plan on Trafficking and Illegal Migration, 2011-2013</li> </ul>

## MPC Migration Profile: BELARUS

		<p>The National Demographic strategy includes measures aimed at attracting qualified labour force in the priority sectors of the economy, providing migration facilities to those foreign under-graduate and graduate students who successfully completed their studies in Belarus and are invited to work here. Among the foreign labour immigrants priority is given to high-skilled migrants and those foreigners ready to invest in Belarus.</p>
<b>Civil Society</b>	<p>Belarusians establish associations in their countries of destination. There is no central association in Belarus dealing with emigrants.</p>	<p>Immigrants tend to organize themselves in Belarus in ethnic associations, unions or friendship societies. There is no official NGO supporting migrant integration.</p>
<b>Migration and economic development</b>	<p>Belarusian legislation does not regulate legal relations with Belarusian emigrants and the Diaspora abroad. The very term 'Diaspora' is not defined. The legal basis for establishing and regulating activities of ethno-cultural public associations was established by the model law "On Ethno-Cultural Public Associations" which is not binding for CIS countries.</p> <p>As mentioned above, some elements of Belarusian policy strategies include a focus on specific categories of return emigrants: highly skilled specialists.</p>	<p>Immigration to Belarus is seen as a challenge and Belarusian authorities perceive the country as entering the global race for talent. The level of economic development in Belarus is high and thus the most important policy question seems to be: how can migration be tapped to move the country ahead on the way of economic transition. However, the policy discourse has not been matched with concrete policy actions so far.</p>
<b>International Cooperation</b>	<p>Belarus is a member of the following organizations actively working on migration issues: IOM, Commonwealth of Independent States, and OSCE. It participates in the following regional processes: Budapest Process, Prague Process, and Eastern Partnership.</p>	