On the Human Rights of Migrants BELARUS

1. Belarus has a multi-vector migration policy, which is determined by internal and external socio-economic and political factors, historical, cultural and economic ties, including within the Commonwealth of Independent States (CIS) and the Eurasian Economic Union (EAEU).

The legal status of foreign citizens and stateless persons is determined by the Law «On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus», according to which foreigners in the territory of Belarus enjoy rights and freedoms and fulfil obligations on an equal basis with Belarusian citizens.

A national asylum system based on the internationally recognised concept of asylum has been established in the country. In particular, governmental bodies responsible for administration in the field of forced migration have been determined, the necessary legal framework corresponding to the current trends in the development of international legal protection of asylum seekers exists, the necessary infrastructure for reception of forced migrants is in place.

All foreigners arriving in the territory of the state and having concerns related to return to the state of citizenship or former habitual residence are guaranteed access to the territory of the country and to the procedure of granting refugee status, subsidiary protection or asylum in Belarus.

2. Belarus is a party to all universal UN conventions in the field of combating trafficking in human beings, including the UN Convention against Transnational Organized Crime and its supplementary protocol, as well as the Council of Europe Convention on Action against Trafficking in Human Beings.

During 2018-2020, Belarusian state authorities together with the IOM Office in Belarus worked within the framework of the international technical assistance project "Helping Belarus address the phenomenon of increasing numbers of irregular migrants", which was funded by the European Union. Within the framework of the project, Belarus amended its national legislation on the detention of foreigners and the operation of these centres. Furthermore, a programme to facilitate voluntary return of irregular migrants to their home country was implemented jointly with the IOM Office in Belarus (still ongoing). However, due to the refusal of the European Union to continue financing the project, the construction of temporary detention centres was stopped.

In order to provide migrants with conditions that enable them to contribute fully to achieving sustainable development, since 2021, the Ministry of Internal Affairs together with IOM has been implementing the international technical assistance project " Maximizing the Impact of Migration and Labour Mobility in the Sustainable Development of Belarus ", which aims to strengthen the capacity of Belarus to manage labour migration processes and provide a comprehensive approach to providing protection and assistance to labour migrants.

3. The Republic of Belarus is among 156 countries that voted in favour of the Global Compact for Safe, Orderly and Regular Migration, which makes an important contribution to strengthening cooperation in the field of international migration in all its dimensions.

In connection with the conflict in Ukraine, Presidential Decree No 326 was adopted in December 2022 to regulate legislative initiatives to assist Ukrainian nationals who arrive in Belarus and find themselves in difficult life situations. This document regulates and simplifies the issues of legalizing the stay of Ukrainian citizens in Belarus, as well as a number of social problems related to housing, employment, medical care, pensions and education, which allows Ukrainians to fully integrate into the society.

4. Remittances from Belarusian migrants working abroad are an important source of additional income and financial support for their families. In managing remittances, Belarus has an active policy of concluding bilateral agreements on avoiding double taxation and preventing income tax evasion. Remittances from abroad cause positive effects at the national level in the form of:

- a contribution to the country's foreign exchange reserves and balance of payments;

- a potential resource for financing entrepreneurial activities;

- an increase in domestic demand for goods and services.

At the same time, the potential of migrant workers' remittances to stimulate economic growth through support to the SME sector remains underutilised.

5.  The national legislation guarantees access of foreign citizens and stateless persons applying for refugee status, subsidiary protection or asylum in the Republic of Belarus to the relevant procedures. Any foreigner has the practical possibility of declaring his or her intention to obtain protection in Belarus both when directly crossing the border and while in the country.

In its activities in the area of forced migration, the Ministry of Internal Affairs works closely with the UNHCR office in Belarus, whose staff provide advice to foreigners, including on the submission of the relevant applications to the competent Belarusian authorities, as part of their mandate. Almost every week the Department for Citizenship and Migration of the Ministry of Internal Affairs receives letters from the UNHCR office requesting assistance with the prompt consideration of applications for the protection of nationals of Syria, Iraq, Iran, Afghanistan and some other countries. This trend is due to the reluctance of some foreigners who have come to Belarus for tourism purposes, training or illegally to return to their states of citizenship or former residence. In some cases it is not possible to return foreigners home due to the lack of evacuation flights to the respective states.

There is cooperation with the Belarusian Red Cross. Its network of branches covers the whole territory of Belarus, which facilitates the provision of targeted assistance to those in need. In addition, the Belarusian Red Cross has an excellent track record in assisting Ukrainian citizens arriving in Belarus because of the difficult situation in that State, successfully implements foreign aid projects and is a long-standing and reliable partner of the Ministry of Internal Affairs in implementing its policy on forced migration.

6. In accordance with Article 5 of the Law of the Republic of Belarus of June 18, 1993, No. 2435-XII 'On Public Health', foreign citizens and stateless persons permanently residing in the Republic of Belarus, have the right to affordable medical care on an equal basis with citizens of the Republic of Belarus, including free medical care based on state minimum social standards in the field of health care.

In order to increase the coverage of basic services for migrants, the Ministry of Health provides for the consideration of migrants' health care needs in national and local health plans and policies, including taking into account the recommendations contained in the Framework Document on Priorities and Guidelines for Promoting the Health of Refugees and Migrants prepared by the World Health Organization (WHO). The strategy and plan for refugee and migrant health in the WHO European Region, adopted at the 66th session of the WHO Regional Committee for Europe, is being implemented.

Paragraph 13 of the national Action Plan on vaccination against COVID-19 provides for assistance in vaccinating citizens who have some difficulty in obtaining it, including migrant workers and refugees.

From 2022 the Representative Office of the International Organization for Migration in the Republic of Belarus with the support of the Ministry of Health of the Republic of Belarus implements a project "Supporting National Capacities in Migration Health Focusing on Communicable Diseases" which aims to support state authorities in the development and implementation of public health programs for migrants based on infectious diseases among migrants as well as social and biological factors contributing to the spread of infectious diseases among migrants and the general population.

In September 2022, in accordance with Presidential Decree No. 420 of August 30, 2024, 'On Persons Arriving in the Republic of Belarus', additional health care benefits were introduced for migrants and refugees from Ukraine and other countries who find themselves in difficult circumstances. Thus, citizens of Ukraine and stateless persons who arrived in the Republic of Belarus and do not have temporary residence permits or permanent residence permits are entitled to affordable medical care on an equal basis with citizens of the Republic of Belarus.

7. The results of migration control activities in the country indicate that, despite the restrictions imposed on the movement of citizens, the territory of Belarus is still used as a transit corridor for migrants, including those with irregular entry and stay in Belarus, to the EU states.

The main characteristics of illegal migration are:

-  attempts to illegally enter Belarus through foreigners' border crossing points using forged travel documents of EU citizens, as well as of their countries of citizenship;

-  illegal crossing of the "green border" (part of the state border between border crossing points) by foreign nationals entering the country with visa support from legal entities and natural persons for various purposes (tourism, studies, official travels);

-  violation of the state border by illegal migrants in transit to the EU Member States by using international means of freight transport.