



UNHCR
The UN Refugee Agency

**APPLYING
FOR ASYLUM
IN BELARUS**

ASYLUM PROCEDURE

WHO IS AN ASYLUM-SEEKER IN BELARUS?

An asylum-seeker in Belarus is a foreigner (not citizen of Belarus) or a stateless person, who has approached the state migration authority, officially applied for asylum, but has not yet received an answer to his / her application.

NOTE! Citizen of Belarus cannot apply for asylum in Belarus.

NOTE! UNHCR is not responsible for receiving asylum applications, which should be made with the national authorities.

WHO CAN APPLY FOR ASYLUM IN BELARUS?

Foreigners (not citizens of Belarus) who are outside their country of origin and stateless persons who are outside their countries of habitual residence and claim to be afraid to return to such a country due to serious risks of mistreatments or fear of persecution upon return for reasons of race, religion, nationality, political opinion or membership in a particular social group.

HOW AND WHERE TO APPLY FOR ASYLUM IN BELARUS

You can normally apply for asylum in Belarus regardless of your legal status in Belarus.

To apply for asylum, you should approach:

- The office of state migration authority of Minsk city, Minsk, Brest, Gomel, Grodno, Mogilev or Vitebsk regions.
- The Border Guards upon arrival to Belarus (also if are in the border crossing point and were not allowed to cross Belarusian border).
- The Border Guards if you are caught for illegal border crossing or attempt thereof.
- The Border Guards or authorities of interior (police) if you are caught for illegal stay / residence in Belarus.
- The authorities of interior (police) if you are detained for the purpose of deportation or expulsion from Belarus.
- The administration of detention facility or investigation body if you are detained for the purpose of extradition.

In all circumstances you should explicitly say that you want to seek asylum in Belarus and state officials will then have to receive your application.

It is strongly recommended to apply for asylum as soon as possible as it shows your genuine intention to obtain protection in Belarus.

NOTE! You have an obligation to conform to laws and regulations of Belarus and to cooperate with authorities. Once you have applied for asylum, you have to follow the procedure. The fact that you stayed in Belarus for some time before applying for asylum, does not mean that your asylum application will not be received.

ASYLUM INTERVIEW

The asylum interview is a very important step of the asylum process. It is conducted by an official of the state migration authority. The asylum interview is an opportunity for you to provide as much information as possible in support of your application. Make sure to provide all documents and written evidence supporting your asylum claim (if any):

- Identification documents (e.g. passport, ID card, travel documents).
- Individual and status documents (e.g., birth and / or marriage and / or divorce certificates, guardianship documents).
- Educational documents (e.g., school / university certificates / diplomas).
- Employment documents (e.g., certificate, working records, card).
- Membership / union cards (e.g., political parties, non-governmental organizations, associations).
- Any other official documentation issued by officials of the country of your nationality or previous place of residence.

NOTE! Absence of relevant documents or evidence is not a cause for rejection of your claim. The interview is an opportunity to establish the facts, assess the fears for return, and grounds for granting of asylum. During asylum interviews you should provide all necessary explanations and details.

UNHCR will make the necessary arrangements for the appointment and communicate the relevant information to you.

NOTE! You should abide by the appointment date and all other steps of the procedure, otherwise your application can be considered abandoned.

Usually, interpretation for the purpose of asylum application is provided by UNHCR or a UNHCR NGO partner.

YOUR FAMILY MEMBERS ARE ALSO INVOLVED

You and your family members should be ready for asylum interview(s) with the state migration authority.

You and your family will be notified on the date and time of asylum interview(s) by the state migration authority.

Please make sure that you provide truthful information throughout the whole procedure of seeking asylum in Belarus.

RECEPTION CONDITIONS

State asylum authorities may transfer an asylum-seeker to another region of Belarus for stay during the examination of the asylum application. This is done as a matter of practice for almost all people applying for asylum in the city of Minsk. In such cases, a person will be accommodated at a reception facility managed by state authorities in the regions.

NOTE! According to the legislation in Belarus, there can be circumstances when an asylum-seeker can be placed in detention. This may happen in the following circumstances:

- for identification of an asylum-seeker who does not have valid ID documents at the moment of asylum application.
- if state asylum authority considers a person's asylum application as abusive or unfounded.

CONFIDENTIALITY OF INFORMATION

All the information you provide during your application for asylum (documents, records during asylum interview with you) is confidential. It means that it will not be disclosed without your clearly expressed permission. In any case, information is not disclosed to the country of nationality or habitual residence.

NOTE! When applying for asylum, you can give permission to share your personal information with UNHCR.

RIGHTS AND OBLIGATIONS (asylum-seekers)

Children of asylum-seekers can access all medical treatments and can enroll in preschool up to secondary education on a par with nationals of Belarus.

Adult asylum-seekers can work like foreign nationals permanently residing in Belarus – without the need to obtain a special permit – and receive free-of-charge emergency medical treatment.

Asylum-seekers have the following obligations:

- Respect the laws and regulations of Belarus.
- To undertake a compulsory medical examination and fingerprinting procedure as part of the asylum procedure (both are free-of-charge).

Asylum-seekers have the following rights and entitlements:

- To be protected from forced return (refoulement) to the country of origin or former permanent residence while Belarusian state migration authorities examine the application for asylum.
- To be exempted from punishment for illegal entry into Belarus and illegal residence in Belarus (if the asylum-seeker entered illegally with the aim of seeking asylum and approaches the state migration authority as soon as possible);
- To receive an asylum-seeker certificate issued by state migration authority for the period of the asylum procedure (in replacement of your passport or any other ID document which is temporarily taken by the state migration authority);
- To receive financial assistance from the Government of Belarus to buy food (one-time), clothes (one-time), to cover temporary expenses on accommodation (applications must be submitted to state migration authorities).
- To be accommodated in a temporary accommodation centre for asylum-seekers (subject to availability of places).

WHAT COULD BE THE OUTCOME OF THE ASYLUM PROCEDURE?

There are three possible outcomes:

- You can receive refugee status
- You can receive complementary protection
- Your application can be rejected

NOTE! You can obtain information on your asylum application as well as your rights and obligations from the relevant state migration authorities and / or the Refugee Counselling Service (refer to the contact details in this leaflet).

REFUGEE STATUS OR COMPLEMENTARY PROTECTION

RIGHTS AND OBLIGATIONS OF PERSONS GRANTED REFUGEE STATUS OR COMPLEMENTARY PROTECTION

Foreign nationals and stateless persons granted refugee status or complementary protection enjoy the most important socio-economic rights on a par with nationals of Belarus or foreigners with permanent residence in Belarus (for instance, possibility to work without the need to obtain a special permit).

Children of people with refugee status or complementary protection are entitled to preschool and secondary education as well as medical treatment on a par with nationals of Belarus.

DOCUMENTATION ISSUED

After you receive refugee status in Belarus, you will be provided with a refugee certificate which confirms that you have been granted refugee status and also identifies your personality.

Refugee status gives you the right to obtain permanent residence in Belarus.

NOTE! State migration authorities will retain your passport. However, you can get other documents (in addition to refugee certificate):

- permanent residence document (identifies your personality, provided after receipt of permanent residence in Belarus based on granted refugee status, only for use inside Belarus)

- travel document (provided based on granted refugee status upon specific request, valid for travels outside Belarus)

After you receive complementary protection in Belarus, you will get a certificate on provision of complementary protection (confirms that you have been granted complementary protection).

Complementary protection gives you the right for temporary residence for up to 1 year (renewable).

NOTE! State migration authorities will return your passport after you have been granted complementary protection.

APPEAL

If your asylum application is rejected, you may submit an appeal to the court. The appeal phase is as follows:

- For cases that were reviewed within the ordinary procedure there are two appeal instances, with 15 days to submit the appeal (each instance).

- For cases that were reviewed within the accelerated procedure (abusive and manifestly unfounded claims) there is only one appeal instance, with 7 days to submit the appeal.

VOLUNTARY RETURN

If you decide that you want to return voluntarily to your country of origin or country of habitual residence, UNHCR will refer you the International Organization for Migration (IOM). You will receive all the necessary information and be explained the modalities.

FAMILY REUNIFICATION

Family reunification is possible if you have eligible family members residing in third countries. Each country has different rules, but usually you must be part of the nuclear family, a spouse or a dependent. You must provide details on the exact family relationship, location and contact information of the concerned family member. If known to you, the legal status of the family member residing in the concerned country should be provided.

NOTE! Not every situation allows for family reunification. If you are in contact with your relative, you advise that he / she / they check with local NGOs or lawyers whether such a right to family reunification applies to your situation.

NOTE! Family reunification is very limited and usually only applies to cases that have been granted refugee status or complementary protection.

There is a possibility for family reunification in Belarus. The reunification is done to the following categories of individuals residing in Belarus:

- a citizen of Belarus
- a foreign citizen or a stateless person with permanent residence in Belarus

Categories entitled to family reunification in Belarus:

- spouses
- children under 18YO (including adopted)
- children above 18YO (including adopted) who are disabled, not married and whom a citizen of Belarus or a foreign citizen or a stateless person with permanent residence in Belarus is taking care of
 - disabled parents and adopters whom a citizen of Belarus or a foreign citizen or a stateless person with permanent residence in Belarus is taking care of
 - stepmother, stepfather, half-brother, half-sister of a citizen of Belarus or a foreign citizen or a stateless person with permanent residence in Belarus if a person who is inviting them within the framework of family reunification has enough living premises to accommodate them, enough legal income to support them.

A family member who is reunifying in Belarus will get the same form of protection as the relative in Belarus (will require formal asylum application with predefined positive decision). BUT this rule is applicable only if such family reunification is done within 1-year period counting from the date when a person was notified about decision to grant him / her refugee status, complementary protection or asylum in Belarus.

RESETTLEMENT

Resettlement is the transfer of refugees from an asylum country to a third country, that has agreed to admit them and ultimately grant them permanent residence.

Resettlement is only available to persons who have been recognized as refugees and is not a right of the refugee. It applies in very specific circumstances. The decision to resettle rests with the government of the receiving third country and not with UNHCR.

IMPORTANT

Attempting to move onward by crossing irregularly into any neighbouring country during the asylum procedure or after being granted refugee status or complementary protection in Belarus can lead to difficulties and risks for your safety.

THE ROLE OF UNHCR IN BELARUS

UNHCR is present in Belarus to liaise with state authorities at central and regional levels on all asylum-related matters which encompasses advising and counselling asylum-seekers and those granted protection; intervening with the authorities on behalf of individuals, as well as working closely with local non-governmental partners and state counterparts to provide support to persons who applied for asylum and received protection in Belarus.

USEFUL CONTACT INFORMATION

Please, note that the below mentioned institutions and organizations provide services to asylum-seekers and refugees **free-of-charge**.

DCM: Department on Citizenship and Migration of the Ministry of Interior of the Republic of Belarus (DCM)

The DCM is the central and main state authority in charge of migration and asylum. It makes decisions on foreigners' applications for asylum and issues documents to asylum-seekers, people granted protection as well as documents confirming people's legal stay in Belarus.

Office: 4, Gorodskoy Val str., 3rd entrance, Minsk, 220030

Tel.: 8 (017) 218-72-68, 8 (017) 218-72-69 (unit on asylum issues)

E-mail: dcm@mia.by

NOTE! The DCM has its sub-detachments in Minsk city, Minsk, Brest, Gomel, Grodno, Mogilev and Vitebsk regions. Their full list and contact details are available following the link (in Russian only): <https://mvd.gov.by/ru/page/departament-pograzhdanstvu-i-migracii/ogim>.

UNHCR: the Office of the United Nations High Commissioner for refugees in Belarus

This is the main international organization in Belarus working closely with the Belarusian authorities on asylum issues and observing asylum procedures. It also helps people who would like to seek asylum in Belarus, counsels them on the procedure of seeking asylum, able to refer to state migration authority as well as partner organizations for various assistance.

Office: 79-80, 22A Krasnoarmeiskaya str., Minsk, 220030

Tel.: 8 (017) 328-69-61, 8 (017) 328-56-35 (switchboard; ask for lawyer / protection specialist to speak about asylum related issues)

Hotline (cellular, works with messengers): 8 (029) 333-59-49

E-mail: blrmi@unhcr.org

RCS: Refugee Counseling Service (joint project of UNHCR and non-governmental organization "Belarusian Movement of Medical Workers")

RCS provides free-of-charge legal counselling on asylum, helps with application for asylum, renders legal assistance on the other protection related issues.

Office: 74 Olshevsky str., Minsk, 220104

Tel.: 8 (017) 395-48-62

Hotline (cellular): 8 (029) 645-49-44 (also messengers), 8 (044) 753-35-72, 8 (033) 635-21-66

E-mail: pa.bmmw@gmail.com

NOTE! RCS has its offices in all regions of Belarus. Using the above-mentioned hotline numbers, you can retrieve contact details of RCS' regional branches.

BRC: Belarusian Red Cross Society

The BRC provides asylum-seekers, people granted protection in Belarus with

● humanitarian assistance (food and hygienic kits, if available in stock – secondhand clothing and footwear for children and adults);

● counselling on and facilitation of integration

● referral to relevant state authorities for targeted assistance in accordance with their competence.

Office (the BRC Secretariat): 35 Karl Marx str., Minsk, 220030

Tel.: 8 (017) 263-84-17

E-mail: info@redcross.by

NOTE! The BRC has its offices in all regions of Belarus. Using the above-mentioned phone number you can retrieve contact details of the BRC' regional branches. You can also get this information following the link <http://redcross.by/regiony/>

IOM: International Organization for Migration

IOM assists foreigners with assisted voluntary return to the countries of their origin as well as provides consultations on safe travel and stay abroad.

Office: 3 Gorny lane, Minsk, 220005

Tel.: 8 (017) 288-27-42, 8 (017) 288-27-43

E-mail: iomminsk@iom.int

NOTE! IOM may not be able to assist with voluntary return to certain specific countries. Using provided contacts, you can clarify the information relevant to your situation directly with IOM.