

Law of the Republic of Belarus on Citizenship of the Republic of Belarus

Country: Belarus

Date of entry into force: 12 November 1991

This legislation includes amendments up to and including: 08 September 1995

[NOTE: This is an unofficial consolidated translation. The Law was dated 18 October 1991.

The amendments included here are:

- the Law of the Republic of Belarus of 15 June 1993, No. 2140–XII (Transactions of the Supreme Soviet of the Republic of Belarus, 1993, No. 26, article 320) and
- the Law of 8 September 1995, No. 3870–XII (Transactions of the Supreme Soviet of the Republic of Belarus, 1995, No. 32, article 421), which entered into force on 1 December 1995.

The Decree of the Supreme Soviet of the Republic of Belarus concerning the coming into force of the Law of the Republic of Belarus "On the Citizenship of the Republic of Belarus", is attached.]

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SECTION I - GENERAL PROVISIONS

Article 1 - Citizenship of the Republic of Belarus

The citizenship of the Republic of Belarus represents an inalienable attribute of state sovereignty of the Republic of Belarus, which defines a person's belonging to a state, determines the totality of his/her rights and obligations and their protection by the Republic of Belarus.

Article 2 - Citizens of the Republic of Belarus

Citizens of the Republic of Belarus are:

- 1 persons who are permanent residents on the territory of the Republic of Belarus on the day this Law comes into force;

2 persons who have acquired the citizenship of the Republic of Belarus in accordance with this Law;

Article 3 - Equal citizenship

The citizenship of the Republic of Belarus is equal for all the citizens of the Republic of Belarus regardless on what basis it has been acquired.

Article 4 - The right to citizenship

A citizen of the Republic of Belarus cannot be deprived of the citizenship of the Republic of Belarus or the right to change his/her citizenship.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 5 - State protection of the rights and legitimate interests of citizens of the Republic of Belarus

The state protects the rights and legitimate interests of citizens of the Republic of Belarus on its territory and beyond its boundaries.

If citizens of the Republic of Belarus find themselves in a country that has no diplomatic representation or consular services of the Republic of Belarus, protection of the rights and legitimate interests of Belarusian citizens in accordance with international agreements of the Republic of Belarus, may be provided by the respective organs of other countries.

Article 6 - Foreigners and stateless persons

The Republic of Belarus considers as foreigners all persons who are not Belarusian citizens and have proof of citizenship of another country.

Persons who are not citizens of the Republic of Belarus and who have no proof of citizenship of another country are considered to be stateless in the Republic of Belarus.

The legal status of foreigners and stateless persons on the territory of the Republic of Belarus is determined by the legislation of the Republic of Belarus.

Article 7 - Document proving Belarusian citizenship

The document that proves the citizenship of the Republic of Belarus is the passport of a citizen of the Republic of Belarus.

The design of the passport of a citizen of the Republic of Belarus, the procedures and conditions for its issuance are determined by the Cabinet of Ministers of the Republic of Belarus.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

SECTION II - ACQUISITION AND MAINTENANCE OF CITIZENSHIP OF THE REPUBLIC OF BELARUS

Article 8 - Basis for acquiring the citizenship of the Republic of Belarus

Citizenship of the Republic of Belarus may be acquired:

- 1 by birth;
- 2 by the way of registration;

3 as a result of admission to citizenship of the Republic of Belarus;

[Item 4 eliminated by the Law of the Republic of Belarus of 8 September 1995].

(as supplemented by the Law of the Republic of Belarus of 15 June 1993)

Article 9 - Citizenship of a child whose parents are citizens of the Republic of Belarus

A child born to parents who are citizens of the Republic of Belarus at the time of birth is a citizen of the Republic of Belarus regardless of its place of birth.

Article 10 - Citizenship of a child with one parent a citizen of the Republic of Belarus

If at the time of a child's birth, one parent is a citizen of the Republic of Belarus, the child is a citizen of the Republic of Belarus provided:

- 1 it was born on the territory of the Republic of Belarus;
- 2 it was born outside of Belarus, but its parents or at least one of them were at the time permanent residents of the Republic of Belarus.

If at the time of the child's birth, its parents, one of whom is a citizen of the Republic of Belarus, have permanently resided outside of the Republic of Belarus, the citizenship of the child born outside of the Republic of Belarus is determined by the parents' written decision.

If at the time of the child's birth, one of the parents was unknown or stateless and the other was a citizen of the Republic of Belarus, the child is a Belarusian citizen regardless of its place of birth.

Article 11 - Acquisition of Belarusian citizenship by a child whose parents are stateless

A child whose parents are stateless and who was born on the territory of the Republic of Belarus is considered to be a citizen of the Republic of Belarus.

Article 12 - Citizenship of a child whose parents are unknown

A child who finds itself on the territory of the Republic of Belarus and whose parents are unknown is a citizen of the Republic of Belarus.

Article 13 - Conditions for acquisition of Belarusian citizenship

The citizenship of the Republic of Belarus may be granted to a person if he/she:

- 1 assumes the duty of obeying and respecting the Constitution and the laws of the Republic of Belarus;
- 2 knows the official language of the Republic of Belarus to the extent necessary for communication;
- 3 has resided permanently on the territory of the Republic of Belarus for the last seven years;
- 4 has a legitimate source of income;
5. has no citizenship of another state.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 14 - Acquisition and maintenance of citizenship of the Republic of Belarus when contracting and dissolving a marriage

When a citizen of the Republic of Belarus contracts or dissolves a marriage with a citizen of another country or with a stateless person, the citizenship of the husband or the wife is not changed.

The person who has contracted marriage with a citizen of the Republic of Belarus is granted Belarusian citizenship if he

or she so desires and if the conditions stipulated in Article 13 of this Law are met.

Article 15 - Maintenance of citizenship of the Republic of Belarus

Residence on the territory of another country by a citizen of the Republic of Belarus does not in itself lead to a loss of citizenship of the Republic of Belarus.

Article 16 - Non-admissibility of extradition of a citizen of the Republic of Belarus by another country

A citizen of the Republic of Belarus cannot be extradited by another country, if this is not stipulated in international agreements of the Republic of Belarus.

Article 17 - Maintenance of the right to acquire the citizenship of the Republic of Belarus

The right to acquire the citizenship of the Republic of Belarus is maintained by persons who had resided permanently on the territory of the Republic of Belarus but were forcibly displaced from its territory or have left for abroad before this Law came into force; their descendants maintain the same right.

The same right to acquire the citizenship of the Republic of Belarus is granted to Belarusians and to persons who identify with the Belarusians and to their children born outside of the boundaries of the present-day territory of the Republic of Belarus.

Citizenship is offered to such persons if they so desire and if the conditions specified in items 1 and 2 of Article 13 are met.

(as amended by the Law of the Republic of Belarus of 15 June 1993)

Article 17.1 - The right to receive of the citizenship of the Republic of Belarus by the way of registration

The right to receive the citizenship of the Republic of Belarus by the way of registration is maintained by persons who had resided permanently on the territory of the Republic of Belarus have left for abroad before this Law came into force; their spouse and descendants maintain the same right.

The action of the present article applied to persons who have the proof of their belonging to the citizenship of former USSR and have no citizenship of another state.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

SECTION III - SUSPENSION OF CITIZENSHIP OF THE REPUBLIC OF BELARUS

Article 18 - Reasons for suspending the citizenship of the Republic of Belarus

The citizenship of the Republic of Belarus is suspended:

- 1 as a result of renouncing the citizenship of the Republic of Belarus;
- 2 as a result of losing the citizenship of the Republic of Belarus;

[Item 3 eliminated by the Law of the Republic of Belarus of 8 September 1995.]

Article 19 - Renouncing the citizenship of the Republic of Belarus

[Paragraph 1 eliminated by the Law of the Republic of Belarus of 8 September 1995.]

Renouncing the citizenship of the Republic of Belarus is not permitted if the person applying for it has been accused under the criminal code or is under legal sentence, and this sentence came into force and must be carried out, or if the

person owes tax arrears or has other unpaid debts and other obligations towards the Republic of Belarus.

Article 20 - Loss of citizenship of the Republic of Belarus

The citizenship of the Republic of Belarus is lost:

- 1 when a person acquires the citizenship of another country and there are no provisions to the contrary in international agreements of the Republic of Belarus;
- 2 as a result of a person joining the military service, security services, the police, the organs of justice and other organs of state power and administration in a foreign country;
- 3 when the citizenship of the Republic of Belarus has been acquired by presenting knowingly false data or forged documents.

[amended by the Law of the Republic of Belarus of 8 September 1995.]

Article 21 - Restoration of citizenship of the Republic of Belarus

[eliminated by the Law of the Republic of Belarus of 8 September 1995.]

SECTION IV - SPECIAL CASES OF CHANGING, MAINTAINING OR LOSING CITIZENSHIP

Article 22 - Change of a child's citizenship when the parents change their citizenship

When the parents, or one of the parents if the other is unknown, change their citizenship, the child's citizenship changes accordingly if the child is under sixteen years of age.

On the petition of the parents, or on the petition of one parent if the other parent is unknown, and when they change their citizenship of the Republic of Belarus, a child under sixteen years of age may keep its Belarusian citizenship.

Article 23 - Maintaining Belarusian citizenship by a child under sixteen years of age who is placed in guardianship or wardship

When the parents or one of the parents of a child living on the territory of the Republic of Belarus renounce their Belarusian citizenship or lose it, and, moreover, take no part in the upbringing of this child who has been placed in guardianship or wardship with citizens of Belarus, the child [...(excluded)] maintains its Belarusian citizenship.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 24 - Acquisition by a child under sixteen years of age of Belarusian citizenship when one of the parents is acquiring the citizenship of the Republic of Belarus

When one of the parents is acquiring the citizenship of the Republic of Belarus, while the other retains citizenship of another country, the child may acquire Belarusian citizenship following a joint petition by the parents.

When one parent acquires Belarus citizenship and the other parent remains stateless, the child living on the territory of the Republic of Belarus becomes a Belarusian citizen.

Article 25 - Maintenance by a child under sixteen years of age of Belarusian citizenship when one parent renounces or loses the citizenship of the Republic of Belarus

When one of the parents renounces or loses his/her Belarusian citizenship and the other parent continues to be a citizen of the Republic of Belarus, the child maintains its Belarusian citizenship. Following the parents' petition, such a child may be permitted to renounce its Belarusian citizenship.

Article 26 - Acquisition by a child under sixteen years of age of Belarusian citizenship in case

of adoption

A child who is the citizen of another country or stateless becomes a Belarusian citizen when it is adopted by citizens of the Republic of Belarus.

A child who is a citizen of another country becomes a Belarusian citizen upon adoption by a husband and a wife one of whom is a citizen of the Republic of Belarus and the other is stateless.

A child who is stateless, when adopted by a husband and a wife one of whom is a citizen of the Republic of Belarus, becomes a Belarusian citizen.

A child who is the citizen of another country, upon adoption by a husband and a wife one of whom is a citizen of the Republic of Belarus, while the other is a citizen of another country, becomes a Belarusian citizen with the agreement of his adoptive parents.

Article 27 - Maintenance by a child under sixteen years of age of Belarusian citizenship in case of adoption

A child who is a Belarusian citizen, upon adoption by citizens of another country or by a husband and a wife one of whom is a citizen of the Republic of Belarus and the other is a citizen of another country, maintains its Belarusian citizenship. On the petition of the adoptive parents, such a child may be permitted to renounce its Belarusian citizenship.

A child who is a Belarusian citizen, upon adoption by stateless persons or adoption by a husband and a wife one of whom is a citizen of the Republic of Belarus and the other is stateless, maintains its Belarusian citizenship.

Article 28 - Change of citizenship of children between the ages of sixteen and eighteen

A change of citizenship for children between the ages of sixteen and eighteen, when the parents change their citizenship, as well as in the case of adoption, is permitted only with the children's agreement.

SECTION V - ORGANS WHICH MAKE THE DECISIONS AND ISSUE DOCUMENTS IN MATTERS PERTAINING TO BELARUSIAN CITIZENSHIP***Article 29 - Making the decisions on the matters on admittance to and cancellation of the citizenship of the Republic of Belarus***

In the Republic of Belarus the President of the Republic of Belarus makes the decisions on admittance to and cancellation of the citizenship of the Republic of Belarus.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 30 - Organs which prepare and issue documents pertaining to citizenship of the Republic of Belarus

The preparation and issuance of documents pertaining to Belarusian citizenship are the responsibility: of the Ministry of the Interior on the territory of the Republic of Belarus and of the Ministry of External Affairs of the Republic of Belarus abroad.

Article 31 - Powers of the organs of the Ministry of the Interior

The Ministry of the Interior of the Republic of Belarus, its administrative units and sectors of the Interior:

receive from persons who are permanent residents of the Republic of Belarus applications pertaining to citizenship, then send these applications, together with the necessary documents, for examination by the President of the Republic of Belarus;

make decisions concerning the receipt of the citizenship of the Republic of Belarus by the way of registration.

make decisions concerning citizenship of permanent residents of the Republic of Belarus; record the loss of Belarusian citizenship by permanent residents of the Republic of Belarus.

(as amended by the Laws of the Republic of Belarus of 15 June 1993 and of 8 September 1995)

Article 32 - Powers of the Ministry of External Affairs of the Republic of Belarus, of diplomatic missions and consular offices of the Republic of Belarus

The Ministry of External Affairs of the Republic of Belarus, the diplomatic missions and consular offices of the Republic of Belarus:

receive, from persons living abroad permanently, applications pertaining to Belarusian citizenship and send them, together with the necessary documents, for examination by the President of the Republic of Belarus;

make decisions concerning the Belarusian citizenship of persons living abroad;

make decisions concerning the receipt of the citizenship of the Republic of Belarus by the way of registration.

record the loss of Belarusian citizenship by persons who live abroad permanently;

maintain lists of citizens of the Republic of Belarus who live abroad permanently;

(as amended by the Laws of the Republic of Belarus of 15 June 1993 and of 8 September 1995)

SECTION VI - PROCEDURES FOR FILING AND STUDYING DOCUMENTS PERTAINING TO BELARUSIAN CITIZENSHIP

Article 33 - Filing documents pertaining to Belarusian citizenship

Matters on admittance to and secession from the citizenship of the Republic of Belarus are examined only after a written application is presented by the interested persons.

The application must be accompanied by the documents, the list of thereof shall be determined by the President of the Republic of Belarus in accordance with the present Law.

In cases foreseen in Section IV of this Law, applications concerning Belarusian citizenship are filed by the parents or other legal representatives.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 34 - Procedures for filing documents concerning citizenship

Documents concerning citizenship are filed for examination by the President of the Republic of Belarus through the organs of the Interior located at the place of permanent residence of the applicant; for persons residing permanently abroad, these documents are filed through the Ministry of External Affairs of the Republic of Belarus or its diplomatic missions and consular offices.

A person who is a citizen of a country with which the Republic of Belarus has signed an agreement on prevention of dual citizenship must present a document in which the country in question states its opinion regarding its citizen's intention to change his/her citizenship.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 35 - Procedures for studying the documents pertaining to citizenship

Documents received from the state organs specified in Article 30 are studied by the President of the Republic of Belarus. Procedures for studying this documents shall be determined studied by the President of the Republic of Belarus.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 36 - Making the decisions pertaining to Belarusian citizenship and publication of the results

The President of the Republic of Belarus issues decrees on granting Belarusian citizenship and renunciation of Belarusian citizenship.

The President of the Republic of Belarus issues the decrees in the case of rejection of an application for granting Belarusian citizenship or loss of this citizenship.

These decrees and decisions are published in the "Code of Decrees of President of the Republic of Belarus and Decrees of the Cabinet of Ministers of the Republic of Belarus"

The change of citizenship becomes effective on the day of coming into force of the decree or decision of the President of the Republic of Belarus.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Article 37 - Delay in the study of matters pertaining to citizenship

The delay in studying the applications should not exceed one year.

The delay in studying the applications concerning the receipt of the citizenship of the Republic of Belarus by the way of registration should not exceed two months and the applications concerning the secession from the of the citizenship of the Republic of Belarus not exceed six month .

(as amended by the Laws of the Republic of Belarus of 15 June 1993 and of 8 September 1995)

Article 38 - Renewed study of applications for Belarusian citizenship

Renewed applications about acquisition, renewal or renunciation of Belarusian citizenship are not accepted earlier than a year after the original application. If there are circumstances essential to the matter that the applicant was not and could not be aware of, the renewed application may also be considered earlier.

SECTION VII - CARRYING OUT DECISIONS IN MATTERS PERTAINING TO CITIZENSHIP

Article 39 - Organs that carry out decisions In matters pertaining to citizenship

Decisions in matters pertaining to citizenship and concerning persons residing in the Republic of Belarus are carried out by the Ministry of the Interior of the Republic of Belarus, the administrations and sections of the Interior; for persons residing abroad, they are carried out by the Ministry of External Affairs of the Republic of Belarus, the diplomatic missions and consular offices of the Republic of Belarus.

Article 40 - Control of the compliance with decisions taken in matters pertaining to citizenship'

[eliminated by the Law of the Republic of Belarus of 8 September 1995]

Article 41 - Procedures for studying applications In matters pertaining to citizenship of the Republic of Belarus

[eliminated by the Law of the Republic of Belarus of 8 September 1995]

SECTION VIII - CHALLENGING THE DECISIONS IN MATTERS PERTAINING TO CITIZENSHIP

Article 42 - Challenging the decisions in matters pertaining to citizenship

Decisions in matters pertaining to citizenship which have been adopted by the President of the Republic of Belarus may be challenged in the Supreme Court of the Republic of Belarus, which considers such matters as a court of first instance.

The unfounded rejection of applications in matters pertaining to citizenship, unwarranted delays in studying the applications, as well as other illegal actions by officials pertaining to citizenship may be challenged in a court of law.

[as amended by the Law of the Republic of Belarus of 8 September 1995]

Article 43

[eliminated by the Law of the Republic of Belarus of 8 September 1995]

SECTION IX - INTERNATIONAL AGREEMENTS

Article 44 - Application of international agreements

If an international agreement of the Republic of Belarus establishes rules that are different than the ones contained in this Law, the rules of the international agreement apply.

DECREE OF THE SUPREME SOVIET OF THE REPUBLIC OF BELARUS CONCERNING THE COMING INTO FORCE OF THE LAW OF THE REPUBLIC OF BELARUS "ON THE CITIZENSHIP OF THE REPUBLIC OF BELARUS"

The Supreme Soviet of the Republic of Belarus has decreed that:

1. For the duration of the period which precedes the awarding of Belarusian passports to citizens of the Republic of Belarus, persons use their passports of citizens of the USSR.

The action of the item 1 of Article 2 of the Republic of Belarus not applied to the foreigners and stateless persons who were permanent residents on the territory of the Republic of Belarus according to the appropriate residence permits on the day this Law comes into force;

(as supplemented by the Law of the Republic of Belarus of 15 June 1993)

2. The right to receive of the citizenship of the Republic of Belarus by the way of registration as indicated in Article 17.1 can be exercised by 1 January 1998.
(as amended by the Law of the Republic of Belarus of 8 September 1995)

3. In accordance with Article 2 of the Law of the Republic of Belarus On Citizenship the following persons are considered to be living permanently on the territory of the Republic of Belarus:

persons having the permanent registration ("propiska") on the day this Law comes into force;

persons who came to the Republic of Belarus before the day this Law comes into force and had been working and had been permanently resided on its territory, a service record in a work-book and a stamp in passport cancelling the previous permanent residence registration ("vypiska") shall be considered as evidence thereof;

persons who had been passing compulsory military service in the territory of the Republic of Belarus and stayed for the permanent residence in Belarus after the demobilisation;

persons who came to the Republic of Belarus to study before the day this Law comes into force and had temporary registration (temporary "propiska"), were assigned to a job after the graduation and stayed for the permanent residence in Belarus.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

Persons who have left the Republic of Belarus temporarily in connection with:

a call for compulsory military service for a given term;

a call of reserve officers for compulsory military service for a term of up to three years; employment job conditions (crews of vessels, members of geological survey parties, expeditions, warrant officers, naval officers, military personnel in extended service, etc.), or in connection with studies, medical treatment, assignment to a job abroad;

placement of a child in state educational institutions, with relatives, guardians or wards or in connection with carrying out the duties of a guardian or ward;

are considered to be living permanently on the territory of the Republic of Belarus.

The decision in matters connected with the identification of other categories of persons who may be considered to reside or have resided permanently on the territory of the Republic of Belarus shall be made by the Supreme Soviet of the Republic of Belarus.

(as amended by the Law of the Republic of Belarus of 8 September 1995)

4. Are considered to have lost their validity:

The Decree of the Presidium of the Supreme Soviet of the Republic of Belorussia of August 27, 1981 "On the procedures of granting the citizenship of the Republic of Belorussia" (Code of Laws of the Belorussian Soviet Socialist Republic, 1981, no. 27, article 552);

The Law of the Republic of Belorussia of November 26, 1981 "On the confirmation of decrees of the Presidium of the Supreme Soviet of the Republic of Belorussia, which introduce certain changes and additions to the legislation of the Republic of Belorussia currently in force" concerning the confirmation of the Decree of the Presidium of the Supreme Soviet of the Republic of Belorussia of August 27, 1981 "On the procedures of granting Belorussian citizenship" (Code of Laws of the BSSR, 1981, no. 33, article 676);

The Decree of the Presidium of the Supreme Soviet of the Republic of Belorussia of August 27, 1981 "On the confirmation of the Decision on the procedures for studying by the Presidium of the Supreme Soviet of the Republic of Belorussia of matters pertaining to the granting of Belorussian citizenship" (Transactions of the Supreme Soviet of the Belorussian SSR, 1991, supplement to no. 6 (8));

The Decree of the Presidium of the Supreme Soviet of the Republic of Belorussia of May 12, 1987 "On introducing an addition to Article 11 of the Decision on the procedures for studying by the Presidium of the Supreme Soviet of the Republic of Belorussia of matters pertaining to the granting of Belorussian citizenship".

5. The Soviet of Ministers of the Republic of Belarus must assure the adoption of necessary measures to carry out the Law of the Republic of Belarus "On Belarusian citizenship" and make the respective proposals to be considered by the Presidium of the Supreme Soviet of the Republic of Belarus before December 1, 1991.