

# FREE LEGAL OFFICE

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for the rights of foreign citizens  
and stateless people

Human Constanta

Report for 2023



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In 2017, Human Constanta opened a free legal office on issues of protecting the rights of foreign citizens and stateless people in Belarus. In 2021, Human Constanta, like many other civil society organizations in Belarus, was subjected to unjustified persecution and forced liquidation, which significantly hampered human rights and humanitarian work within the country. Physical offices in Minsk and Brest were closed, and personal reception of people was stopped. The free legal office team had to develop new approaches and tools to continue advising foreigners and stateless people on protecting their rights in Belarus and working with the humanitarian crisis at the border between Belarus and the European Union (EU), which began in the summer of 2021 and continues at the time of writing report.

This report is an overview of the activities of the free legal office, the specifics of requests and a description of the legislative and enforcement problems that we encountered in Belarus in 2023.

## MAIN CONCLUSIONS

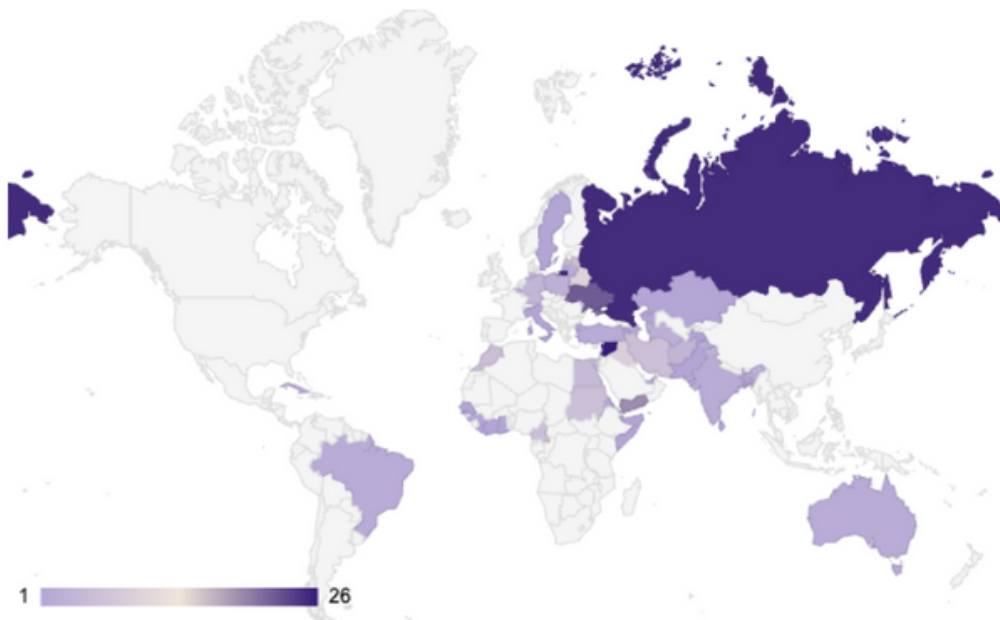
- In 2023, 219 foreigners from 43 countries received legal assistance at the Human Constanta free legal office. The largest number of applicants were citizens of Syria and Yemen, which is due to the ongoing humanitarian crisis in the country and on the borders with the EU. As in previous years, a large number of citizens of Russia and Ukraine also contacted the free legal office.
- The main topics of requests to the free legal office are related to the humanitarian crisis on the territory of Belarus and on the border with EU countries, which began in 2021. The free legal office team recorded an increase in the number of missing and dead migrants at the border and the lack of response from the Belarusian authorities, lack of access to humanitarian and medical assistance.
- After the start of Russia's full-scale invasion in Ukraine, we recorded cases of Ukrainian citizens being brought to criminal liability in Belarus under the so-called extremist articles and for espionage.
- Despite the announcement by the Belarusian authorities of broad support for refugees from Ukraine, people faced a number of difficulties and legal uncertainty at different stages of their stay in Belarus, including issues of employment and obtaining medical care.
- The addition of a wide range of anti-extremist articles to Belarusian legislation has led to an increase in risks for foreign citizens in Belarus. Thus, Nizomiddin Nasriddinov, a political activist from Tajikistan, was extradited from Belarus to his homeland, since the crime of which he was accused in Tajikistan was included in the criminal legislation of Belarus.
- Expanding the grounds for loss of Belarusian citizenship, adopted in 2023, could lead to an increase in statelessness in the region. Belarusian citizens by birth may lose citizenship due to the presence of a court verdict that has entered into legal force confirming the participation of a Belarusian citizen in extremist activities or causing grave harm to the interests of Belarus.

- At the same time, the Criminal Code of Belarus contains a large number of crimes that are interpreted as “extremism” or “causing grave harm to the interests of Belarus.”
- The Belarusian authorities have begun to take steps to facilitate access for foreigners to work in Belarus, namely, the list of categories of foreigners who can work in Belarus without obtaining special permits has been expanded. At the same time, they strengthened control over the employment of Belarusian citizens and foreigners with permanent residence permits in Belarus abroad.

## TOTAL INFORMATION

In 2023, 219 people from 43 countries of the world contacted the Human Constanta free legal office. Some of the applicants (22 people) did not indicate their citizenship in the request, so the geography of applications may be wider. One of the applicants was a stateless person. Consultations were conducted by telephone and email. In 2023, we advised on general issues related to arrival and stay/residence in Belarus, as well as on issues related to the humanitarian crisis on the territory of Belarus and the border with EU countries. Despite the continued high demand for humanitarian aid, the free legal office team was forced to suspend its provision.

## GEOGRAPHY OF COUNTRIES OF CITIZENSHIP APPLYING TO THE FREE LEGAL OFFICE



In 2023, the largest number of applications came from citizens of Syria (26), the Russian Federation (25), Ukraine (22) and Yemen (19).

Citizens of Belarus (10), Iraq (9), Cameroon (6), Iran (6), Sudan (6), Morocco (6), Latvia (6), Egypt (5), Germany (4) actively applied.

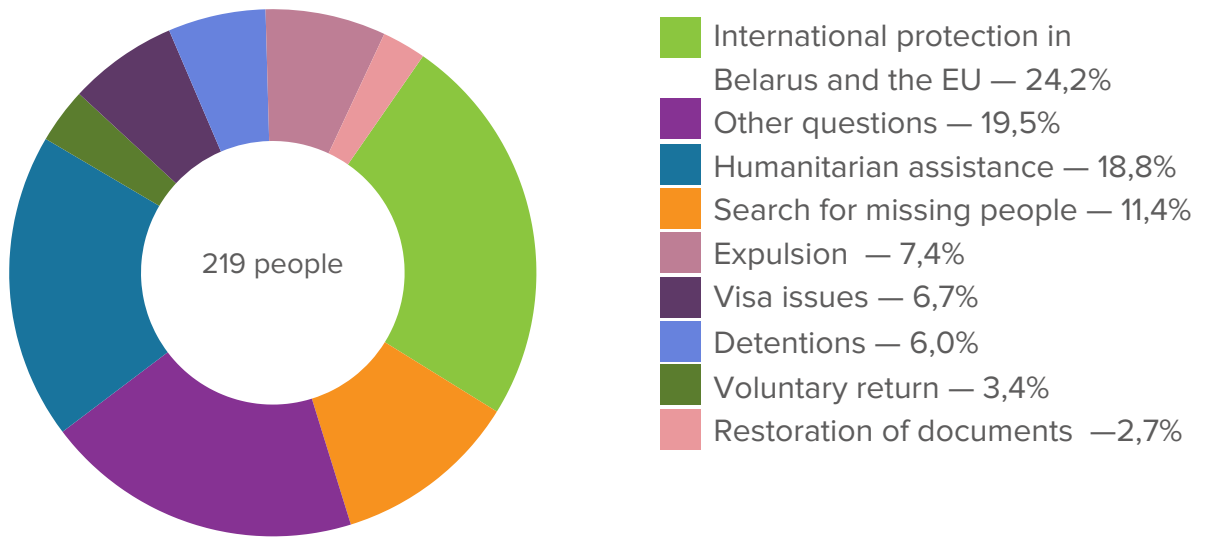
There were also requests from citizens of: Afghanistan (4), Poland (3), Turkmenistan (3), Cuba (3), India (2), Turkey (2), Australia (2), Brazil (2), Palestine (2), Lithuania (2), Lebanon (2), Pakistan (1), UAE (1), Ghana (1), Sweden (1), Ivory Coast (1), Tajikistan (1), Azerbaijan (1), Eritrea (1), Italy (1), Belgium (1), Guinea (1), Senegal (1), Armenia (1), Kazakhstan (1), Moldova (1), Sri Lanka (1), Somalia (1), Liberia (1), Bangladesh (1).

## SUBJECTS OF APPEALS

The majority of requests to the free legal office in 2023 related to obtaining international protection in Belarus (28) and receiving humanitarian assistance (28). Foreigners also addressed questions regarding obtaining international protection in EU countries (8), for example, what documents you need to have with you to apply for international protection, what the procedure for applying for international protection is in case of crossing the border in violation of the established rules. We also received requests for the detention of migrants in Belarus (9), for assistance in the voluntary and safe return of transit refugees to their home countries (5). People contacted us to clarify the restoration of lost foreign documents (4) and the entry into force of the Agreement on Mutual Recognition of Visas between Belarus and Russia (10).

The humanitarian crisis caused the free legal office to receive requests related to the search for missing transit refugees at the border of Belarus (17). Transit refugees applied for humanitarian aid — clothing, food, hygiene products.

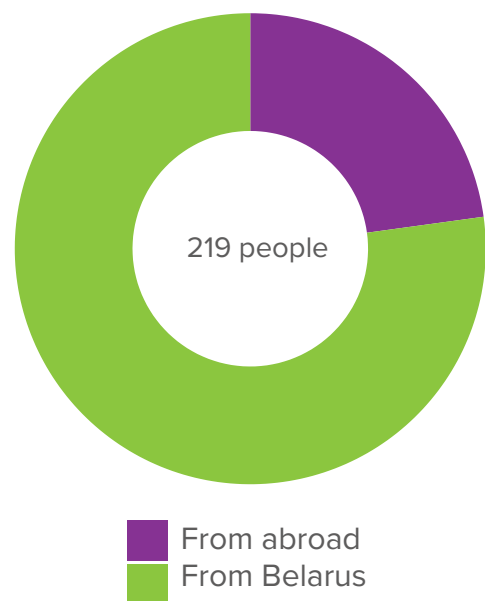
In 2023, we also worked with our “traditional” topics — registration of documents for residence in Belarus (11), expulsion of foreigners from Belarus voluntarily and forcibly (11), acquisition and termination of citizenship of Belarus (3), procedure for entry into Belarus (4), divorce proceedings (4), etc. (7).



Subjects of appeals

## THOSE WHO APPLIED TO THE FREE LEGAL OFFICE FROM BELARUS AND FROM ABROAD

The number of people in need of assistance within the country has remained high since the outbreak of the humanitarian crisis in Belarus and its borders with the EU in 2021.

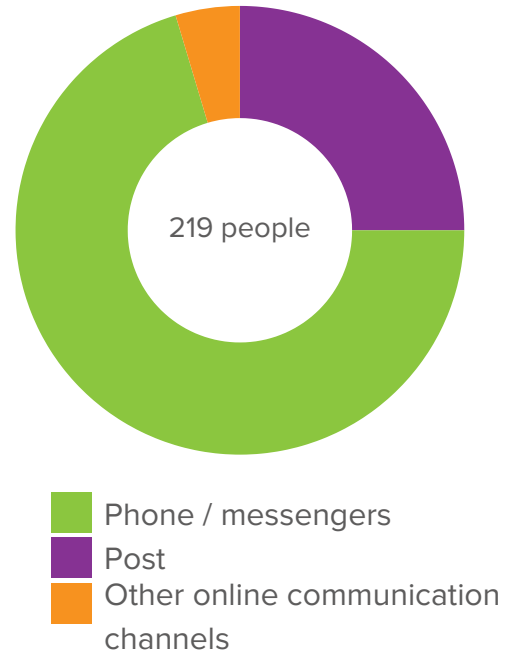




## CHANNELS FOR APPEALS TO THE FREE LEGAL OFFICE

Since 2021, the free legal office has suspended the personal reception of foreigners in its offices in Belarus. In 2023, most people contacted us through various instant messengers, which allowed for full-fledged consultations and a secure exchange of documents.

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# ANALYSIS OF REQUESTS

Analysis of appeals helps to identify systematic problems faced by foreigners and stateless people in Belarus in 2023, as well as new trends caused by the political situation in the country and region, such as the humanitarian crisis, prosecution of Ukrainians on “extremist” charges and for espionage, increase in the number of missing and dead migrants in the border zone of Belarus.

## HUMANITARIAN CRISIS

The humanitarian crisis that began in the summer of 2021 remained the main focus of the free legal office in 2023. Migrants from different countries continued to come to Belarus, mainly through the land border with Russia. Since there are no checkpoints installed on the Belarusian-Russian border, the exact number of people coming to Belarus remains unknown. The most frequent requests to the free legal office related to the procedure for obtaining international protection in Belarus or EU countries, searching for missing persons in the border zone and providing humanitarian assistance.

In matters of obtaining international protection in Belarus or EU countries, people mainly needed initial consultation - an explanation of the application procedure, identification of government bodies to apply. So, we received questions from citizens of Yemen, Cuba, Syria, Iraq, Sudan, Egypt and other countries. We also recorded cases where foreign citizens who were preparing to apply for protection in Belarus or who were already in this procedure decided to interrupt the procedure and attempt to obtain international protection in EU countries. Thus, a citizen of Somalia, in the process of filing an application for protection in Belarus, decided to cross the border between Russia and Finland and apply for protection in Finland. Distrust in the Belarusian system for providing international protection, reinforced, among other things, by violence on the part of border guards, low levels of service, and the lack of effective programs for supporting and adapting refugees, motivated people to look for alternative safe countries

and leave Belarus. However, with multiple irregular border crossings, migrants found themselves in an even more vulnerable position. A citizen of Somalia was detained while on Russian territory. Under threat of expulsion from Russia, he agreed to sign a contract with the Russian Armed Forces. The prompt response of the human rights community prevented the man from being sent to the front, but not his deportation to Somalia, where he was in danger.

When receiving requests about missing foreigners in the border zone of Belarus, we repeatedly contacted the State Border Committee of Belarus (hereinafter referred to as the SBC) or emergency medical services to initiate search and rescue operations. In most cases, government services refused to search for people and provide them with assistance. In some cases, the SBC reported the fact of a search for missing persons, but did not provide detailed information about the actions taken and the immediate results of the search actions.

The families of migrants believed to have disappeared on the border between Belarus and the EU were usually far away and could not take effective action to search for relatives in Belarus or at the border with EU countries. They faced administrative and language barriers, and fear of contacting government bodies of Belarus or diplomatic missions of their own countries.

From January 1, 2023, submitting electronic appeals to Belarusian government bodies and receiving responses to them became possible only through a unified electronic system, available in the Belarusian and Russian languages. Also, when registering in the system, foreign citizens must indicate their residential address in Belarus and a Belarusian telephone number, which significantly complicates the process of using the service, and in cases where there are no acquaintances in Belarus, makes it simply impossible.

In 2023, the SBC reported 28 migrants who died near the border with EU countries. When the bodies of dead migrants were discovered and there were no documents confirming their identity, the problem of identifying the bodies, their subsequent burial and informing relatives about the fact of death in Belarus arose. Although the Belarusian legislation establishes the procedure and mechanisms for identifying bodies, in practice it is impossible to establish how conscientiously and comprehensively government agencies carry them out. We know of a case when a Sri Lankan citizen who died on the border

with the EU was buried in Belarus, about which his relatives received a message from an unknown authority after the burial. We managed to contact the Belarusian investigative authorities and confirm the identity of the deceased. However, we did not receive a response to an official request on behalf of the father of the deceased to obtain a death certificate and personal belongings, provide details about the place and procedure of burial, as well as the possibility of repatriating the body to Sri Lanka.

In 2023, our team completely stopped providing humanitarian assistance to migrants in Belarus. The Office of the United Nations High Commissioner for Refugees (hereinafter referred to as UNHCR) in Belarus and the Belarusian Red Cross Society also did not provide humanitarian assistance or financial support to transit migrants. The representative office of the International Organization for Migration (hereinafter referred to as IOM) in Belarus periodically provided people with food packages, but such assistance was not comprehensive and systematic. The mission of the organization Doctors Without Borders in Belarus, which throughout 2022–2023 provided migrants with the necessary primary medical care and referred them to specialized medical institutions in severe or emergency cases, announced the cessation of its work in Belarus from 2024. This meant that transit refugees would have even fewer opportunities to receive humanitarian and medical assistance in Belarus. In this regard, we made [a statement](#) to the authorities and organizations in Belarus about the need to organize emergency humanitarian and first medical aid points near the border of Belarus and the EU countries and provide transit refugees with emergency medical care, food and shelter in extreme conditions. Neither Belarusian government authorities nor representatives of international organizations responded to this call, as a result, migrants continued to be in an extremely vulnerable position, especially when trying to cross the border with the EU.

In 2023, the problem of documenting minor children of transit refugees who violate the rules of stay in Belarus remains relevant. Thus, a citizen of Liberia contacted us, having given birth to a child in Belarus and facing the threat of deportation from Belarus. The issue was that Belarusian government authorities do not issue travel documents for newborn children of irregular migrants, which can make it difficult to cross the border of a foreign country (up to and including charges of human trafficking).

The Department of Citizenship and Migration of Belarus (hereinafter referred to as OGiM) informed us that a certificate for the return of a newborn child is issued by diplomatic missions of the parents' countries of origin. In the case of our client, contacting the diplomatic mission of her country of citizenship and obtaining the necessary documents was impossible, since there is no Liberian embassy or consulate in either Belarus or the Russian Federation. The nearest diplomatic missions are located in EU countries, where the Liberian citizen cannot enter without the appropriate visa. Appeals to the nearest diplomatic missions of Liberia yielded no results, which, in fact, left the woman without the opportunity to safely return with her child to her homeland.

## SPORTS AND FOREIGN CITIZENS

In 2023, 2 football players from Guinea and Senegal who signed the agreements with the Belarusian football club contacted us. After the players arrived in Belarus, the agent who organized their trials demanded money from them for the return of their passports. Only after contacting the Belarusian Football Federation (ABFF) we received information about who was holding the documents of foreign football players and where. Such situations are not isolated in the field of Belarusian football and reflect the scale of corruption and violations of the rights of foreigners who are in a vulnerable position in Belarus.

## CITIZENS OF UKRAINE

According to the SBC of Belarus, 147,138 citizens of Ukraine have arrived in the country since February 24, 2022: across the Ukrainian — Belarusian border — 15,916, in transit through Poland — 98,254, through Lithuania — 28,427, through Latvia — 4,541. According to the OGiM, in 2022 and 2023, only 3,427 Ukrainian citizens applied for international protection in Belarus. The low level of requests for protection in Belarus was because Ukrainians often transited through the territory of Belarus, and those who remained in Belarus preferred alternative options for legalizing their stay.

Despite the announcement by the Belarusian authorities of broad support for refugees from Ukraine, in practice people faced a number of difficulties and legal uncertainty at different stages of their stay in Belarus. We received questions about the rules for crossing the Belarusian-Russian border, the procedure for international protection in Belarus, passing a medical and social examination, employment, receiving medical care, restoring Ukrainian documents, features of the divorce process, and others.

The Russian Federation's full-scale invasion in Ukraine in 2022 forced thousands of people to flee their homes and travel to nearby countries, often without the documents needed to cross the border or undergo other administrative procedures. We received a request from a Ukrainian citizen who arrived in Belarus without identification documents. Due to the lack of documents, he faced the experience of homelessness in both Russia and Belarus, and the inability to travel to the EU. We explained to him the procedures for restoring documents and applying for international protection in Belarus, and also provided him with the contacts of all organizations in Belarus that provide assistance to Ukrainian citizens.

In 2023, the number of cases in which Belarusian authorities accused Ukrainian citizens of involvement in “extremist” activities increased. Such accusations were made both against Ukrainians who arrived in Belarus after the start of the full-scale invasion and against those who had lived in Belarus for a long time. Thus, a relative of a Ukrainian citizen who has lived in Belarus for a long time and was accused of engaging in extremist activities contacted us. The court decided to forcibly expel the Ukrainian from Belarus, despite his close connection with Belarus and the lack of convincing evidence of his danger to the national interests or the rule of law in Belarus. Relatives of Ukrainian citizens who were detained while crossing the border of Belarus and Poland contacted us with a similar problem. The basis for the detention was videos on their phones, the content of which allowed them to be accused of extremism. Ukrainian citizens were also accused of espionage, which served as a reason for their detention and subsequent expulsion from Belarus.

In addition to the expulsions of Ukrainian citizens from Belarus, some of them faced refusals to enter the territory of Belarus. Thus, a citizen of Ukraine was

denied entry into Belarus, allegedly because of the application installed on his phone to control a drone. We contacted the Ministry of Internal Affairs of Belarus (hereinafter referred to as the MIA) to confirm the inclusion of a Ukrainian in the List of persons whose entry into the Republic of Belarus is prohibited or undesirable, as well as to obtain clarification on the reasons for the restrictions imposed. The MIA denied the inclusion of a foreigner on the List, but pointed to an actual ban on entry into the country based on “information from the competent authorities.” The MIA did not explain what information was being discussed.

Refugees from Ukraine, as well as irregular migrants, faced the problem of lack of humanitarian assistance or its insufficiency in Belarus. Refugees from Ukraine could count on a one-time payment of 1 basic unit (as of December 2023, 37 rubles) from the state and one-time aid from the Belarusian Red Cross Society. We also recorded that migration service employees did not explain to people their right to apply for additional assistance from the state, enshrined in law.

## **EXPULSION OF FOREIGNERS FROM BELARUS**

On January 8, 2023, Belarusian authorities, at the request of the Tajik authorities, detained Tajik activist Nizomiddin Nasriddinov while trying to cross the border of Lithuania and Belarus. On February 21, 2023, the General Prosecutor's Office of Belarus decided to extradite Nasriddinov to Tajikistan, based on the formal compliance of Article 307-1 of the Criminal Code of Tajikistan (“public calls for extremist activities and public justification of extremism”) with Article 361 of the Criminal Code of Belarus (“public calls for actions aimed at causing harm to the national security of the Republic of Belarus”). The presence of the same offense in the legislation of both countries became a formal basis for extradition on the basis of a multilateral agreement on legal cooperation.

When deciding to extradite Nasriddinov, the Prosecutor General's Office did not take into account either his refugee status in Germany or the serious risk of torture, unfair trial and politically motivated persecution in Tajikistan. In his appeal, Nasriddinov also stated that after being forced back to Tajikistan in

2017, one of his relatives was sentenced to long-term imprisonment for political reasons. Belarus is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibits the removal, return or extradition of a person to another state if there are serious grounds for believing that he or she would be at risk of torture. This principle is also enshrined in Belarusian legislation. Human Constanta and other human rights organizations issued a joint statement calling on the Belarusian authorities to respect their international legal obligations regarding the absolute prohibition of torture, reverse their decision to extradite Nasriddinov and immediately release him so he can return to Germany. However, in July 2023, the Belarusian authorities extradited the activist to Tajikistan, where a local court sentenced him to 8.5 years in prison.

In some cases, foreigners contacted us with requests to expedite the procedure for forced expulsion or deportation initiated against them. So, we were contacted by a citizen of Cameroon, whose son studied in Belarus and lived on the basis of a temporary residence permit. After the cancellation of the residence permit, the migration services of Belarus also decided on forced deportation. On this basis, a citizen of Cameroon was detained and placed in a temporary detention center in Minsk. Since forced deportation or expulsion is carried out at the expense of the foreigner himself, situations often arise when foreigners cannot pay for travel from Belarus to the country of their citizenship and, as a result, can be detained for a long time in unsatisfactory conditions. Our team contacted the OGiM and the Ministry of Foreign Affairs of Belarus, and also hired a lawyer to represent the interests of the detained foreigner. As a result, we were able to achieve the quick and safe deportation of the foreigner to Cameroon.



## **NEW LEGISLATION ON FOREIGNERS AND CITIZENSHIP OF BELARUS**

### **Law of the Republic of Belarus “On Citizenship”**

On July 11, 2023, changes to the Belarusian Law “On Citizenship” came into force, according to which all Belarusian citizens are required to inform the Belarusian internal affairs authorities or diplomatic service authorities about acquiring foreign citizenship or obtaining residence permits in foreign countries. Responsibility for violation of this obligation has not yet been introduced. Despite the mandatory nature of the norm, many Belarusians abroad are afraid to report the presence of foreign documents, as this may become the basis for repressive measures to be applied to them by the Belarusian de facto authorities.

The Law also expanded the provisions on the procedure for losing Belarusian citizenship. Now citizens of Belarus by birth who are outside the country may lose their Belarusian citizenship if they are convicted of participating in extremist activities or causing grave harm to the interests of the Republic of Belarus. The Criminal Code of Belarus contains a large number of crimes, which can be understood as participation in extremist activities or causing grave harm to the interests of Belarus. At the same time, loss of citizenship in such cases is allowed even when Belarusian citizens do not have citizenship of other countries. At the moment, there is no practice of applying this article of the law, but it is already obvious that this is another mechanism of repression against Belarusian citizens, which could potentially lead to an increase in the level of statelessness in the region.

### **Law of the Republic of Belarus “On the legal status of foreigners and stateless people”**

From May 17, 2023, additional temporary restrictions on the departure of foreigners from Belarus began to apply. Thus, if an administrative process is underway against a foreigner for committing an administrative offense against the management order or the foreigner is subject to an administrative penalty in the Republic of Belarus, then temporary departure from Belarus

began to apply. Thus, if an administrative process is underway against a foreigner for committing an administrative offense against the management order or the foreigner is subject to an administrative penalty in the Republic of Belarus, then temporary departure from Belarus may be limited until the administrative penalty is executed in full.

Foreigners also got the opportunity to obtain a biometric residence permit in Belarus.

### **Law of the Republic of Belarus “On External Labor Migration”**

From July 1, 2023, state control over the employment of Belarusian citizens and foreigners with permanent residence permits in Belarus abroad was strengthened, and access for foreigners to work in Belarus was facilitated. Thus, the list of categories of foreigners who can carry out labor activities in Belarus without obtaining special permits has been expanded, for example:

- professional athletes competing for Belarus, professional sports coaches;
- participants of construction teams;
- receiving vocational, secondary specialized and higher education in Belarus and finding employment in Belarus under certain conditions;
- those who have received vocational and secondary special education in Belarus and are employed in their specialty (previously only graduates of higher educational institutions);
- seasonal workers employed under employment contracts in agriculture for a period of no more than six months in a calendar year.

The law also abolished the need to obtain permits to attract foreign labor when employing more than 10 migrant workers at the same time and improved the procedure for issuing, extending, and canceling special permits.

## **Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on the mutual recognition of visas and on other issues related to the entry of foreign citizens and stateless persons into the territory of the states parties to the Treaty on the Establishment of the Union State**

Despite the fact that the Agreement, which allows foreigners with Russian visas to come to Belarus and vice versa, was signed back in 2022, and in 2023 the states completed the necessary actions for its ratification, at the moment there is no official information about the entry into force of the Agreement.

**Human Constanta** is a Belarusian human rights organization.

We work with human rights in three main areas:


- protection of the rights of foreign citizens and stateless persons;
- promoting anti-discrimination and non-formal human rights education;
- digital freedoms and rights.

### **Our mission**

Promoting public interests and joint actions in response to modern challenges in the field of human rights in Belarus.

### **What are we doing?**

- we help others protect their rights;
- we compare Belarusian laws and practices with the best foreign examples and human rights standards;
- we pass on this knowledge through educational events.



If your rights have been violated in Belarus, you can contact our free legal office for free legal advice:

**+4915774002500** (Telegram, WhatsApp, Signal)

[legal@humanconstanta.org](mailto:legal@humanconstanta.org)

<https://www.legalhub.help/>

