

# CURRENT ISSUES OF LABOUR MIGRATION IN BELARUS





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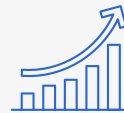
### Key Industry Sectors:

- Banking & Finance
- Construction & Infrastructure
- Industry & Trade
- Mining
- Oil & Gas
- Pharmaceuticals & Healthcare
- Technology, Media & Telecommunications
- Transport



> 22

countries of presence



> 31

years of experience



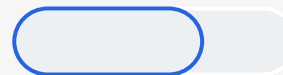
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professionals



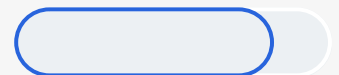
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practice areas



7 700+

clients



15 000+

projects

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## *Concept and types of labour migration:*

- Labour migration is the relocation of the workforce to other territories with the purpose of employment.
- Belarusian labour law distinguishes internal and external migration, workers-immigrants and workers-emigrants.
- Internal labour migration is the moving of citizens and people without citizenship for employment within the borders of the permanent residence state.
- External labour migration is the departure of citizens of Belarus to a foreign state and the entry of foreigners to Belarus for employment.
- CIS Convention on the legal status of workers-migrants and their family members also determines frontier migrants and seasonal migrants.
- Frontier migrants are those who work in a state border area different from the permanent residence state, they return to the permanent residence state at least once a week.  
Seasonal migrants are those, whose work is related to seasonal circumstances and can be done only during a certain period.
- The International Organisation for Migration specified: the labour migration level in Belarus is stable year after year. The state has accepted mainly the citizens of Russia, Ukraine, China, Kazakhstan, Uzbekistan, and Turkey which is based on the geopolitical situation in the region and investment projects in Belarus. Belarusians move to Russia, Poland, Lithuania, the Czech Republic, and the USA for labour migration.

## Belarusian migration legislation and international partnership in labour migration:

Labour migration in Belarus is regulated by the Law of the Republic of Belarus of December 30, 2010, No. 225-Z “On external labour migration” (the Law on external labour migration) and the Law of the Republic of Belarus of January 4, 2010, No. 105-Z “On the legal status of foreigners and people without citizenship in the Republic of Belarus”.

- Belarus is a member of the International Organisation for Migration since 1994 and is a party to multiple bilateral and multilateral international treaties.
- The state has not signed the International Labour Organisation conventions. However, it ratified:
  - CIS Convention on the legal status of workers-migrants and their family members (signed in Chişinău (Moldova) on November 14, 2008);
  - CIS Convention on the Partnership in labour migration and workers-migrants’ social protection (signed in Moscow (Russia) on April 15, 1994).
- Labour migration issues are also adjusted in Section 26 of the EAEU Treaty, which specifies the cooperation of the states-EAEU members in labour migration, workers-migrants’ rights and obligations.

### ***Permissions for migrants’ employment.***

- The employment of workers-immigrants in Belarus is possible if the vacancies cannot be taken by the citizens of Belarus and foreigners permanently residing in Belarus.



This permission is required if the employer hires more than 10 foreigners, or the total amount of such employees in a company becomes more than 10 foreigners. Calculating the workers-migrants, the employer should not consider the highly qualified workers, the company's heads who participated in a company establishment, people not subject to the Law on external labour migration such as migrants who graduated in Belarus and were employed after obtaining a specialty and awarding of qualification. In addition, there is no need to receive permission, if the employer is a High-Tech Park (HTP) resident.

◀ To get permission, the employer should apply documents to the migration authorities.

- The permission is issued considering the conclusion on the possibility of foreigners' employment in Belarus given by the labour, employment, and social protection authority at the place of employer's state registration.

The period for the review of applications by the migration authorities is **15** days.

The permission is valid for 1 year, and this period can be prolonged once upon the employer's application. The employer should apply documents for authorities once again after expiring the permission. - the special permission for employment (**special permission**).

***Every foreigner should obtain this permission, except for the following situations: the employer is an HTP resident;***

the foreigner is a citizen of

- RUSSIA,
- ARMENIA
- KAZAKHSTAN
- OR KYRGYZSTAN

- the foreigner is not a subject of the Law on external labour migration.

Since July 1, 2023 foreigners who are going to work as car drivers, mechanic-repairman, tractor drivers, seamstresses, electricians, veterinarians, specialist doctors, engineers, nurses, and paramedics are not required to obtain special permission.

The period for the review of applications by the migration authorities is 15 days.

To obtain special permission, the employee should file a request to the migration authorities. Before applying documents to the authorities, the employer should send the information on free workplaces (vacancies) to the labour, employment, and social protection authority at the employer's location within 5 days from the date when the vacancy arises.

- **The special permission is valid for 1 year.**

However, for highly qualified workers 2 years can be set. Migrants can apply for the prolongation of special permission once. To prolong employment relations after the expiration of permission employers should reapply documents to the migration authorities.

The special permission is issued considering the conclusion on the possibility of foreigners' (not having permanent residence permission) employment in Belarus given by the labour, employment, and social protection authority at the place of employer's state registration.

Foreigners can obtain special permissions multiple times for every position (profession).

▶ The employers hire foreigners under the requirements of the Labour Code of the Republic of Belarus.

- 1 The foreigner should provide the documents required by the legislation. There are several special requirements for foreigners though. So, education documents received in a foreign state should be legalised. Nevertheless, the employee can provide an education document without legalisation if this document is issued in the state which signed the international treaty on mutual recognition and equivalence of educational documents and degrees with Belarus. In Belarus, education documents issued by Ukrainian, Georgian, Kazakh, Moldovan, Russian, Azeri, Armenian schools, colleges and universities are recognised without legalisation.
- 2 Belarusian employers must issue an employment history record book consistent with the Belarusian labour law for an immigrant, although they can learn information on a foreigner's work experience using employment history records issued in another state.
- 3 Foreigners who are temporarily staying or temporarily residing in Belarus must sign a contract on compulsory health insurance or a contract on health insurance with the foreign insurance company in case of emergency medical care provided by medical institutions. There is an exception to this rule: certain foreigners are exempt from signing such contracts. They are the citizens of states-CIS members, for whom first aid and emergency medical care in Belarus is free.

**Finally**, the employment contract signed with a foreigner should regulate the order of amending and terminating this contract in case of the special permission annulment, terms of remote worker movement to Belarus, insurance, and residence in Belarus.

- The employment contract is valid within the special permission period if it is required. Therefore, this contract can be signed only for a certain term. The employment contract should be drafted in Russian or Belarusian and the language clear for the employee.
- Then, the employment contract should be registered within a month after its signing. For this purpose, the employer applies 2 contract copies to the migration authorities.
- HTP residents should not register the employment contract. However, they must inform the authorities on signing such a contract and provide its copy within 3 working days.

## ***Labour migration's legal aspects.***

*Migrants must follow the legislative requirements of the employment state.*

So, they must obtain the temporary residence permission. It is issued for less than 1 year, but for highly qualified workers, 2 years can be set. The decision to issue the temporary residence permission is made by the migration authorities at the place of planned residence within 15 days after applying the documents.

Moreover, foreigners and people without citizenship must receive an exit-entry visa to Belarus from the migration authorities at the place of the employees' residence. The visa is issued within 15 days. However, migrants can request for obtaining the visa in an accelerated (5 days) or immediate (1 day) order. The visa is issued for the period of permanent residence permission validity.

## ***Employer's liability.***

The employers can be subject to administrative proceedings based on the violation of the procedure of employment of foreigners and people without citizenship. In this situation, the employers are faced with the risk to get a fine of not more than around **EUR 565,00.**

## ***Migrants' rights protection.***

Immigrants have the right to apply to the court of the employment state for their labour rights protection. First-instance court tries the labour disputes involving the workers-migrants within 2 months after the claim receipt by the court. Workers-migrants don't need to pay the state fee for the labour dispute resolution.





# GLOBAL PRESENCE

## Integrated Offices

- |  |  |                               |
|--|--|-------------------------------|
| <b>Azerbaijan</b><br>Baku                                      | <b>Kyrgyzstan</b><br>Bishkek                               | <b>Tajikistan</b><br>Dushanbe |
| <b>Belarus</b><br>Minsk  | <b>Moldova</b><br>Chisinau                                 | <b>Ukraine</b><br>Kyiv        |
| <b>Georgia</b><br>Tbilisi                                      | <b>Mongolia</b><br>Ulaanbaatar                             | <b>Uzbekistan</b><br>Tashkent |
| <b>Kazakhstan</b><br>Astana<br>Almaty<br>Atyrau<br>Aktau, etc. | <b>Russia</b><br>Moscow<br>Rostov-on-Don<br>St. Petersburg |                               |

## Associate Offices

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- Cyprus**  
Limassol
- Russia**  
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- Germany**  
Frankfurt
- Malaysia**  
Kuala Lumpur
- Switzerland**  
Zurich
- UK**  
London
- USA**  
New York