

LAW OF THE REPUBLIC OF BELARUS

December 30, 2022 No. 233-3

**On amendments to the Law of the Republic of Belarus
“On external labor migration”**

Passed by the House of Representatives on December 7, 2022.

Approved by the Council of the Republic on December 21, 2022.

Article 1. Law of the Republic of Belarus dated December 30, 2010 No. 225-3 “On external labor migration” should be stated in a new edition:

“LAW OF THE REPUBLIC OF BELARUS

On external labor migration

**CHAPTER 1
GENERAL PROVISIONS**

Article 1. Basic terms used in the present Law and their definitions

For the purposes of the present Law, the following basic terms and their definitions are used:

external labor migration – leaving the Republic of Belarus for employment and carrying out labor activities under labor or civil law agreements in the state of employment of citizens of the Republic of Belarus (hereinafter referred to as citizens), foreign citizens or stateless persons permanently residing in the Republic of Belarus (hereinafter, unless otherwise provided – foreigners, permanently residing in the Republic of Belarus), as well as entry to the Republic of Belarus for employment and labor activities under employment contracts in the Republic of Belarus for foreign citizens or stateless persons who do not have permits for permanent residence in the Republic of Belarus (hereinafter referred to as foreigners);

highly qualified worker – a foreigner seeking employment in the Republic of Belarus with an employer of the Republic of Belarus who has a high level professional knowledge, skills and abilities confirmed by documents about education and work experience in the relevant type of professional activity for at least five years, with the amount of the monthly salary specified in the employment contract of such a foreigner exceeds five times the minimum wage monthly salary established in the Republic of Belarus;

state of employment – the state on the territory of which emigrant workers carry out labor activities;

employment assistance agreement – an agreement concluded in writing form between a citizen or a foreigner permanently residing in the Republic of Belarus, and a legal entity of the Republic of Belarus or an individual entrepreneur registered in the Republic of Belarus (hereinafter referred to as the legal person or individual entrepreneur) who have a license to carry out activities related to employment outside the Republic of Belarus (hereinafter referred to as license), on the provision of services (services) to assist this citizen or foreigner in employment outside the Republic of Belarus;

employment contract – an agreement concluded in writing between legal entity or individual entrepreneur intending to become license applicants or those holding a license, and a foreign employer (foreign intermediary organization for employment outside the Republic of Belarus for student programs during summer holidays of citizens and foreigners permanently residing in the Republic of Belarus, studying in organizations of the educational system of the Republic of Belarus (hereinafter referred to as employment outside the Republic of Belarus for student programs)), on the provision of services (services) for employment of citizens outside the Republic of Belarus or foreigners permanently residing in the Republic of Belarus;

foreign employer – an individual, including those carrying out entrepreneurial activity, permanently residing outside the Republic of Belarus, a foreign legal entity or a foreign organization that is not a legal

entity (hereinafter referred to as a foreign organization), which, by law of the state of employment is granted the right to conclude and terminate labor or civil contracts with emigrant workers and which use on the basis of such contracts, the labor of emigrant workers without the involvement of a third sides;

foreign employer – an individual, including those carrying out entrepreneurial activity, permanently residing outside the Republic Belarus, a foreign legal entity or a foreign organization that is not a legal entity (hereinafter referred to as a foreign organization), which, by law, state of employment is granted the right to conclude and terminate labor or civil contracts with emigrant workers and which use on the basis of such contracts, the labor of emigrant workers without the involvement of a third sides;

employer of the Republic of Belarus – a legal entity, individual entrepreneur, a foreign organization that hires immigrant workers to work in its representative office established in the territory of the Republic of Belarus, an individual who is not an individual entrepreneur who is granted by the legislation of the Republic of Belarus the right to conclude and terminate employment contracts with immigrant workers;

special permit for the right to engage in labor activities in the Republic of Belarus (hereinafter – special permit) – a document confirming the right to immigrant worker to carry out labor activities under labor agreement with the employer of the Republic of Belarus;

third party – a foreign organization or individual, including carrying out business activities that hire emigrant workers to perform work in the interests of another foreign organization or an individual, including those carrying out entrepreneurial activities, who are not employers;

labor activity – work performed by an immigrant worker in the Republic of Belarus on the basis of an employment contract, as well as work performed by an emigrant worker on the basis of an employment contract, or carried out by him activities to perform work (provide services) on the basis of civil law agreements on the territory of the state of employment in accordance with the law of this state;

immigrant worker – a foreigner entering to (entered) the Republic of Belarus for carrying out labor activities under an employment contract with an employer of the Republic of Belarus or carrying out such activities in the Republic of Belarus;

emigrant worker – a citizen or foreigner permanently residing in the Republic of Belarus and those traveling (travelled) outside the Republic of Belarus to carry out labor activities with a foreign employer for labor or civil contract;

family members - spouse, children, including adopted children, parents, adoptive parents, grandparents, grandchildren.

Article 2. Scope of the present Law

The present Law regulates relations in the field of external labor migration, related to the implementation of labor activities by emigrant workers and immigrant workers.

Chapter 4 of the present Law does not apply to relations related with the implementation of labor activities in the Republic of Belarus by foreigners:

who have been granted refugee status or subsidiary protection or asylum in the Republic of Belarus;
applying for refugee status or subsidiary protection or asylum in the Republic of Belarus;

invited to the Republic of Belarus for a period of no more than ninety days for reading lectures, other training sessions, extracurricular activities and consultations in institutions of higher education or for installation (supervision) equipment, service and (or) warranty service, provision of services on training workers to operate this equipment;

working in diplomatic missions, consular offices foreign states, representative offices and (or) international bodies organizations or interstate entities accredited in the Republic of Belarus;

accredited in the Republic of Belarus as foreign mass media journalists;

being heads of representative offices of foreign organizations, as well as employees seconded to work in such representative offices for a period of time, not exceeding two months;

who are clergy invited by religious associations registered in accordance with the established procedure in the territory of the Republic of Belarus, for engaging in religious activities;

who are professional athletes competing for the Republic of Belarus at international sports competitions, professional coaches, carrying out sports training of professional athletes (teams athletes) and management of their training and (or) competitive work;

undergoing practical training in accordance with educational standards in the specialty, curricula and educational programs of educational establishments of the Republic of Belarus;

who are members of student groups;

receiving vocational, secondary vocational and higher education in educational establishments of the Republic of Belarus and those seeking employment under employment contracts with working hours of no more than half normal working hours established by the labour law;

received vocational, secondary specialized and higher education in educational establishments of the Republic of Belarus and those seeking employment according to the specialty received and (or) qualification assigned;

being winners (laureates) of national (international) competitions or awarded awards in the field of their professional activities, in case of their employment in a specialty within the scope of their professional activities in which they were winners (laureates) of national (international) competitions or have been awarded;

recruited by worker professions (employee positions) included to the list specified in paragraph four of Article 9 of the present Law;

who are seasonal workers and employed by labor contracts in agriculture for a period of no more than six months in a calendar year;

being persons obliged to reimburse expenses spent by the state for the maintenance of children in state care;

who are creative workers, cultural workers, technical specialists invited by state cultural organizations of the Republic of Belarus for the implementation of cultural projects;

those finding employment in a different manner established by legislative acts and (or) international contracts of the Republic of Belarus.

Employers of the Republic of Belarus hiring foreigners for labor activities in the Republic of Belarus specified in part two of this articles, notify in writing the citizenship and migration departments of the main Department of Internal Affairs of Minsk City Executive Committee, departments of internal affairs of regional executive committees (hereinafter referred to as divisions on citizenship and migration) at the place of its location (place of residence), unless otherwise not provided for by legislative acts on:

concluding (extending the validity period) of an employment contract with a foreigner – within three working days from the date of its conclusion (extension of validity);

termination of an employment contract with a foreigner – within three working days from the date of its termination.

The present Law does not apply to relations related with employment and labor activities outside the Republic of Belarus by foreigners and citizens permanently residing outside its borders, as well as citizens permanently residing in the Republic of Belarus and employed outside its borders in a different manner established by international contracts of the Republic of Belarus.

Article 3. Legal regulation of relations in the field of external labor migration

Relations in the field of external labor migration are regulated by law on external labor migration, international contracts of the Republic of Belarus, as well as international legal acts that constitute the law of the Eurasian economic union.

Legislation on external labor migration is based on the Constitution of the Republic of Belarus and consists of the present Law and other acts of legislation.

If an international contact of the Republic of Belarus establishes other rules, than those provided for by the present Law, the rules apply international contract.

Article 4. Principles of external labor migration

The main principles of external labor migration are:
voluntariness of external labor migration;
protection of the national labor market;
inadmissibility of illegal external labor migration;
inadmissibility of hiring emigrant and immigrant workers on conditions that degrade their human dignity and harm their health;
inadmissibility of discrimination against emigrant workers and immigrant workers based on gender, race, nationality, language, religious or political opinions, participation or non-participation in trade unions or other public associations, property or official status, age, place of residence, physical or mental disabilities, if they do not interfere with the performance of relevant job duties, other circumstances not related to business qualities and not determined by the specifics labor functions or employee status.

Article 5. Liability for violation of the present Law

Persons guilty of violating the present Law are liable provided for by legislative acts.

CHAPTER 2 POWERS OF THE PRESIDENT OF THE REPUBLIC OF BELARUS AND GOVERNMENT BODIES OF THE REPUBLIC OF BELARUS IN THE FIELD OF EXTERNAL LABOR MIGRATION

Article 6. Powers of the President of the Republic of Belarus in the field of external labor migration

The President of the Republic of Belarus in the field of external labor migration:
determines a unified state policy;
establishes the features of legal regulation;
exercises other powers in accordance with the Constitution of the Republic of Belarus, the present Law and other legislative acts.

Article 7. Powers of the Council of Ministers of the Republic of Belarus in the field of external labor migration

The Council of Ministers of the Republic of Belarus in the field of external labor migration:
ensures the implementation of a unified state policy;
approves government programs;
exercises other powers in accordance with the present Law and other legislative acts.

Article 8. Powers of internal affairs bodies in the field of external labor migration

Ministry of Internal Affairs in the field of external labor migration:
pursues a unified state policy;
develops and implements government programs;
carries out international cooperation;
interacts with international organizations;
prepares proposals to improve legislation and the conclusion of international contracts of the Republic of Belarus;

coordinates the activities of other republican government bodies management subordinate to the Government of the Republic of Belarus, carries out interaction with other government bodies and organizations;

carries out licensing of activities related to the employment of citizens and foreigners permanently residing in the Republic of Belarus, outside the Republic of Belarus (hereinafter referred to as activities related to employment outside the Republic of Belarus);

submits to the Ministry of Taxes and Duties information about emigrant workers, including those who returned to the Republic of Belarus after graduation labor activity outside the Republic of Belarus. Procedure, forms and deadlines submission of information is established by the Ministry of Taxes and Duties jointly with the Ministry of Internal Affairs;

submits information about minors to the Ministry of Foreign Affairs emigrant workers, including those who returned to the Republic of Belarus after termination of labor activity outside the Republic of Belarus. Order, form and the deadlines for submitting information are established by the Ministry of Internal Affairs jointly with the Ministry of Foreign Affairs;

exercises other powers in accordance with the present Law and other acts of legislation.

Department of Citizenship and Migration of the Ministry of Internal Affairs in the region external labor migration:

participates in the implementation of a unified state policy;

receives jointly with diplomatic missions and consular institutions of the Republic of Belarus participation in the investigation of cases of violation of rights emigrant workers from among citizens or stateless persons, constantly living in the Republic of Belarus;

maintains records of emigrant and immigrant workers;

takes measures to prevent and suppress illegal external labor migration;

exercises other powers in accordance with the present Law and other acts of legislation.

Citizenship and migration divisions in the field of external labor migration:

register labor or civil contracts concluded between emigrant workers and foreign employers with the assistance of legal persons or individual entrepreneurs carrying out employment-related activities outside the Republic of Belarus;

register employment contracts;

issue special permits;

inform diplomatic missions and consular offices of the Republic of Belarus on special permits issued in the manner established by the Ministry of Internal Affairs in agreement with the Ministry of Foreign Affairs;

provide citizens and foreigners permanently residing in the Republic of Belarus, independently traveling outside its borders for employment and carrying out labor activities, information on safe employment outside the Republic of Belarus and in interaction with organizations of the educational system of the Republic of Belarus, the media explain to them possible negative consequences of employment outside the Republic of Belarus without the assistance of legal entities or individual entrepreneurs who have license;

exercise other powers in accordance with the present Law and other acts of legislation.

Article 9. Powers of the Ministry of Labor and Social Protection in the field of external labor migration

Ministry of Labor and Social Protection in the field of external labor migration:

participates in the development and implementation of a unified state policy;

carries out jointly with the Ministry of Economy, government agencies and organizations analysis of the existing need for attracting to the Republic of Belarus immigrant workers;

determines until February 1 of the year following the expired calendar year, the list of worker professions (employee positions) for which foreigners without taking into account restrictions on the protection of the national labor market;

determines jointly with the Ministry of Internal Affairs and the Ministry of Economics procedure and conditions for issuing an opinion on the possibility of implementation of foreigner working; exercises other powers in accordance with the present Law and other acts of legislation.

Article 10. Powers of other state bodies in the field of external labor migration

Other government bodies within their competence in the field of external labor migration: participate in the implementation of a unified state policy; exercise other powers in accordance with the present Law and other acts of legislation.

**CHAPTER 3
EMPLOYMENT OUTSIDE THE REPUBLIC OF BELARUS OF
CITIZENS AND FOREIGNERS PERMANENTLY RESIDING
IN THE REPUBLIC OF BELARUS**

Article 11. Procedure for employment outside the Republic of Belarus of citizens and foreigners permanently residing in the Republic of Belarus

Employment outside the Republic of Belarus of citizens and foreigners, permanently residing in the Republic of Belarus can be carried out:
with the assistance of legal entities or individual entrepreneurs, having a license;
independently without the assistance of legal entities or individual entrepreneurs specified in paragraph two of the present article.

Article 12. Ensuring the protection by the Republic of Belarus of rights, freedoms and legal interests of citizens and foreigners permanently residing in the Republic of Belarus, independently traveling outside its borders for employment and work activities

To ensure the protection by the Republic of Belarus of rights, freedoms and legitimate interests of citizens and foreigners permanently residing in the Republic of Belarus, independently traveling outside its borders for employment and work activities, these citizens and foreigners have the right to notify before leaving the Republic of Belarus citizenship and migration units at the place of residence or place of staying on traveling outside the Republic of Belarus for employment and labor activities, and in the case of concluding labor or civil contracts in the Republic of Belarus before leaving for the state of employment – submit copies such contracts concluded with foreign employers.

Article 13. Departure for employment

Departure from the Republic of Belarus for employment is carried out in the order established by legislative acts on entry to the Republic of Belarus and exit from the Republic of Belarus.

Labor activity of emigrant workers in the state of employment carried out in accordance with the legislation of the state of employment.

Article 14. Right to protection and patronage from the Republic of Belarus

Emigrant workers and members of their families who are citizens or stateless persons permanently residing in the Republic of Belarus, protection and patronage from the Republic of Belarus in the state of employment are guaranteed.

Diplomatic missions and consular offices of the Republic of Belarus is obliged to take measures to protect emigrant workers and members of their families, specified in part one of this article, and provide

them with protection in the manner established by law, as well as international contracts of the Republic of Belarus.

If the country of employment does not have diplomatic representative offices and consular offices of the Republic of Belarus, protection of rights and freedoms and legitimate interests of emigrant workers and members of their families specified in part one of this article, in accordance with the international contracts of the Republic of Belarus can be carried out by the relevant authorities of other states, as well as international organizations.

Article 15. Informing about leaving the Republic of Belarus for employment and labor activities

Legal entities and individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, before leaving the Republic of Belarus for emigrant workers seeking employment or employed outside the Republic of Belarus with their assistance, are obliged inform them free of charge in writing about:

provisions of the legislation of the Republic of Belarus on external labor migration, on the procedure for leaving the Republic of Belarus and entering the Republic of Belarus;

provisions of the legislation of the state of employment in the field of external labor migration;

location and telephone numbers of the Department of Citizenship and Migration of Ministry of Internal Affairs, citizenship and migration units;

location and telephone numbers of diplomatic missions or consular offices of the Republic of Belarus in the state of employment (if they availability) or the relevant authorities of other states providing protection rights, freedoms and legitimate interests of emigrant workers, if there are no diplomatic missions and consular offices of the Republic of Belarus in the state of employment;

international organizations that protect rights, freedoms and legal interests of emigrant workers.

Citizens and foreigners permanently residing in the Republic of Belarus, those who independently travel outside its borders for employment and implementation labor activity, has the right to receive information free of charge in writing:

provided for in paragraphs two to four of part one of this article – in the citizenship and migration departments;

provided for in paragraphs five and six of part one of this article – at the Ministry of Foreign Affairs.

Article 16. Obligations of legal entities and individuals entrepreneurs carrying out activities related to with employment outside the Republic of Belarus

Legal entities and individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, are obliged:

conclude employment agreements only with foreign employers, using the labor of emigrant workers without involving a third party, with the exception of employment outside the Republic of Belarus for student programs;

comply with licensing requirements established by law about licensing;

assist in resolving disputes between migrant workers and foreign employers;

reimburse emigrant workers for services rendered in accordance with agreements on assistance in employment, in case of early termination of employment or civil contracts in connection with violation by foreign employers legislation or the terms of labor or civil contracts with emigrant workers;

submit for registration during the period of carrying out activities related to with employment outside the Republic of Belarus, in units based on citizenship and migration at your location (place of residence):

labor or civil contracts concluded between emigrant workers and foreign employers with their assistance;

employment contracts.

Article 17. Requirements for the employment contract

The employment contract specifies:

name of the legal entity or surname, first name, patronymic (if any) of an individual entrepreneur, and in the case of concluding an agreement about employment by a legal entity or individual entrepreneur, having a license – also the license number, date and number of the decision to grant licenses, name of the licensing authority;

name of the foreign organization or surname, first name, patronymic (if any) an individual, including those carrying out business activities that are foreign employers, or name of the foreign intermediary organization for employment outside the Republic of Belarus on student programs;

content of services (services) provided to a foreign employer or foreign intermediary organization for employment outside the Republic of Belarus for student programs as a legal entity or individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, as well as the procedure for providing these services (services);

rights and obligations of a legal entity or individual entrepreneur, carrying out activities related to employment outside the Republic of Belarus, and a foreign employer or a foreign intermediary organization when employment outside the Republic of Belarus for student programs;

liability of a legal entity or individual entrepreneur, carrying out activities related to employment outside the Republic of Belarus, and a foreign employer or a foreign intermediary organization when employment outside the Republic of Belarus for student programs;

procedure for payment for services (services) and form of payment;

conditions for terminating the employment contract;

duration of the employment contract;

location and bank details of a legal entity or individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, and a foreign employer or foreign intermediary organization for employment outside the Republic of Belarus for student programs;

other conditions by agreement between a legal entity or individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, and by a foreign employer or foreign intermediary organization for employment outside the Republic of Belarus for student programs.

Article 18. Requirements for an employment assistance agreement

The employment assistance agreement specifies:

name of the legal entity or surname, first name, patronymic (if any) of an individual entrepreneur carrying out activities, related to employment outside the Republic of Belarus, license number, date and the number of the decision to grant a license, the name of the licensing authority;

surname, first name, patronymic (if any) of the citizen or a foreigner permanently residing in the Republic of Belarus who applied for employment outside the Republic of Belarus with the assistance of a legal entity or individual entrepreneur carrying out activities related to with employment outside the Republic of Belarus;

content of services (services) provided by a legal entity or individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, to a citizen or foreigner, permanently residing in the Republic of Belarus, as well as the procedure for providing these services (services);

obligations of a legal entity or individual entrepreneur, carrying out activities related to employment outside the Republic of Belarus;

preconditions for concluding a labor or civil law agreement in accordance with the requirements established in Articles 19 and 20 of the present Law;

liability of a legal entity or individual entrepreneur, carrying out activities related to employment outside the Republic of Belarus, in case of providing untrue information to a citizen or foreigner permanently residing in the Republic of Belarus, those employed outside the Republic of Belarus with their assistance;

procedure for payment for services (services) and form of payment;
conditions for terminating the employment assistance agreement;
validity period of the employment assistance agreement;
location and bank details of a legal entity or individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, and a citizen or a foreigner, permanently living in the Republic of Belarus;
other conditions on an agreement between a legal entity or individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, and as a citizen or foreigner, permanently living in the Republic of Belarus.

Article 19. Requirements for an employment contract concluded between emigrant worker and foreign employer

In an employment contract concluded between an emigrant worker and a foreign by an employer with the assistance of a legal entity or individual entrepreneur, carrying out activities related to employment outside the Republic of Belarus, the following must be indicated:

surname, first name, patronymic (if any) of the emigrant worker;
name of the foreign organization or surname, first name, patronymic (if any) an individual, including those carrying out business activities that are foreign employers;
place of work of the emigrant worker;
name of the worker's profession (employee position) in accordance with the legislation of the state of employment;
basic rights and obligations of the emigrant worker and foreign employer;
term of the employment contract;
work and rest schedule;
remuneration and terms of payment of wages;
procedure, conditions for termination, amendment and extension of an employment contract;
conditions for moving to the state of employment, food, accommodation, medical care for emigrant workers;
the procedure for compensation for harm caused to the life or health of an emigrant worker in the course of his labor activity with a foreign employer.

The employment contract is concluded in writing in Russian and (or) Belarusian languages, and if necessary – in another language (languages) by agreement between emigrant workers and foreign employers.

Compliance with the requirements for an employment contract specified in this article is mandatory regardless of the application to labor agreement of foreign law.

Article 20. Requirements for a civil contract concluded between an emigrant worker and a foreign employer

In a civil contract concluded between an emigrant worker and a foreign employer with the assistance of a legal entity or individual entrepreneurs carrying out activities related to employment outside the Republic of Belarus, the following must be indicated:

surname, first name, patronymic (if any) of the emigrant worker;
name of the foreign organization or surname, first name, patronymic (if any) an individual, including those carrying out business activities that are foreign employers;
subject of the contract;
conditions allowing to determine a specific type of work (service);
initial and final deadlines for completing the work (providing the service);
conditions for moving to the state of employment, food, accommodation, medical care for emigrant workers;

payment procedure;
obligations of the parties to ensure safe working conditions (provision of a service), as well as liability for its non-fulfillment (failure to provide);
the procedure for compensation for harm caused to the life or health of an emigrant worker in the process of performing work (providing a service);
grounds for early termination of the contract, as well as the period and procedure warning the parties to the agreement about their intention to terminate it early;
liability for late payment of remuneration for the performance of work (provision of service).
A civil contract is concluded in writing in Russian and (or) Belarusian languages, and if necessary – in another language (languages) by agreement between an emigrant worker and a foreign employer.
Compliance with the requirements for civil law specified in this article agreement is binding regardless of the application to be applied to a civil contract of foreign law.

Article 21. Features of employment of minor migrant workers outside the Republic of Belarus

Employment outside the Republic of Belarus for minors emigrant workers is carried out by legal entities or individual licensed entrepreneurs based on:

employment contracts containing provisions on mutual obligations parties to return to the Republic of Belarus after the expiration of labor or civil contracts of minor emigrant workers and meeting the requirements established in Article 17 of the present Law;

contracts for assistance in employment that meet the requirements, established in Article 18 of the present Law;

employment or civil law contracts that meet the requirements, established in Articles 19 and 20 of the present Law, as well as the present article. At employment of minor migrant workers aged up to fourteen years of age (minor) on the basis of civil law contracts such contracts are concluded on behalf of minor emigrant workers by their parents (other legal representatives);

written consent of one of the parents (other legal representative) to conclude an employment contract with a minor emigrant worker aged from fourteen to sixteen years or written parental consent (other legal representatives) to conclude a civil contract with a minor emigrant worker aged fourteen or over up to eighteen years of age.

Employment outside the Republic of Belarus for minors emigrant workers until they receive general secondary education are allowed only when creating conditions for obtaining general secondary education in the Republic of Belarus or abroad.

Citizenship and migration departments register labor or civil contracts concluded between students minor migrant workers, including civil law agreements concluded on behalf of minor emigrant workers by their parents (other legal representatives), and foreign employers, if available agreement on the training of a minor emigrant worker during his stay outside the Republic of Belarus between a foreign educational establishment and the parent (other legal representative) of the minor emigrant worker or other document confirming the fact of organization studying in the Republic of Belarus or abroad.

In relation to minor emigrant workers who are outside the Republic of Belarus without parents (other legal representatives), control is exercised over the conditions of their stay in the state of employment, as well as the protection of their rights, freedoms and legitimate interests. List of control measures over the conditions of stay and protection of the rights, freedoms and legitimate interests of these minor migrant workers, as well as the procedure for implementing such measures determined by the Ministry of Internal Affairs jointly with the Ministry of Foreign Affairs.

If circumstances arise that prevent minors from fulfilling emigrant worker labor or civil contract, legal a person or individual entrepreneur carrying out activities related to with employment outside the Republic of Belarus, ensure his return to the Republic of Belarus.

Article 22. Peculiarities of employment outside the Republic of Belarus for student programs

Employment outside the Republic of Belarus under student programs carried out by legal entities or individual entrepreneurs, licensed based on:

employment contracts containing provisions on mutual obligations parties to return to the Republic of Belarus after the expiration of labor or civil contracts of emigrant workers who are employed outside the Republic of Belarus on student programs, and relevant the requirements established in Article 17 of the present Law;

contracts for assistance in employment that meet the requirements, established in Article 18 of the present Law;

employment or civil law contracts that meet the requirements, established in Articles 19 and 20 of the present Law;

conclusions of the Ministry of Education on employment opportunities outside the Republic of Belarus citizens and foreigners permanently residing in the Republic of Belarus, according to student programs, prepared in the manner established by the Ministry of Education in agreement with the Ministry of Internal Affairs.

CHAPTER 4

**EXECUTION OF LABOR ACTIVITIES BY IMMIGRANT WORKERS IN THE
REPUBLIC OF BELARUS**

Article 23. The procedure for employment of immigrant workers in the Republic of Belarus

Employment in the Republic of Belarus of immigrant workers can be carried out:

with the assistance of legal entities, individual entrepreneurs or foreign organizations providing personnel selection services;

independently, that is, without the assistance of legal entities, individual entrepreneurs or foreign organizations specified in paragraph two of the present part.

The procedure for legal entities and individual entrepreneurs recruitment services are established by the Council of Ministers of the Republic of Belarus.

Article 24. The procedure for carrying out labor activities by immigrant workers in the Republic of Belarus

Labor activity in the Republic of Belarus is carried out by immigrant workers in accordance with labor legislation, taking into account the characteristics established by the present Law and other acts of legislation, as well as international contracts of the Republic of Belarus.

Article 25. Conditions for immigrant workers to carry out labor activities in the Republic of Belarus

Implementation of labor activities by immigrant workers in the Republic of Belarus is admitted in accordance with the provisions of the present Law and other acts of legislation, if the occupation of vacant jobs (vacancies) cannot be provided to citizens and foreigners permanently residing in the Republic of Belarus.

Implementation of labor activity by an immigrant worker in the Republic of Belarus without the employer of the Republic of Belarus obtaining a special permit and the conclusion of an employment contract is not allowed, except in cases provided for by the present Law and other acts of legislation.

Article 26. Quotas for recruitment foreigners to the Republic of Belarus for carrying out labor activities on its territory

Taking into account state interests and the situation on the national labor market and the priority of the rights of citizens and foreigners permanently residing in the Republic of Belarus, to fill vacant jobs (vacancies) Council of Ministers of the Republic of Belarus can establish quotas for attracting foreigners to the Republic of Belarus for carrying out labor activities on its territory.

Article 27. Restrictions related to the implementation of labor activities by immigrant workers in the Republic of Belarus

Immigrant workers are not entitled to occupy positions of employees, the occupation of which in accordance with the law is associated with citizenship of the Republic of Belarus.

Article 28. Special permission

A special permit is issued in relation to a foreigner upon application employer of the Republic of Belarus.

To obtain a special permit, the employer of the Republic of Belarus contacts the citizenship and migration department at their location (place of residence).

A special permit is issued taking into account the conclusion of the labor committee, employment and social protection of the regional (Minsk city) executive committee on the possibility of a foreigner carrying out labor activities, with the exception of the case of issuing a special permit in relation to an immigrant worker:

involved as the head of a commercial organization in the creation of which an immigrant worker participated (as property owner, founder, participant), possessing professional knowledge, skills and abilities, which is confirmed with documents on education and work experience in the worker's profession (position employee) for at least two years, as well as the monthly amount specified in the employment contract whose salary must exceed five times the monthly the minimum wage established in the Republic of Belarus;

being a highly qualified worker whose profession of a worker (employee position) is not included in the list specified in paragraph four of Article 9 of the present Law.

An immigrant worker can work for several employers of the Republic of Belarus if each of them has the appropriate special permission.

Other activities carried out by an immigrant worker in his free time from his main job paid work with the same or another employer of the Republic of Belarus or by profession of a worker (employee position), different from that specified in the labor contract agreement and special permit, requires obtaining a separate special permissions.

Article 29. Refusal to issue a special permit

The issuance of a special permit may be refused:

in the interests of national security of the Republic of Belarus, public order, protection of morality, public health, rights and freedoms of citizens and others persons;

in case of failure by the employer of the Republic of Belarus to comply with the requirements, established by the present Law and other acts of legislation on external labor migration;

if in relation to a foreigner hired to carry out labor activities in the Republic of Belarus, the grounds provided for in paragraphs five and nine of the first part of Article 30 of the Law of the Republic of Belarus of January 4, 2010. No. 105-3 "On the legal status of foreign citizens and stateless persons in the Republic of Belarus" have been established.

The issuance of a special permit is refused in the following cases:

submission by the employer of the Republic of Belarus of documents containing false information and (or) information that does not comply with legal requirements, including number of forged, counterfeit or invalid documents;

conviction in the Republic of Belarus of a foreigner involved in carrying out labor activity in the Republic of Belarus, for committing a crime with the imposition of punishment in the form of deprivation of the right to hold certain positions or engage in a specific activity for which the specified foreigner brought to the Republic of Belarus if the conviction for this crime has not been expunged or not repaid;

receiving a negative conclusion on the possibility of a foreigner carrying out labor activity;

inclusion of a foreigner in the List of persons whose entry into the Republic of Belarus prohibited or undesirable.

Article 30. Extension of the validity period of a special permit

The validity period of the special permit can be extended once at the request of the employer of the Republic of Belarus. After the extension of the validity of a special permit, the employer of the Republic of Belarus has the right to obtain a new special permit.

Extension of the validity period of a special permit may be refused on the grounds provided for in Article 29 of the present Law (except for paragraph four of part two of Article 29 of the present Law), as well as in case of non-payment employer of the Republic of Belarus compulsory insurance contributions to the budget of a state non-budgetary fund for social protection of the population of the Republic of Belarus during the period of labor activity by an immigrant worker.

Article 31. Restoration of the validity period of a special permit

If the court establishes the fact of violation by the employer of the Republic of Belarus labor legislation and satisfaction of claims for restoration at the work of an immigrant worker, the validity of a previously issued special permit reinstated for a period calculated from the date of dismissal of the immigrant worker before the expiration of the special permit.

Article 32. Cancellation of a special permit

A special permit may be cancelled:

in the interests of national security of the Republic of Belarus, public order, protection of morality, public health, rights and freedoms of citizens and others persons;

if grounds have been established in relation to the immigrant worker, provided for in paragraphs five and nine of part one of Article 30 of the Law of the Republic of Belarus "On the legal status of foreign citizens and stateless persons in the Republic of Belarus."

The special permit is cancelled in the following cases:

identifying the fact that the employer of the Republic of Belarus has submitted documents, containing false information and (or) information that does not meet the requirements legislation, including false, counterfeit or invalid documents that served as the basis for issuing a special permit;

identifying the fact that an immigrant worker has not fulfilled their labor activities for the period of six months, including at the declared place of work;

failure to conclude an employment contract within six months after receiving special permission;

non-payment by the employer of the Republic of Belarus of mandatory insurance contributions to the budget of the state non-budgetary fund for social protection of the population of the Republic of Belarus during the period when an immigrant worker performs his labor activities in cases where the payment of such contributions is mandatory;

conviction in the Republic of Belarus of an immigrant worker for committing crimes with punishment in the form of deprivation of the right to occupy certain position or engage in a specific activity for which a special permit has been issued;

inclusion of an immigrant worker in the List of persons whose entry to the Republic of Belarus is prohibited or undesirable;

liquidation of a legal entity, deregistration of a foreign organization with the tax authorities of the Republic of Belarus, termination or suspension activities of an individual entrepreneur or death, declaration of death, recognizing as missing an individual who is an employer of the Republic of Belarus;

return of a special permit by the employer of the Republic of Belarus to the citizenship and migration unit in connection with non-conclusion or termination employment contract with the immigrant worker in respect of whom this was issued special permission;

obtaining a permanent residence permit for an immigrant worker in the Republic of Belarus and a residence permit or acquisition of citizenship of the Republic of Belarus;

loss or theft of a special permit form;

expiration of the special permit;

inclusion of the worker's profession (employee position) for which they were recruited an immigrant worker whose employment contract has not been terminated is included in the list, specified in paragraph four of Article 9 of the present Law.

Article 33. Conclusion of an employment contract between an immigrant worker and an employer of the Republic of Belarus

A fixed-term employment contract is concluded with the immigrant worker, except for the contract. The term of the employment contract must not exceed the validity period of a special permit.

In an employment contract concluded between an immigrant worker and an employer of the Republic of Belarus, in addition to the information and conditions provided for in part two Article 19 of the Labor Code of the Republic of Belarus, the conditions of moving to the Republic of Belarus, food, accommodation, medical care immigrant worker, as well as the amount of wages not lower than the minimum wages in force in the Republic of Belarus on the date of conclusion of the labor contract agreement must be specified.

Labor contract between an immigrant worker and an employer of the Republic of Belarus is concluded in writing in Russian and (or) Belarusian languages. In case if Russian and Belarusian languages are not native or understandable for an immigrant worker, the employment contract is also concluded in their native or other language understandable to an immigrant worker.

Conclusion of an employment contract on the territory of a foreign state between an immigrant worker and an employer of the Republic of Belarus who is a foreign organization that hires immigrant workers to work in its representative office established on the territory of the Republic of Belarus, carried out in the manner established by the legislation of a foreign state, unless otherwise established by agreement of the parties.

Article 34. Rights and obligations of an immigrant worker

An immigrant worker has the right to:

affordable medical care at their own expense, funds employers of the Republic of Belarus and other sources not prohibited by acts of legislation;

pension provision in accordance with international contracts of the Republic of Belarus;

unhindered transfer of earnings outside the Republic of Belarus funds in the manner established by acts of legislation, as well as international contracts of the Republic of Belarus;

import into the Republic of Belarus in accordance with legal acts of instruments and equipment necessary to perform job duties, for the period of validity employment contract;

joining trade unions;

exercise of other rights in accordance with acts of legislation.

An immigrant worker is obliged:

comply with the legislation of the Republic of Belarus;

have a copy of the special permit;

leave the Republic of Belarus at their own expense after termination employment contract, if there are no other grounds for the immigrant worker to stay in the Republic of Belarus, except for cases of early termination employment contract at the request of an immigrant worker in connection with a violation of labor legislation by an employer of the Republic of Belarus, collective agreement or employment contract with an immigrant worker, as well as cancellation of a special permits due to the fault of the employer of the Republic of Belarus;

perform other duties in accordance with the law.

Article 35. Rights and obligations of an employer of the Republic of Belarus

An employer of the Republic of Belarus has the right to:

use of immigrant labor, subject to compliance requirements established by the present Law;

definition in the employment contract with an immigrant worker in addition to information and the conditions provided for in parts two and three of Article 33 of the present Law,

additional information and conditions;

exercise of other rights in accordance with the law.

An employer of the Republic of Belarus is obliged:

obtain special permission for each foreigner;

issue the immigrant worker with a copy of the special permit;

conclude an employment contract with an immigrant worker;

terminate the employment contract with an immigrant worker in case of cancellation relevant special permit, except in cases of cancellation, specified in paragraphs ten and thirteen of part two of Article 32 of the present Law;

ensure, at their own expense, the departure of an immigrant worker from the Republic of Belarus in the event of early termination of an employment contract upon request of an immigrant worker in connection with a violation of labor legislation by an employer of the Republic of Belarus, a collective agreement or an employment contract with an immigrant worker, as well as in the event of cancellation of a special permit due to fault of an employer of the Republic of Belarus, if there are no other grounds for the foreigner's stay in the Republic of Belarus;

inform the citizenship unit of the death of an immigrant worker and migration to their location (place of residence) for the purpose of notification diplomatic mission or consular office of its state nationality or usual place of residence through the Ministry of Foreign Affairs;

return the special permit to the citizenship and migration department within five working days from the date of termination of the employment contract with an immigrant worker, or receipt of notice of cancellation of the special permit, either the expiration of the special permit, or when the employment contract with an immigrant worker in respect of whom a special permission was not concluded;

notify the citizenship and migration unit of the conclusion and termination employment contract with an immigrant worker for a period not exceeding three working days from the date of conclusion or termination of the employment contract. Order and form of notifications are established by the Ministry of Internal Affairs;

perform other duties in accordance with the law.

In case of loss or theft of a special permission form, an employer of the Republic of Belarus is obliged to report to the citizenship department and migration at the place of their location (place of residence).

Article 2. The present Law applies to relations in the field of external labor migration that arose after its entry into force.

Permits to attract foreign labor to the Republic of Belarus, issued before the entry into force of the present Law, the validity of which has not been terminated, shall cease to have effect from the date of entry into force of the present Law and shall be subject to return by employers of the Republic of Belarus to citizenship and migration departments of the Main Department of Internal Affairs of the Minsk City Executive Committee, departments of internal affairs of regional executive committees (hereinafter referred to as citizenship and migration units) at their location (place residence) within one month from the date of entry into force of the present Law.

Special permits for the right to engage in labor activities in the Republic of Belarus, issued before the entry into force of the present Law:

remain valid for the period for which they were issued;

shall cease to have effect from the date of entry into force of the present Law and shall be subject to return by employers of the Republic of Belarus to citizenship and migration units at its location (place of residence) within a month from the date of entry into force by virtue of the present Law if, after the entry into force of the present Law on relevant relations with foreign citizens or persons without citizenship who do not have a permanent residence permit in the Republic of Belarus (hereinafter referred to as foreigners), the effect of the provisions of Chapter 4 of the Law of the Republic of Belarus “On external labor migration” (as amended by the present Law) does not apply.

Employers of the Republic of Belarus who are, on the date of entry into force of the present Law was attracted to carry out labor activities in the Republic of Belarus, foreigners, relations with whom are subject to the provisions of Chapter 4 of the Law of the Republic of Belarus “On external labor migration” (as amended by the present Law) does not apply, citizenship and migration departments are notified in writing at its location (place of residence) within a month from the date of entry into force by virtue of the present Law on employment contracts concluded with foreigners, which are not terminated at the time of entry into force of the present Law, unless otherwise not provided for by law.

Employment contracts with emigrant workers concluded before joining by virtue of the present Law with the assistance of legal entities of the Republic of Belarus or individual entrepreneurs registered in the Republic of Belarus and carrying out activities related to the employment of citizens and foreigners, permanently residing in the Republic of Belarus, outside the Republic of Belarus, are not subject to being brought into compliance with the requirements of the present Law.

Employment contracts concluded before the entry into force of the present Law with immigrant workers whose validity has not been terminated are subject to in accordance with the requirements of the present Law.

Until legislation is brought into compliance with the present Law, acts of law are applied to the extent that they do not contradict the present Law.

Article 3. To the Council of Ministers of the Republic of Belarus until July 1, 2023:
ensure that legislative acts are brought into compliance with the present Law;
take other measures to implement the provisions of the present Law.

Article 4. This Law comes into force in the following order:
Articles 1 and 2 – from July 1, 2023;
other provisions – after the official publication of the present Law.

President of the Republic of Belarus

A. Lukashenko