

MIGRATION LIBRARY

EXECUTION OF MIGRATION LEGISLATION
OF THE RUSSIAN FEDERATION

MAIN QUESTIONS AND ANSWERS

Legal Center

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“Migration Library” series

*Under the general edition of the
Director of the Federal Migration Service of the RF*
K.O. Romodanovsky

Publication 1

Reviewer:

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This Reference Book contains systemized statutory legal material as of February 1, 2007, including extracts from international treaties, federal laws, subordinate statutory legal acts with explanations for practical application of their provisions.

The document may be helpful for a wide circle of readers, particularly foreign citizens and persons who act as employers or customers of works (services).

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PUBLISHER'S FOREWORD

Careful study of reader's interest carried out by us has shown that the subject of migration has recently been one of most required, topical ones, which has rather wide public aftersound, and migration laws, which in turn, is the most dynamic part of the Russian legislation causes enormous number of problems and, sometimes, disputes.

In this respect the publishing house, in its desire to meet readers' requirements for maximum full, opportune and judicially correct information, is starting a series of publications under the general name "Migration library"; within the framework of it the reader will be offered a detailed consideration, discussion and thorough explanation of various aspects of the migration legislation of the Russian Federation and law enforcement, which is currently being formed.

This booklet is the first from the planned series; its purpose is to provide an insight into the general idea and future publications. The material is grouped by several blocks, each of them will be further developed and detailed in specialized independent publications dedicated to certain legal relations. Thus the following publications, which are to be issued throughout the entire 2007 will contain the analysis of the problems of foreign labor power intake and its use in the Russian Federation. We will tell about the procedures of acquisition of Russian citizenship, obtaining a sojourn permit for foreign citizens, issue of invitations to foreign citizens for entering the Russian Federation, about the existing responsibility for violating the migration legislation. Individual publication will be dedicated to the topic of repatriation of compatriots and implementation of the State Program on rendering assistance to voluntary resettlement of compatriots living abroad to the Russian Federation. At this point we should immediately make a reservation, that the given subject list is not exhaustive, it will be adjusted along with the preparation for publishing next issues depending on topic significance and public interest manifested.

It was the violence of rapidly developing migration processes that stipulated the idea of issuing not a single fundamental treatise, whose format would simply be unable to conduct monitoring of the legislation in conditions approximated to real-time environment, but the issue of a series of individual moderate-volume books published with short time intervals and integrated by a single intent.

At the same time, from the very beginning of the work on the series, it became obvious, that to implement the main task facing us: ensuring a high-quality content of publications, the efforts of the publishing house alone is apparently insufficient. Therefore, to prepare the "Migration Library", we have found it necessary to attract specialists directly participating in the implementation of the state migration policy.

The reader will be offered systemized extracts from international statutory legal acts, acts of the federal legislations and laws of individual subjects of the Russian Federation on migration problems, explanations of main provisions of subordinate enactments. The specialists will help to understand newly adopted legal documents, to orientate oneself in the current alterations of the Russian migration legislation, explain how to correctly behave in certain circumstances, how to assert one's lawful rights handily and knowingly.

We hope that "Migration Library" series will become helpful for the widest readership. Thanks to a specially selected style of presentation, well-thought-out and understandable of material recited, complicated juridical notions will be explained in a simple and comprehensible language, and the given examples will be a good illustration. With the purpose of better understanding the explanations and recommendations given by the authors will be accompanied with diagrams demonstrating the sequence of actions, required for achieving a desired result.

In our opinion the series will be most useful for those foreign citizens, who intend to visit the Russian Federation for the first time or those, who visit this country not very often and have no possibility to follow all current changes of the federal migration laws and practices of their use.

The publishing house relies on the support and understanding on the part of the readers, their active position in forming the subject of next publications of the series. We are interested in establishing a stable feedback “reader-publishing house”. Your opinion is important for us, readers’ comments will necessarily be taken into account in our work, and most interesting problems and proposals will serve a foundation for series continuation.

DEAR READERS !

The brochure, which is offered today to your consideration, opens a series of topical publications dedicated to most acute problems of regulating migration processes in the Russian Federation.

Recently, the work on regulating migration processes caused keen interest not only with the citizens of the Russian Federation, but also, first and foremost, with our nearest neighbors – citizens of states-participants of the Commonwealth of Independent States.

Today’s migration legislation of Russia started to actively form itself late in the 20th – early in this century, and at the beginning of 2007 a number of new federal laws came into force which changed considerably the procedure of stay of foreign citizens and persons without citizenship on the territory of this country, as well as the procedure of their labor activity here.

Along with the legislative acts the migration legislation is also based on a significant quantity of other statutory legal acts which, as a rule, do not make it possible for a common inhabitant to study out all legal niceties. In consideration of the fact, that foreigner’s knowledge of migration rules simplifies significantly the problem of obtaining documents required for legal stay and work on the territory of the Russian Federation, we found it necessary to give answers to most frequently asked questions concerning migration problems.

In the first edition of the brochure you will find answers to questions of registering potential migrants, obtaining a sojourn permit or residence permit, and also of obtaining Russian citizenship. In addition, we have made our best to explain provisions of the State Program on rendering assistance to voluntary resettlement of compatriots living abroad to the Russian Federation.

Fully realizing that complexity and multidimensionality of the migration topic do not make it possible to give answers to all arising questions, we decided to prepare in future topical publications of the brochure, which will highlight specific questions in a more detailed way. Thus the second publication of the brochure, according to our plans, will be dedicated to problems of external labor migration. The themes of further publications will largely depend on you, our dear readers, since they will be determined on the basis of comments to our joint beginning that will be coming to the Publishing House.

I hope that the publication submitted to your judgment will cause certain interest and will serve a serious support in solving the arising problems.

Yours faithfully,

K.O. Romodanovsky, Director of the Federal Migration Service of the RF

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EXECUTING LABOR ACTIVITY OF FOREIGN CITIZENS IN THE TERRITORY OF THE RUSSIAN FEDERATION

Question: *What are the procedure for obtaining a permission for work in Russia and procedure for foreign labor power intake by Russian employers?*

Answer: By the Decree of the Russian Federation No. 681 of November 15, 2006, “On the procedure for issuing permissive documents for temporary labor activity of foreign citizens in the Russian Federation” coming into force on January 15, 2007, a new procedure is established for giving work permits to foreign citizens and persons without citizenship, and also for giving permits to employers (customers of works, services) for the intake and use of foreign workers.

According to the Rules approved by the said decree a work permit is a document confirming the right of a foreign citizen arriving in the Russian Federation for temporary implementation of labor activity in the Russian Federation.

In this case a difference is made between foreign citizens that have arrived in the Russian Federation according to visa status and those “without visa”. Depending on this criterion various procedures for issuing work permits are established.

Routine of issuing work permits to foreign citizens arriving in the Russian Federation in a procedure requiring receipt of a visa

To receive a work permit an employer shall submit an application according to an established form to a migration service body with the following enclosed to it:

- a) color photo of a foreign citizen of 30 x 40 mm;
- b) a copy of a document of occupational education or qualification received by the foreign worker in a foreign state or certificate of the equivalence of such document with a Russian diploma (certificate) of occupational education;
- c) a document certifying the payment of a state duty for giving a work permit. A state duty established by the Federal Law shall be levied for issuing a work permit. In compliance with Article 333.28 of the Russian Federation Tax Code the duty amounts to 1000 rubles.

When submitting the application, an employer shall present an identity document and an identity document of a foreign worker (its copy); the validity period of the document should terminate at least 6 months after the date of application submission.

Official documents, whose copies are to be presented for receiving a work permit, should be legalized in an established procedure at diplomatic missions or consular offices of the Russian Federation abroad. If documents are made in a foreign language, notarized translations into Russian should be enclosed with them. If document copies are presented without originals, they should be notarized as well.

An authorized official of a migration service body shall register the application and put a registration number on it, and also shall give the applicant a copy of his application with a note of its receipt date.

An individual decision shall be taken for each application.

A decision on issuing a work permit is taken by a body of the migration service during 30 days from the date of application submission. If a decision-making of a work permit requires expert examination of the documents, the decision is made within a 15-day period after receiving an expert opinion, however, no later than 45 days following the submission of the documents.

A body of the migration service shall give a work permit within a 10-day period from the date of decision-making and, in case of a refusal of issuing a permit, shall inform an applicant of it in writing and specifying the reason why.

A work permit shall be given on conditions as follows:

- a) a foreign citizen shall be not less than 18 years old;
- b) an employer enlists the services of foreign citizens to labor activity on the basis of labor or civil law contracts within the number of workers established in the permit for foreign labor power intake and use;
- c) absence of non-authentic or false data in an application for a work permit or in documents submitted.

A permit shall not be given, and an issued permit shall be cancelled, in cases a foreign citizen:

- comes out for forcible change of the fundamentals of the constitutional system of the Russian Federation, or otherwise creates a threat to Russian Federation safety or safety of Russian Federation citizens;
- carries out the financing, plans the acts of terrorism (extremism), renders assistance in committing such acts or commits them, and also otherwise supports terrorist (extremist) activity;
- during five years preceding the date of work permit application submission he was subjected to administrative exclusion outside the borders of the Russian Federation or to deportation;
- submitted forged or falsified documents or presented knowingly improper data about himself;
- has been convicted by an effected court sentence for committing a grave crime or felony or for a crime, whose repetition is admitted dangerous;
- has a non-cancelled or outstanding conviction for committing a grave crime or felony in the territory of the Russian Federation or outside it;
- repeatedly (two times or more) within one year was brought to administrative responsibility for violating the legislation of the Russian Federation with respect to observing the regulations of stay (residence) of foreign citizens in the Russian Federation;
- left the Russian Federation for a foreign state for permanent residence;
- for a period exceeding 6 months was staying outside the borders of the Russian Federation;
- is a current drug user or has no certificate of absence of a disease caused by human immunodeficiency virus (HIV-infection) or suffers one of infection diseases, that are dangerous for people around.

A work permit shall be made on an approval prepared in the form of a plastic card. A work permit approval card is a document subject to strict accounting.

A work permit for each foreign worker shall be received by an employer.

When receiving a work permit, the employer shall be obliged to present bills of health certifying the absence of drug addiction and infection diseases of a foreign worker, that are dangerous for persons around, and also a certificate confirming the absence of diseases caused by human immunodeficiency virus (HIV-infection). Absence of such certificates shall be a reason for the refusal of issuing a work permit.

An employer is obliged to hand to a foreign worker against receipt a work permit, in whose name it was prepared, before the beginning of his labor activity in the territory of the Russian Federation.

In case of loss of a work permit a foreign worker, within a 10-day period, shall appeal to a migration service body with an application of issuing a work permit in place of the lost one; in this case he should give a description of loss circumstances. Enclosed with such application shall be a color photo on matte paper dimensioned 30 x 40 mm and a document certifying the payment of a state duty for giving a work permit. In this case no submission of other documents is required.

After checking the circumstances of work permit loss the foreign citizen, within 10 days from the receipt of his application, shall be given a work permit in place of a lost one.

A foreign citizen arriving in the Russian Federation in a procedure requiring a visa, and who has received a work permit, shall be obliged to implement labor activity only in that subject (those subjects) of the Russian Federation which is indicated in the work permit.

Procedure of issuing work permits to foreign citizens who have arrived in the Russian Federation in a procedure not requiring receipt of a visa

A foreign citizen who has arrived in the Russian Federation in a procedure not requiring receipt of a visa shall submit an application for issuing him a work permit either personally, or through an organization implementing employment of foreign citizens, or through a person coming out as a representative of this foreign citizen, to a migration service body.

Enclosed with the application shall be the following:

- an identity document of a foreign citizen;
- migration card;
- a document certifying the payment of a state duty for issuing a work permit (1000 rubles).

A refusal to accept a work permit application from a foreign citizen, who has arrived in the Russian Federation in a procedure not requiring receipt of a visa, is not allowed except for cases of non-submission of the aforesaid documents by the foreign citizen.

The migration service body shall issue a work permit or a notice of refusing to give such permit not later than 10 working days following the date of receiving the application from the foreign citizen.

Conditions of issuing a work permit to a foreign citizen, who has arrived in the Russian Federation in a procedure not requiring receipt of a visa, as well as a procedure of recovering a lost work permit, shall be the same as for a foreign citizen, who has arrived in the Russian Federation in a procedure requiring receipt of a visa.

A work permit shall be given to a foreign citizen personally upon presentation of an identity card by him.

A foreign citizen, who has arrived in the Russian Federation in a procedure not requiring receipt of a visa and who has received a work permit shall be obliged to:

- implement labor activity only in that subject (those subjects) of the Russian Federation which is indicated in the work permit;
- within 30 days from the date of receiving a work permit submit to a migration service body documents certifying the absence of drug addiction and infection diseases, that are dangerous for persons around, and also a certificate confirming the absence of diseases caused by human immunodeficiency virus (HIV-infection), if the work permit to such foreign citizen was issued for a period exceeding 90 days.

Procedure of issuing permits to employers for foreign workers intake and use

A permit for attraction and use of foreign workers shall be a document confirming the right of an employer to attract and use foreign workers in the Russian Federation.

To receive a permit for attraction and use of foreign workers an employer or a person authorized by him shall submit, directly or by registered mail, an application according to an established form, which shall be supplemented with documents as follows:

1) *for a Russian legal entity:*

- a copy of registration in the United State Register of Legal Entities;
- a copy of the certificate of registering in a tax body at the place of registration;

for a foreign legal entity:

- a copy of legal entity registration certificate;
- a copy of the certificate of registering in a tax body at the place of registration in the Russian Federation;
- a copy of the certificate of opening a branch and copy of the certificate of this branch accrediting;
- a copy of the certificate for opening a representative office and copy of the certificate of this office accrediting;

for an individual entrepreneur:

- a copy of registration in the United State Register of Individual Entrepreneurs;
 - a copy of the document certifying the identity and place of registration of the individual entrepreneur;
 - a copy of the certificate of registering in a tax body at the place of registration;
- 2) draft labor contract or other documents certifying preliminary arrangement with foreign citizens or foreign partners of the intent and conditions of attracting foreign workers;
 - 3) A document certifying the payment of a state duty for issuing employer's permit for attraction and use of foreign workers. In accordance with Article 333.28 of the Russian Federation Tax Code a state duty in the amount of 3000 rubles per foreign worker employed shall be collected for issuing permits for attracting and using foreign workers.

Official documents, whose copies are to be presented for receiving permits to foreign employers for attracting and using foreign workers should be legalized in consular offices of the Russian Federation abroad. If the documents are made in a foreign language, notarized translations into Russian should be enclosed with them. If document copies are submitted without originals, they should be notarized as well.

A decision on issuing a permit for attracting and using foreign workers is taken by a body of the migration service during 30 days from the date of application submission. If a decision-making of issuing such a permit requires expert examination of the documents, the decision is made within a 15-day period after receiving an expert opinion, however, no later than 45 days following the submission of the documents.

A permit for attracting and using foreign workers shall be issued according to an established form. The permit form is a document of strict accounting.

A permit for attraction and use of foreign workers shall be sent to an employer by mail within a 10-day period from the date of taking a decision of its acceptance or may be transferred to a person authorized by the employer. A reasoned refusal to issue a permit shall be sent to the employer during 5 days after taking a corresponding decision.

An employer who has been given a permit for attracting and using foreign workers and who has concluded a labor or civil law contract with the foreign workers for implementing works (rendering services) shall sent with a period of 1 month:

- the data of attracting foreign workers for labor activity to a body of the subject of the Russian Federation executive power dealing with the problems of population employment in a corresponding subject of the Russian Federation;
- the data of concluding labor or civil law contracts for work implementation (services rendering to the state labor inspectorate of a corresponding subject of the Russian Federation).

A received employer's permit for attraction and use of foreign workers may not be transferred to another employer, and foreign workers employed on the basis of this permit may not be transferred for work to another employer. The employer may use foreign workers only in compliance with professional occupations and solely in a subject (subjects) of the Russian Federation, which are specified in the permit for attracting and using foreign workers.

In case of loss of a permit for attraction and use of foreign workers an employer, within a 10-day period, shall appeal to a migration service body with an application of issuing a permit in place of the lost one; in this case he should give a description of loss circumstances, and also present a document certifying the payment of a state duty for giving a permit for attraction and use of foreign workers. In this case no submission of other documents is required.

After checking the circumstances of the loss of the permit for attraction and use of foreign workers, the employer, within 10 days from the receipt of his application, shall be given a permit for attraction and use of foreign workers in place of the lost one.

The validity of an issued permit may be suspended in case the employer:

- failed to ensure a work permit for a foreign citizen attracted for labor activity;
- failed to notify within the 3-day period the migration service body of the place of foreign worker temporary stay;
- failed to notify within the period of 10 working days a taxation body at the place of registration about the arrival of a foreign citizen to the place of work or to the place of stay or about the receipt of a work permit by the foreign citizen, or of concluding a new labor or civil law contract for implementing the work (rendering services), or about canceling the work permit of the foreign citizen;
- failed to send to the migration service body (within the 3-day period) information of violating by the foreign worker of conditions of a labor or civil law contract for implementing the work (rendering services), and also of contract early cancellation;
- failed to notify within the 3-day period the migration service body, territorial federal body of executive power dealing with interior issues and the territorial body of the federal body of executive power dealing with issues of security, of voluntary leaving the place of work by the foreign worker or his voluntary absence from the place of work or stay.

A permit shall be cancelled in cases as follows:

- submitting a corresponding application by the employer;
- elimination of an organization or cessation of the activity of an individual entrepreneur;
- revealing the fact of presenting inauthentic data by the employer, when submitting the documents for issuing a permit;
- employer's use of foreign workers beyond the borders of a subject (subjects) of the Russian Federation, in which he has the right to attract them;
- employer's failure to eliminate committed violations within a set period.

CITIZENSHIP

Question: *Procedure of acquisition of citizenship of the Russian Federation:*

- *who may pretend to acquisition of citizenship of the Russian Federation, including the acquisition by a simplified procedure?*
- *in what cases the application of citizenship acquisition may be rejected?*
- *what is the procedure of submitting an application for citizenship acquisition?*
- *what is the procedure of taking a decision on admittance to citizenship?*

Answer: issues of acquisition, cancellation and restoration of citizenship of the Russian Federation are regulated by Federal Law No. 62-FZ "On Citizenship of the Russian Federation".

Article 11 of the Federal Law has established that the citizenship of the Russian Federation is acquired: by birth; as a result of admitting to the citizenship of the Russian Federation; as a result of restoring the citizenship of the Russian Federation; by other grounds provided for by the Federal Law or by an international treaty of the Russian Federation.

The Federal Law has established a possibility of admittance to the Russian Federation citizenship both by common and simplified procedures.

In compliance with Article 13 of the Federal Law foreign citizens and persons without citizenship, who have reached the age of 18 and possess the ability to act, are entitled to appeal with an application for admittance to the citizenship of the Russian Federation by a common procedure, if said citizens and persons:

- live in the territory of the Russian Federation from the day of receipt of residence permit and to the day of appealing with applications for admitting to the citizenship of the Russian Federation during five years without a breach of continuity;

(In case of person's high achievements in the field of science, technology and culture; possession of occupation or qualification constituting interest for the Russian Federation; granting political asylum to a person in the territory of the Russian Federation or acknowledging a refugee in a procedure established by the Federal Law, a period of staying in the territory of the Russian Federation shall be reduced to one year.

A period of staying in the territory of the Russian Federation shall be considered uninterrupted, if a person left the territory of the Russian Federation for a period not exceeding three months during one year. The period of stay in the territory of the Russian Federation for persons, who arrived in the Russian Federation before July 1, 2002, and do not have a residence permit, shall be calculated from the date of registration at the place of residence.)

- bind themselves to observe the Constitution of the Russian Federation and the legislation of the Russian Federation;

- have a legal source of means of support;

- have appealed to an authorized administration of a foreign state with an application of rejecting another citizenship admitted to them. Rejection of another citizenship is not required, if it is stipulated by an international treaty of the Russian Federation or Federal Law, or if the rejection of another citizenship is not possible by virtue of reasons not depending on this person;

- master the Russian language.

A person having special merits to the Russian Federation may be admitted to the citizenship of the Russian Federation without observing the listed conditions.

Apart from this a provision is made, that citizens of states which were included in the USSR, doing military service for a period not less than three years by contract in the Armed Forces of the Russian Federation, other troops, military units or in security, shall be entitled to appeal with applications for admitting to the citizenship of the Russian Federation without

observing conditions concerning the period of residence in the Russian Federation and without submitting a residence permit.

A simplified procedure of acquiring the citizenship of the Russian Federation is regulated by Article 14 of the Federal Law.

Thus foreign citizens and persons without citizenship who have reached the age of 18 and possess the ability to act, are entitled to appeal with applications for admitting to the citizenship of the Russian Federation in a simplified procedure without observing conditions concerning a period of staying in the territory of the Russian Federation and without submitting a residence permit, if the said citizens and persons:

a) have at least one parent, who is a citizen of the Russian Federation and living in the territory of the Russian Federation;

b) were citizens of the USSR, lived and have been living in states, which were parts of the USSR, were not granted citizenships of these states and, as a result of it, remain persons without citizenship;

c) are citizens of states which were included in the USSR, received secondary occupational or higher professional education in educational establishments of the Russian Federation after July 1, 2002.

At the same time foreign citizens and persons without citizenship living in the territory of the Russian Federation are entitled to appeal with applications for admitting to the citizenship of the Russian Federation in a simplified procedure without observing conditions of a period of residence, if the said citizens and persons:

a) were born in the territory of the RSFSR and had citizenship of the former USSR;

b) have been married to a citizen of the Russian Federation for at least 3 years;

c) are unable to work and have a son or a daughter able to act, who have reached the age of eighteen, and are citizens of the Russian Federation.

Besides, foreign citizens, who are unable to work and persons without citizenship, who have arrived in the Russian Federation from states, that were previously included in the USSR, and registered at the place of residence in the Russian Federation as of July 1, 2002, are entitled to appeal with applications for admitting to the citizenship of the Russian Federation in a simplified procedure without observing conditions concerning a period of residence and without submitting a residence permit.

A special procedure of acquiring the citizenship of the Russian Federation is also established for foreign citizens and persons without citizenship, who had the citizenship of the USSR, arrived in the Russian Federation from states, which were included in the USSR and registered at the place of residence in the Russian Federation as of July 1, or who received a permit for temporary residence in the Russian Federation or a residence permit.

This category of persons is granted the citizenship of the Russian Federation in a simplified procedure without observing conditions about the residence period in the territory of the Russian Federation, availability of the source of legal means of support, and also about mastering of the Russian language, if they declare their desire to acquire the citizenship of the Russian Federation before January 1, 2008.

Admitted to the citizenship of the Russian Federation in a simplified procedure without observing conditions about the residence period in the territory of the Russian Federation, availability of a residence permit, availability of the source of legal means of support, about mastering of the Russian language, and also about the necessity of appealing for rejection of the existing citizenship of a foreign state, are veterans of the Great Patriotic War, who had the citizenship of the former USSR and currently live in the territory of the Russian Federation.

Admitted to the citizenship of the Russian Federation in a simplified procedure without observing any conditions shall be a child or a person unable to act, who are foreign citizens or persons without citizenship:

- a child, whose one parent is a citizen of the Russian Federation – by application of this parent and providing the consent of the other parent to acquiring the citizenship

of the Russian Federation by the child, if the child lives in the territory of the Russian Federation;

- a child, whose only parent is a citizen of the Russian Federation – according to the application of this parent;
- a child or a person unable to act, over whom trusteeship or guardianship is established – by application of a guardian or trustee, who are citizens of the Russian Federation.

The exhaustive list of reasons, for which an application for admitting to or restoring the citizenship of the Russian Federation may be rejected, is given in Article 16 of the Federal Law. Thus subject to rejection are applications for admitting to or restoring the citizenship of the Russian Federation handed in by persons, who:

- come out for forcible change of the fundamentals of the constitutional system of the Russian Federation, or otherwise create a threat to Russian Federation safety;
- during five years preceding the date of appeal for admitting to the citizenship of the Russian Federation or for restoring the citizenship of the Russian Federation were excluded outside the borders of the Russian Federation in accordance with the Federal Law;
- used forged or falsified documents or presented knowingly improper data;
- do military service, are engaged in security service or in law enforcement bodies of a foreign state, if not stipulated otherwise by an international treaty of the Russian Federation;
- have an unliquidated or not cancelled conviction for committing deliberate crimes in the territory of the Russian Federation acknowledged as such in compliance with a federal law;
- are prosecuted by criminally by competent bodies of the Russian Federation or competent bodies of foreign states for crimes acknowledged as such in compliance with a federal law (prior to pronouncing a court judgment or taking a decision on the case);
- are convicted and serve a sentence in the form of a custodial restraint for actions prosecuted in compliance with a federal law (before the expiry of the term of punishment).

An application on the question of Russian Federation citizenship shall be filed at applicant's place of residence by:

- a) a person living in the territory of the Russian Federation – to a territorial body of the Federal Migration Service;
- b) a person living outside the borders of the Russian Federation - to a diplomatic mission or consular office of the Russian Federation located outside the borders of the Russian Federation.

The application shall be filed by a claimant personally. If the claimant cannot file an application personally due to exclusive circumstances which are certified documentarily, the application and necessary documents can be transferred for consideration through another person or sent by mail. In this case the authenticity of the signature of a person, who signed the application, and accordingly, of the corresponding copies of the documents enclosed with the application, its original, are certified by records of a notary public.

An application on changing the citizenship of a child or incapable person shall be filed by their parents or other legal representatives at applicant's place of residence or at the place of residence of the child or incapable person.

An application on the question of Russian Federation citizenship is made in writing, according to an established form. Personal signature of the claimant is certified by a person who accepted the application and who was specially authorized by an official of a body dealing with the affairs of Russian Federation citizenship.

Should a claimant be not capable to sign the application due to his illiteracy or corporal defects, the application shall be signed at his request by another person, and the authenticity of

this person's signature is certified by a record of a notary public. Outside the Russian Federation such record is entered to the application by an authorized official of a diplomatic mission or consular office of the Russian Federation located outside the Russian Federation.

Consent for admittance to or cancellation of the citizenship of the Russian Federation on the part of persons concerned shall be given in cases stipulated by the Federal Law in writing, the authenticity of signatures of the said persons is certified by entries of a notary public. The authenticity of the signatures of persons living outside the Russian Federation is certified by authorized officials of diplomatic missions or consular offices of the Russian Federation located outside the Russian Federation.

The form of an application and list of data and necessary documents applicable to specific reasons for the admittance to or cancellation of the citizenship of the Russian Federation are established by the Regulations on the procedure of considering the questions of the citizenship of the Russian Federation approved by the Decree of the President of the Russian Federation No. 1325 of November 14, 2002.

When filing an application for admittance to the citizenship of the Russian Federation, restoration of the citizenship of the Russian Federation or withdrawal from the citizenship of the Russian Federation, and also when determining the citizenship of the Russian Federation on requests of persons concerned, a state duty shall be collected in the territory of the Russian Federation in the amount and procedure established by the RF legislation on taxes and dues.

Decisions on the questions of citizenship of the Russian Federation are taken in running order by the President of the Russian Federation.

Consideration of applications relating to the citizenship of the Russian Federation and taking decisions of admittance to and withdrawal from the citizenship of the Russian Federation are carried out in running order within a period not exceeding one year from the date of submission of an application and all necessary documents prepared in a proper way.

Decisions of admitting to the citizenship of the Russian Federation and withdrawal from the citizenship of the Russian Federation are taken in a simplified procedure by the Federal Migration Service and its territorial bodies.

Decisions of admitting to the citizenship of the Russian Federation and withdrawal from the citizenship of the Russian Federation are also taken in a simplified procedure by the Ministry of Foreign Affairs of the Russian Federation and diplomatic missions and consular offices of the Russian Federation located outside the Russian Federation.

Consideration of applications relating to the citizenship of the Russian Federation and taking decisions of admittance to and withdrawal from the citizenship of the Russian Federation are carried out in a simplified order with a period not exceeding six months from the day of submission of an application and all necessary documents prepared in a proper way.

A person, with respect to whom a decision on the questions of the citizenship of the Russian Federation was taken, shall be entitled to appeal again with an application on the questions of citizenship of the Russian Federation not before the expiry of one year after taking the previous decision.

In case of availability of circumstances which were not or could not be known by a claimant a repeated application may be accepted for consideration without observance of the said period.

Question: *What is a double citizenship? With what countries double citizenship is permitted?*

Answer: In accordance with Article 6 of Federal Law No. 62-FZ dated May 31, 2002, "On Citizenship of the Russian Federation" a citizen of the Russian Federation having also another citizenship is regarded by the Russian Federation solely as a citizen of the Russian Federation except for cases stipulated by an international treaty of the Russian Federation or a

federal law. In this case acquisition of another citizenship by a citizen of the Russian Federation does not cause cancellation of the citizenship of the Russian Federation.

The legislation of the Russian Federation has established that when appealing with an application of acquiring the citizenship of the Russian Federation a foreign citizen or a person without citizenship should appeal with an application for withdrawal from his existing citizenship of a foreign state. A number of national legislations of foreign states also contain a similar requirement, however, if a corresponding condition is not stipulated, a citizen of the Russian Federation is entitled to acquire citizenship of a foreign state, and this, as presently constituted, will not result in the cancellation of the citizenship of the Russian Federation.

VISA REGULATIONS

Question: *What are visa and visa regulations?*

Answer: In accordance with Article 25.1 of Federal Law No. 114-FZ dated August 15, 1996, “On the Procedure of Leaving the Russian Federation and Entry to the Russian Federation” visa is a permit issued by an authorized state body for entering the Russian Federation and transit through the territory of the Russian Federation by means of an effective document proving the identity of a foreign citizen or a person without citizenship and acknowledged by the Russian Federation as such.

The visa contain data as follows: surname, name (written with letters of the Russian and Latin alphabets), date of birth, sex, citizenship (nationality), number of the main document proving the identity of the foreign citizen or a person without citizenship, data of visa issue, permitted period of stay in the Russian Federation, number of invitation for the entry to the Russian Federation or decision of a state body, period of visa validity, purpose of the journey, data of a host organization (inviting natural person), visa repetitiveness.

Depending on the purpose of foreign citizen entry to the Russian Federation and purpose of his stay in the Russian Federation the foreign citizen is given a visa, which may be diplomatic, office, regular, transit and a visa of a temporarily staying person.

Visa is issued by a diplomatic mission, consular office of the Russian Federation, Ministry of Foreign Affairs of the Russian Federation, its representative office in the territory of the Russian Federation, including that located in a checkpoint at the State border of the Russian Federation, and also by the Federal Migration Service or its territorial body.

Double visa gives a foreign citizen the right of entry to the Russian Federation two times.

Multiple visa gives a foreign citizen the right of multiple entry to the Russian Federation.

Visa regulations – the procedure of crossing the State border of the Russian Federation; in the framework of these regulations a foreign citizen or a person without citizenship are bound to have a visa for the entry to the territory of the Russian Federation or transit through the territory of the country.

Question: *With regard to what CIS countries and former USSR Russia established visa regulations?*

Answer: At present visa regulations are established by the Russian Federation for crossing the state border with Baltic countries, and also with Turkmenistan and Georgia. With regard to other states of the “near abroad” in compliance with interstate arrangements a procedure of crossing the state border without visa is established. These international arrangements have also established the lists of documents giving the right of crossing the state borders.

Question: *What is the procedure of obtaining visas? Are there privileges for citizens, whose children or spouses live in a country to which a visa is requested?*

Answer: In accordance with Federal Law No. 114-FZ dated August 15, 1996, “On the Procedure of Leaving the Russian Federation and Entry to the Russian Federation” grounds for issuing a visa to a foreign person are as follows:

- invitation for entry to the Russian Federation;

Invitation for the entry to the Russian Federation is issued by the ministry of Foreign Affairs of the Russian Federation by a petition of:

- a) federal bodies of the state power;
- b) diplomatic missions and consular offices of foreign states in the Russian Federation;
- c) international organizations and their representative offices in the Russian Federation, and also representative offices of foreign states under international organizations located in the Russian Federation;
- d) bodies of state power of subjects of the Russian Federation.

An invitation for entry to the Russian Federation is also issued by the Federal Migration Service.

An invitation for entry to the Russian Federation is issued by a territorial body of the Federal Migration Service by a petition from:

- a) local administrations;
- b) legal persons who have been registered on a notification basis in the Federal Migration Service or in its territorial body;
- c) citizens of the Russian Federation and foreign citizens living permanently in the Russian Federation;

- decision taken by the Ministry of Foreign Affairs of the Russian Federation, diplomatic mission or consular office of the Russian Federation or a representative office of the Ministry of Interior of the Russian Federation located within the border area including that in a State border checkpoint of the Russian Federation, by a petition of a foreign citizen staying outside the Russian Federation filed due to the necessity of entering the Russian Federation for urgent treatment or in connection with of serious disease or death of a close relative;

- decision of the Ministry of Interior of the Russian Federation on issuing a visa to a foreign citizen sent to a diplomatic mission or consular office of the Russian Federation;

- decision of the head of a diplomatic mission or consular office of the Russian Federation on issuing a visa to a foreign citizen taken in exceptional cases by an application written by the foreign citizen;

- decision of a territorial body of the Federal Migration Service on issuing a permit to a foreign citizen for temporary residence in the Russian Federation;

- a contract of rendering services on tourist activity and certificate of admitting a foreign tourist by an organization implementing tourist business;

- decision of the Federal Migration Service or its territorial body of acknowledgment of a foreign citizen or a person without citizenship a refugee by an application filed by the foreign citizen or person without citizenship to a diplomatic mission or consular office of the Russian Federation.

A foreign citizen who is justified for obtaining a visa should submit the following documents to an authorized state body:

a) valid foreign (diplomatic, official, regular) passport or another document proving the identity and acknowledged as such by the Russian Federation;

b) filled-in visa application form with 1 photo (except for heads of foreign states and heads of the governments of foreign states);

c) medical insurance policy valid in the territory of the Russian Federation (except for foreign citizens having acknowledged diplomatic or official status, guests arriving to employees of diplomatic missions, consular offices of foreign states and international organizations, employees of the state service of a foreign state arriving to the Russian Federation on invitation from federal bodies of state power, and also other categories of foreign citizens released from presentation of a medical insurance policy on conditions of reciprocity);

d) a document certifying the absence of HIV-infection of a foreign citizen, if he applies for visa for a period exceeding 3 months (except for persons specified in the Federal Law "On Preventing the Spread of Disease Caused by Human Immunodeficiency Virus (HIV-infection)").

Procedure of drawing out and filling-in a visa depends on its form. Provision is made for the following visa forms:

- a) visa on a machine-readable visa form (pasted into a passport or, if it is a regular group tourist visa, is given to a group superior);
- b) visa put into a passport with the use of a monthly stamp;
- c) visa on an insert visa sheet (inserted into a passport).

SOJOURN PERMIT, RESIDENCE PERMIT

Question: *Sojourn permit:*

- *what is a sojourn permit and what is its legal status?*
- *who may be granted a sojourn permit?*
- *what is the procedure of obtaining a sojourn permit?*
- *for what period a sojourn permit may be given?*
- *should a citizen having a sojourn permit be registered anywhere?*

Answer: Federal Law No. 115-FZ dated July 25, 2002, "On Legal Status of Foreign Citizens in the Russian Federation" has established, that a sojourn permit is a confirmation of the foreign citizen's right or of the right of a person without citizenship to live temporarily in the Russian Federation before obtaining a residence permit executed in the form of a note in a document proving the identity of the foreign citizen or person without citizenship, or as a document in a form issued in the Russian Federation to a person without citizenship, who has no identity document.

In a general case a residence permit is issued to a foreign citizen within a quota, which is approved each year by the Government of the Russian Federation on the basis of proposals of executive bodies of the state power of Russian Federation subjects in consideration of the demographic situation in a corresponding subject of the Russian Federation and capabilities of this subject to take care of foreign citizens.

The validity period of a sojourn permit amounts to three years.

At the same time with no regard to the quota a sojourn permit may be issued to a foreign citizen who:

- was born in the territory of the RSFSR and earlier was a citizen of the USSR or was born in the territory of the Russian Federation;
- was found disabled and having able son or daughter, who are citizens of the Russian Federation;
- has at least one disabled parent having citizenship of the Russian Federation;
- is married to a citizen of the Russian Federation, if the latter has a place of residence in the Russian Federation;
- made investments in the Russian Federation in a volume established by the Government of the Russian Federation;
- joined the military service (for a period of his military service);
- arrived in the Russian Federation in a procedure that does not require visa receipt of a visa.

A territorial authority of a federal body of executive power in the field of Migration (Directorate (department) of the Federal Migration Service of Russia for a corresponding subject of the Russian Federation), on an application filed to the said body by a foreign citizen staying temporarily in the Russian Federation, or on an application filed by a foreign citizen to a diplomatic mission or consular office of the Russian Federation in the country of residence of this citizen, within a 6-month period shall issue a sojourn permit to the foreign citizen, or refuse to issue such a permit.

When considering the application of the foreign citizen concerning the issue of a sojourn permit, the territorial authority of a federal body of executive power in the field of migration sends requests to the security, service of officers of the court, taxation bodies, social welfare authorities, health authorities, interior authorities and other bodies concerned, which, within a 2-month period from the day of request receipt, submit information of availability or absence of circumstances that prevent the issue of a sojourn permit to this foreign citizen.

If a foreign citizen was rejected the issue of a sojourn permit or a sojourn permit issued to him before was cancelled, he shall be entitled to file an application again for issuing a sojourn permit in the same procedure but not before than 1 year after the date of rejection of his previous application for the issue of a sojourn permit or after canceling the sojourn permit issued to him before.

A sojourn permit contains the following data:

- surname, name (written in letters of Russian and Latin alphabets);
- date and place of birth;
- sex of a foreign citizen;
- citizenship of a foreign citizen;
- number and date of a decision of permit issue;
- period of permit validity;
- name of authority that issued a permit.

The procedure of issuing a sojourn permit and list of documents to be submitted simultaneously with the application are established by the Decree of the Government of the Russian Federation No. 789 dated November 1, 2002.

In accordance with this procedure a sojourn permit may be received by a foreign citizen (person without citizenship), who has reached the age of 18 on the basis of an application filed by him personally. If a claimant intends to obtain a sojourn permit for himself and for the members of his family, who live together with him, he shall report it in the application.

Application shall **not be accepted** for consideration, if a foreign citizen proves his identity with a document issued in connection with his official or professional activity, i.e. certificate of identification, or a document whose validity period is less than 6 months.

The application shall be made in 2 copies on a form of a standard pattern. The application form is filled-in legibly, by hand, or with the use of facilities (typewriter, computer) in the Russian language. When filling-in the form, no abbreviated words and acronyms are allowed. Answers to questions contained in the form should be full and complete.

When submitting an application, a foreign citizen (person without citizenship) shall submit 4 photos 35 x 45 mm and the following documents:

- documents certifying identity and citizenship;
- a document issued by an authorized body of a state of permanent residence confirming claimant's availability of conviction or clean record;
- residence permit or another document issued by an authorized body of a foreign state to certify the fact of residence of the foreign citizen outside the state of its state affiliation;
- a document certifying availability of claimant's monetary resources ensuring subsistence minimum for him and for the members of his family, when living in the Russian Federation, or a document certifying his disability (earnings record of a natural person, income declaration with a note of taxation body, certificate from the place of work, labor book, pensioner's card, certificate from the social protection body of social allowances received, alimony recipient's certificate, certificate of deposit in a credit establishment with the indication of account number, certificate of the right to inheritance, certificate of incomes of a person, on whom the claimant depends, another document confirming the receipt of incomes from activity non-prohibited by the law or certifying his disability);
- marriage certificate;
- child's birth certificate and a document certifying identity of a child under 18 (passport, if available);
- a document certifying consent of a child at the age 14 to 18 to move to the Russian Federation for residence. Child's signature on the document should be certified by a notary public;
- certificate that the claimant (his family members) has no HIV-infection;

- a document issued by an authorized body of a foreign state or by an authorized health establishment of the Russian Federation certifying that the claimant (his family members) does not suffer drug addiction, nor any of infection diseases, which might be dangerous for people around.

Persons having the right to obtaining a sojourn permit regardless of a quota established by the Government of the Russian Federation shall, in addition to the listed documents, submit the following:

- a person born in the territory of the RSFSR and having precedently USSR citizenship or born in the territory of the Russian Federation – birth certificate issued in the RSFSR or Russian Federation territory by a registrars office is necessary. In case of absence of the said document the passport of a citizen of the USSR (pattern of 1974) shall be a document certifying the birth in RSFSR territory and precedently - status of USSR citizen.

- a person found disabled and having capable son or daughter, who are citizens of the Russian Federation and live permanently in the territory of the Russian Federation – son's or daughter's birth certificate and passport are needed, as well as a certificate issued by an authorized health establishment of the Russian Federation or a competent body of a foreign state certifying claimant's disability.

- a person having at least one disabled parent who has citizenship of the Russian Federation and lives permanently in the territory of the Russian Federation – birth certificate and passport of the disabled parent are required, and also a certificate issued by an authorized health establishment of the Russian Federation confirming parent's disability;

- a person married to a citizen of the Russian Federation with a place of residence in the Russian Federation – marriage certificate and passport of the spouse. If the children live together with the claimant and are foreign citizens (persons without citizenship) – documents are required that certify the relationship or the fact of adoption, and also joint residence;

- a person making investments in the Russian Federation – a letter of the head of organization that has attracted the investments, to an interior authority about making investments by this person in the amount established by the Government of the Russian Federation. If the claimant's surname differs from the surnames of his relatives, the relationship shall be proved by corresponding documents submitted additionally.

If documents enclosed with the application are made in a foreign language, their notarized translation into Russian should be presented.

In addition, such persons shall also submit a document certifying a dwelling space at their disposal or consent of the citizens of the Russian Federation, who are of legal age and registered at the place of residence in the territory of the Russian Federation, to grant dwelling space for them.

When submitting an application, all members of the family of a foreign citizen (person without citizenship) should be present, who have expressed their wish to live in the Russian Federation, these latter should submit necessary documents.

Claimant's documents proving his identity, birth, marriage, right to inheritance, as well as labor book, pensioner's card, residence permit or another document issued by an authorized body of a foreign state, which certifies the fact of residence of the foreign citizen outside the state of its state affiliation, and also birth certificate issued in the territory of the RSFSR or the Russian Federation by a registrars office (and in case of their absence – passport of a USSR citizen (pattern of 1974)) are to be returned, and their copies and notarized translation into Russian shall be enclosed with the application.

When accepting the application for consideration, correctness of submitted documents legalization shall be checked. The fact of the check, as well as authenticity of claimant's signature on the application shall be certified by the signature of a corresponding authorized official. A seal of the adopting body shall be put on the signature of the official and on the photographic picture pasted in the application. The foreign citizen (person without citizenship) is

informed of reasons (established by the Law) for the refusal of a sojourn permit and of a period of considering his application.

An accepted application is registered with a registration number put on it. The claimant is given a reference confirming application receipt for consideration.

The application submitted together with necessary documents to a diplomatic mission or consular office of the Russian Federation shall be sent during one month through diplomatic channels to a territorial body of the Federal Migration Service (FMS) of Russia, which considers the application and performs a necessary check for availability or absence of grounds for refusal of a sojourn permit, for which purpose it sends requests to corresponding security bodies, interior authorities, service of officers of the court, taxation bodies, social welfare authorities, health authorities, and other bodies concerned. Within a 2-month period the said authorities shall submit the information of availability or absence of circumstances that prevent the issue of a sojourn permit to the claimant.

Based on the results of the consideration a decision is taken of issue or refusal of the sojourn permit. For each application an individual decision is taken.

The period of application consideration should not exceed 6 months from the day of its submission.

Within a period of one month the applicant shall be given a notice with the indication of a number and date of a decision taken and in case of negative decision – grounds for the refusal.

A notification of a decision taken by a territorial body of the Federal Migration Service (FMS) of Russia on an application filed to a diplomatic mission or consular office of the Russian Federation is sent to the Ministry of Foreign Affairs of the Russian Federation with a reference to the application number for further notification of the applicant.

A decision of issuing a sojourn permit to a foreign citizen (person without citizenship) is a reason for executing an entry visa for him by a diplomatic mission or consular office for the entry to the Russian Federation.

A foreign citizen (person without citizenship) arriving to the territory of the Russian Federation is obliged within three working days to appeal to a corresponding territorial body of the FMS of Russia for drawing up a sojourn permit.

For a foreign citizen (person without citizenship), who has reached the age of 14 a sojourn permit shall be executed in the form of a note of established pattern in a document proving his identity.

For a foreign citizen (person without citizenship), who has not reached the age of 14 and has no identity document, a sojourn permit is executed in the form of an entry of established pattern in documents proving the identity of both parents or one of them, who have obtained a sojourn permit.

A sojourn permit for a person without citizenship who has no identity document is issued in the form of a document of established pattern.

When drawing up a sojourn permit, a foreign citizen (person without citizenship) shall be subject to compulsory finger-print registration.

For issuing a sojourn permit a state duty is collected at the rate of 400 rubles (sub-item 11, item 1 of Article 333.28 of the Tax Code of the Russian Federation).

For the form for a sojourn permit payment shall be collected at the rate established by the legislation of the Russian Federation.

In the course of issuing a sojourn permit to a foreign person (person without citizenship) he shall be explained a legal status of a person obtaining a sojourn permit, as well as grounds for its cancellation, and also a necessity of annual re-registration.

A foreign citizen (person without citizenship), who has obtained a sojourn permit, shall be warned that he is not entitled to change his place of residence of his own free will within the subject of the Russian Federation, on whose territory his temporary residence is allowed, or to select the place of residence outside the boundaries of the said subject of the Russian Federation.

In case of canceling a sojourn permit a foreign citizen (person without citizenship) shall be notified within a 3-day period of the decision taken, and is also warned of necessity to leave the Russian Federation during 15 days following the day of taking the decision. In this case a corresponding entry is made in a document proving the identity of the foreign citizen (person without citizenship) canceling the sojourn permit and, if he was a person without citizenship, for whom the sojourn permit was executed in the form of a document of established pattern, the permit shall be withdrawn.

If a foreign citizen (person without citizenship) fails to leave the Russian Federation within an established period, a territorial body of the FMS of Russia for a corresponding subject of the Russian Federation takes corresponding actions for his deportation.

A foreign citizen living temporarily in the Russian Federation shall be obliged within 2 months from the date of expiry of each year from the day of obtaining a sojourn permit to **personally** submit a notice certifying his residence in the Russian Federation to the territorial body of the federal executive authority in the field of migration at the place of obtaining the sojourn permit and to enclose to it income records, copies of the tax statement or another document confirming the amount and source of the income of this foreign citizen for the latest year from the date of receipt of his sojourn permit.

Given justifiable reasons the said notice may be submitted by the foreign citizen at a later period, however, not later than 6 months following the day of expiry of the latest year from the date of receipt of the sojourn permit, and the foreign citizen should enclose to it income records, copies of the tax statement or another document confirming the amount and source of the income of this foreign citizen for the latest year from the date, on which he obtained the sojourn permit, and also documents certifying the impossibility of submitting the said notice within the established period.

The notice should contain the following data:

- name of a foreign citizen living temporarily in the Russian Federation including his surname, proper name, patronymic (if available);
- place of residence of this foreign citizen;
- place (places) of work and duration of labor activity implemented by this foreign citizen during the latest year from the date, on which he obtained the sojourn permit;
- a period of stay of this foreign citizen outside the borders of the Russian Federation during the latest year from the date, on which he obtained the sojourn permit (with indication of the countries of origin).

The receipt of the notice in the territorial body of the federal executive authority in the field of migration shall be realized on presentation by this foreign citizen an identity document, which should be acknowledged by the Russian Federation as such, and the sojourn permit.

It is not allowed to demand from a foreign citizen submission of any other documents or data.

Foreign citizens, who are arriving in the Russian Federation in a procedure not requiring the receipt of a visa constitute an individual category. Thus in accordance with the requirements of Article 6.1 of the Federal Law "On Legal Position of Foreign Citizens in the Russian Federation" (the Article has been valid since January 15, 2007) a foreign citizen arriving in the Russian Federation in a procedure not requiring a visa, shall be granted a sojourn permit with no regard for a quota approved each year by the Government of the Russian Federation.

To obtain a sojourn permit such foreign citizen shall submit the following to the territorial body of the federal executive authority in the field of migration:

- an application for issuing a sojourn permit;
- a document proving the identity of this foreign citizen and acknowledged as such by the Russian Federation;
- a migration card with an entry made by a border control authority certifying the entry of this foreign citizen to the Russian Federation or with an entry of the territorial body

of the federal executive authority in the field of migration certifying the issue of said migration card to this foreign citizen;

- state duty payment slip for the issue of the sojourn permit to the foreign citizen;

An entry certifying the receipt of foreign citizen's application for the issue of sojourn permit shall be made in his migration card. Refusal to receive this application is not allowed except for cases, when any of necessary documents is not submitted.

A foreign citizen who has arrived to the Russian Federation in a procedure not requiring the receipt of a visa, shall be obliged to submit the following documents to the territorial body of the federal executive authority in the field of migration, which has accepted his application for issuing him a sojourn permit:

- documents certifying that he does not suffer drug addiction, nor infection diseases which might be dangerous for people around, as well as a certificate of absence of a disease caused by the human immunodeficiency virus (HIV-infection), - during 30 days from the date of filing the application for issuing a sojourn permit for him;

- certificate (notification) of registration of this foreign citizen at the taxation body – during 1 year from the date of his entry to the Russian Federation.

In this case the head of the territorial body of the federal executive body in the field of migration shall be entitled to take a decision of extending the period for submitting the listed documents, if a foreign citizen, who has arrived in the Russian Federation in a procedure not requiring the receipt of a visa, providing he has documentarily confirmed reasons for non-submission.

The territorial body of the federal executive body in the field of migration, when receiving a sojourn permit application from a foreign citizen, who has arrived to the Russian Federation in a procedure not requiring a visa, shall send requests to the security, taxation authority, health authority, which shall be obliged within a period of one month from the date of receiving a corresponding request to present information to the said territorial body of availability or absence of circumstances preventing the issue of a sojourn permit to this foreign citizen or acknowledged as grounds for canceling the sojourn permit granted to him previously.

No later than 60 days from the date of accepting an application for issuing a sojourn permit from a foreign citizen, who has arrived in the Russian Federation in a procedure not requiring the receipt of a visa, the territorial body of the federal executive power in the field of migration shall be obliged to issue to this foreign citizen the sojourn permit or a notice of refusal to grant the sojourn permit.

Article 7 of the Federal Law “On Legal Position of Foreign Citizens in the Russian Federation” stipulates for grounds for the refusal or cancellation of the sojourn permit.

Thus a sojourn permit is not granted to a foreign citizen, and previously issued sojourn permit is cancelled, if the said foreign citizen:

- 1) comes out for forcible change of the fundamentals of the constitutional system of the Russian Federation, or otherwise creates a threat to Russian Federation safety or safety of Russian Federation citizens;
- 2) carries out the financing, plans the acts of terrorism (extremism), renders assistance in committing such acts or commits them, and also otherwise supports terrorist (extremist) activity;
- 3) during five years preceding the date of sojourn permit application submission he was subjected to administrative exclusion outside the borders of the Russian Federation or to deportation;
- 4) submitted forged or falsified documents or presented knowingly improper data about himself;
- 5) has been convicted by an effected court sentence for committing a grave crime or felony or for a crime, whose repetition is acknowledged dangerous;

- 6) has an unliquidated or not cancelled conviction for committing a grave crime or felony in the territory of the Russian Federation or outside it if this crime is admitted as such in compliance with the federal law;
- 7) repeatedly (two times or more) within one year was brought to administrative responsibility for violating the legislation of the Russian Federation with respect to observing the conditions of stay (residence) of foreign citizens in the Russian Federation;
- 8) during the latest year from the date of sojourn permit issue did not implement labor activity in a procedure established by the Russian Federation legislation for a period of 180 days or did not receive incomes, or has not sufficient means in an amount permitting to maintain himself and members of his family depending on him without appealing for aid to the state, at the level not below the minimum of subsistence established by the law of a subject of the Russian Federation, on whose territory temporary residence is allowed to him. This conditions shall not be extended to a foreign citizen:
 - whose average monthly income or average monthly per-capita income of a member of the family is not below the subsistence minimum established by the law of a subject of the Russian Federation on whose territory temporary residence is allowed to said foreign citizen;
 - who is studying on a full-time basis in a specialized secondary school of the Russian Federation;
 - who is a full-time student or postgraduate studying in a higher educational establishment of the Russian Federation;
 - who is a pensioner or disabled person.

The Law may also establish other categories of foreign citizens, with respect to whom the requirements of availability of an income not below the minimum subsistence are not applicable;

- 9) on expiry of 3 years from the date of entry has no dwelling space in the Russian Federation on the grounds stipulated by the legislation of the Russian Federation;
- 10) left the Russian Federation for foreign states for permanent residence;
- 11) was staying outside the borders of the Russian Federation longer than 6 months;
- 12) effected a marriage with a citizen of the Russian Federation that served a basis for obtaining a sojourn permit, and this marriage was admitted invalid by the court;
- 13) is addicted to drugs or has no certificate of absence of a disease caused by human immunodeficiency virus (HIV-infection) or suffers one of infection diseases which present danger for people around;
- 14) arrived in the Russian Federation in a procedure not requiring the receipt of a visa and failed to opportunely submit documents certifying absence of drug addition and infection diseases, as well as a certificate of absence of a disease caused by human immunodeficiency virus (HIV-infection) and certificate (notification) of registering this foreign citizen at a taxation body.

In case of a decision of refusal to issue a sojourn permit to a foreign citizen or of canceling the previously issued sojourn permit the territorial body of the federal executive body in the field of migration, that has taken such decision, shall give a corresponding notice to the said foreign citizen.

A decision of refusal to issue a sojourn permit to a foreign citizen, who has arrived to the Russian Federation in a procedure not requiring a visa, of a sojourn permit or of canceling a permit issued previously, shall be taken providing the availability of circumstances specified in items 1-8, 10, 11, 13 and 14 from those listed above.

A decision of refusal to issue a sojourn permit to a foreign citizen or of canceling the previously granted sojourn permit may be disputed by this foreign citizen by appealing to the federal executive body in the field of migration (*Russia's FMS*) or to the court during 3 working

days from the date, on which this foreign citizen received a notice of a corresponding decision taken. In the period of considering the appeal of this foreign citizen he shall not be debarred from his right to temporary staying in the Russian Federation.

Copies of a decision of the federal executive body in the field of migration on a complaint of this foreign citizen shall be sent within 3 days from the date of taking such decision to the territorial body of the federal executive body in the field of migration (*Directorate (department) of the FMS of Russia on a corresponding subject of the Russian Federation*) that has made the decision complained of and to this foreign citizen.

In case the federal executive body in the field of migration cancelled the decision of its territorial body of refusal to issue a sojourn permit to the foreign citizen or of canceling the previously granted sojourn permit, the said territorial body shall, within 3 working days from the date of the corresponding decision cancellation, give (recover) the sojourn permit to this foreign citizen.

Question: *Residence permit:*

- *what is residence permit and what is its legal status?*
- *to who residence permit may be granted?*
- *what is the procedure of obtaining a residence permit?*
- *for what period a residence permit may be given?*
- *should a citizen having a residence permit be registered anywhere?*

Answer: According to the Federal Law No. 115-FZ dated July 25, 2002, "On Legal Status of Foreign Citizens in the Russian Federation" a residence permit is a document issued to a foreign citizen or a person without citizenship for confirming their right to permanent residence in the Russian Federation, as well as their right for free exit from the Russian Federation and entry to the Russian Federation. A residence permit issued to a person without citizenship is at the same time a document proving his identity.

A residence permit may be issued to a foreign citizen or to a person without citizenship given legal grounds for it and according to his application within the validity period of the sojourn permit. Application for the issue of a residence permit shall be filed by a foreign citizen not later than six months before the expiry of the validity period of a sojourn permit.

Prior to obtaining a residence permit a foreign citizen or a person without citizenship are obliged to live in the Russian Federation for at least one year on the basis of a sojourn permit.

A residence permit is granted for a period of five years. On expiry of the validity period of the residence permit this period, on an application from the foreign citizen or person without citizenship may be extended for five years. The quantity of extensions of residence permit validity period is not limited.

The residence period contains the following data: surname, name (written by letters of the Russian and Latin alphabets), date and place of birth, sex, citizenship of the foreign citizen, number and date of decision-making of issuing the residence permit, residence permit validity period, name of executive body that has issued the residence permit, and shall be drawn up in the form of a document of established pattern.

When filing an application the foreign citizen (persons without citizenship) shall submit 4 photographic pictures of 35 x 45 mm and documents as follows:

- documents certifying his identity and citizenship;
- sojourn permit executed in an established procedure;
- a document certifying applicant's availability of monetary resource ensuring the minimum subsistence for him and his family, when living in the Russian Federation or a document certifying his disability (certificate of incomes of a natural person, income declaration with an entry of a taxation body, certificate from the place of work, labor book, pensioner's card, certificate from the social protection body of social allowances received, alimony recipient's certificate, certificate of deposit in a credit establishment with the indication of

account number, certificate of the right to inheritance, certificate of incomes of a person, on whom the applicant depends, another document confirming the receipt of incomes from activity non-prohibited by the law or certifying his disability);

- child's birth certificate and a document proving identity of the child who hasn't reached the age of 18 (passport, if available);

- child's consent (when the child is at 14 to 18) for residence in the Russian Federation. Child's signature on the application should be certified by a notary public;

- a document certifying availability of an individual dwelling, dwelling space at the place of residence on grounds provided for by the legislation of the Russian Federation;

- certificate of absence of HIV-infection with the applicant (members of his family);

- a document issued by an authorized health establishment of the Russian Federation certifying that the applicant (members of his family) does not suffer drug addiction, nor any of infection diseases which are dangerous for people around and which are stipulated by the list approved by the Government of the Russian Federation.

Persons that obtained a sojourn permit by one of the following grounds:

- acknowledgment of disability and availability of able son or daughter having the citizenship of the Russian Federation;

- availability of at least one disabled parent admitted to citizenship of the Russian Federation;

- persons married to a citizen of the Russian Federation, who have a place of residence in the Russian Federation, apart from documents listed above, shall submit:

- a) a person admitted disabled, having capable son or daughter, who are citizens of the Russian Federation and live permanently in the territory of the Russian Federation – son's (daughter's) birth certificate and passport, and also a certificate issued by an authorized health establishment of the Russian Federation confirming the disability of the applicant;

- b) a person having at least one disabled parent who has citizenship of the Russian Federation and lives permanently in the territory of the Russian Federation – birth certificate and passport of the disabled parent are required, and also a certificate issued by an authorized health establishment of the Russian Federation confirming parent's disability;

- c) a person married to a citizen of the Russian Federation living permanently in the territory of the Russian Federation – marriage certificate and passport of the spouse having citizenship of the Russian Federation.

If the applicant and his relatives have different surnames, the relationship is proved by corresponding documents submitted additionally.

If documents enclosed with the application are prepared in a foreign language, their notarized translation into Russian is submitted.

An application is not accepted for consideration if an identity document presented at its filing has a period of validity less than 6 months.

A foreign citizen or a person without citizenship, who permanently live in the Russian Federation should annually confirm their residence in the Russian Federation by reporting the confirmation to the territorial body of the Federal Migration Service at the place, where they obtained the residence permit. The notice should be sent personally or in a mail message, as appropriate, by presenting an identity document recognized by the Russian Federation, and also a residence permit. A demand to submit other documents or other data apart from those to be entered in the said notice is not allowed. The notice should contain the following data:

- the name of a certain foreign citizen or a person without citizenship living permanently in the Russian Federation including his surname, proper name, patronymic, if the latter available;

- place of residence of this foreign citizen or person without citizenship;

- place (places) of work and duration of implementing labor activity by this foreign citizen during the recent year from the date of obtaining the residence permit;

- period, for which this foreign citizen or person without citizenship was staying outside the Russian Federation during the recent year from the date of obtaining residence permit (with the indication of a country);

- size and sources of income of this foreign citizen or person without citizenship for the recent year from the date of obtaining residence permit.

Regulations relating to determining the procedure of notifying residence in the Russian Federation come into force from January 15, 2007,

In addition, in compliance with Article 9 of the Federal Law No. 115-FZ dated July 25, 2002, "On Legal Status of Foreign Citizens in the Russian Federation" residence permit to a foreign citizen or person without citizenship is not issued, and a previously issued residence permit is cancelled in case this foreign citizen or person without citizenship:

- comes out for forcible change of the fundamentals of the constitutional system of the Russian Federation, or otherwise creates a threat to Russian Federation safety or safety of Russian Federation citizens;

- carries out the financing, plans the acts of terrorism (extremism), renders assistance in committing such acts or commits them, and also otherwise supports terrorist (extremist) activity;

- was subjected to administrative exclusion outside the borders of the Russian Federation or to deportation;

- submitted forged or falsified documents or presented knowingly improper data about himself;

- has been convicted by an effected court sentence for committing a grave crime or felony or for crime, whose repetition is acknowledged dangerous;

- has an non-cancelled or outstanding conviction for committing a grave crime or felony admitted as such in accordance with a federal law in the territory of the Russian Federation or outside it;

- repeatedly (two times or more) during one year was brought to administrative responsibility for violating the legislation of the Russian Federation with respect to observing the regulations of stay (residence) of foreign citizens in the Russian Federation;

- cannot present an evidence of his capability to maintain himself and his family in the Russian Federation within the subsistence minimum without appealing for government aid except for cases when the foreign citizen is admitted disabled;

- on expiry of three years from the moment of entry has no dwelling space on the grounds stipulated by the legislation of the Russian Federation;

- left the Russian Federation for a foreign state for permanent residence;

- for a period exceeding 6 months was staying outside the borders of the Russian Federation;

- effected a marriage with a citizen of the Russian Federation, if this marriage was a basis for obtaining the residence permit, and this marriage was admitted by the court invalid;

- is a current drug addict or has no certificate of absence of a disease caused by human immunodeficiency virus (HIV-infection) or suffers one of infection diseases, that are dangerous for people around. The list of such diseases and procedure of confirming their availability or absence is approved by the Government of the Russian Federation.

MIGRATION ACCOUNTING AND REGISTRATION AT THE PLACE OF STAY

Question: *What is “migration accounting” and what is its purpose?
What is the procedure of implementing the migration accounting?*

Answer: On January 15, 2007, the Federal Law No. 109-FZ dated July 18, 2006, “On Migration Accounting of Foreign Citizens and Persons without Citizenship in the Russian Federation” comes into force.

In accordance with Article 2 of the Federal Law migration accounting of foreign citizens and persons without citizenship is the activity on recording and generalizing the data of foreign citizens and persons without citizenship and of the movement of foreign citizens and persons without citizenship stipulated by the Federal Law.

The migration accounting is implemented with the purposes as follows:

- creating necessary conditions that citizens of the Russian Federation could exercise their rights and freedoms, as well as execute their duties assigned to them;
- development and implementation of state policy in the field of migration;
- forming full, accurate, operational and topical information of the movements of foreign citizens required for forecasting the consequences of said movements, and also for carrying out state statistical observations in the field of migration;
- planning of development of Russian Federation territories;
- management in conditions of crisis situations;
- protection of the fundamentals of the constitutional system, morality, health, rights and lawful interests of citizens living in the Russian Federation, and also with the purpose of ensuring the national security and public security of the Russian Federation by way of counteracting illegal migration and other unlawful manifestations;
- systemizing the data of foreign citizens staying in the Russian Federation (including their personal data) and of the flows of foreign citizens;
- solution of other social-economic and social-political tasks.

A ground for migration registration is the following:

- 1) the fact of entry of a citizen to the Russian Federation;
- 2) the fact of registration of birth of a foreign citizen or another person who, as of the moment of birth, does not obtain citizenship of the Russian Federation;
- 3) the fact of loss of citizenship of the Russian Federation by a person staying in the Russian Federation.

Ground for withdrawal from registration includes the following:

- 1) the fact of exit of a foreign citizen from the Russian Federation;
- 2) the fact of death of a foreign citizen in the Russian Federation;
- 3) entry into legal force of a court decision of admitting a foreign citizen staying in the Russian Federation a missing person or of admitting him decedent;
- 4) the fact of acquiring the citizenship of the Russian Federation by a foreign citizen staying in the Russian Federation;

Withdrawal of a foreign citizen or a person without citizenship from registration at the place of his stay shall be implemented by a migration registration body after an accepting party receives a tear-off portion of a form of notification of this person arrival at the place of stay with the date of his departure from the place of arrival indicated on this form portion. The tear-off portion of the notification form of arrival at the place of stay shall be sent by the accepting party to a corresponding body of migration registration not later than 2 days after this person departure from the place of stay.

When executing migration registering, the following data of a foreign citizen are to be collected, fixed, generalized and used:

- 1) kind and particulars of a document certifying the identity and admitted by the Russian Federation in this quality (name, series, number, date and place of issue, validity period and, if available – biometrical data contained in the said document);
- 2) kind and particulars of a document confirming the right to stay (live) in the Russian Federation;
- 3) surname, name, patronymic (if the latter is available);
- 4) date and place of birth;
- 5) sex;
- 6) citizenship;
- 7) purpose of entry to the Russian Federation;
- 8) profession;
- 9) declared period of stay (residence) in the Russian Federation;
- 10) date of registration at the recent place of residence and its address, dates of registration and withdrawal from registration at the previous places of residence and their addresses;
- 11) date of registration at the recent place of stay and its address, dates of registering and withdrawal from registration at the previous places of stay and their addresses;
- 12) data of legal representatives (parents, adoptive persons, trustees, tutors);
- 13) data of deportation or of administrative exclusion outside the borders of the Russian Federation (applied or not, if yes - when and by who);
- 14) data of decision-taking of undesirableness of stay (residence) in the Russian Federation (applied or not; if yes – when and by who);
- 15) data on instituting criminal proceedings or bringing to administrative responsibility or to responsibility for committing tax infringements;
- 16) date and place of death in the Russian Federation or the date of entering into legal force of a court decision of admitting a missing person or decedent, name and place of the said court;
- 17) grounds for registering and withdrawal from registration.

Question: *Registration at the place of stay:*

- *what is the legal standard of registration at the place of stay?*
- *what is the procedure at the place of stay for foreign citizens?*

Answer: There are two legal institutions to be differentiated: registration of citizens of Russian Federation at the place of stay and registration of foreign citizens and persons without citizenship at the place of stay in the Russian Federation.

Questions of accounting of foreign citizens or persons without citizenship at the place of stay and their registration at the place of residence are regulated by the standards of Federal Law “On Migration Accounting of Foreign Citizens and Persons without Citizenship in the Russian Federation”, which was already mentions above (hereinafter referred to as the Federal Law). In this certain case accounting and registration are components of the institution of migration accounting, its essence consists in ensuring and implementing the guarantees of observance of right of everyone staying legally in the territory of the Russian Federation to free movement, choice of the place of stay and residence within the borders of the Russian Federation and other rights and freedoms of person established by the Constitution of the Russian Federation, and also implementation of national interests of the Russian Federation in the field of migration (enacting clause of the Federal Law).

A principal legislative innovation is featured by notification nature of migration accounting. At the same time in Part 2 of Article 5 a legislator has established an exhaustive list

of reasons, at which registration at the place of residence and accounting at the place of stay of foreign citizens may feature an administrative nature, namely:

- 1) in a border zone;
- 2) in restricted administrative-territorial formations;
- 3) in military communities with restricted access;
- 4) on territories, in organizations or at objects which require a special entry permit for foreign citizens in accordance with the Federal Law;
- 5) on a territory on which state of emergency or martial law is declared in compliance with a decree of the President of the Russian Federation;
- 6) on zones of environmental disasters;
- 7) on individual territories and in populated areas, where, due to the danger of spread of infection and mass noninfectious diseases and people mass poisoning special conditions and regimes of population living and economic activity are introduced;
- 8) in areas of antiterrorist operations conducted;
- 9) in a period of mobilization and in wartime;
- 10) in other cases established by federal laws.

Let us fix upon terms “accounting at the place of stay” and “registration at the place of residence” applicable to a foreign citizen or person without citizenship.

In compliance with the requirements of item 5, part 1 of Article 2 of the Federal Law accounting of a foreign citizen or a person without citizenship at the place of stay is the fixation (by authorized bodies) in an established procedure of the data on such person location at the place of stay. In a similar way, registration at the place of residence is the fixation (by authorities of migration accounting) of the data on the place of residence of a foreign citizen or person without citizenship.

In this case a place of residence shall be interpreted as a dwelling space, at which address the foreign citizen or a person without citizenship is registered in an established procedure. And the place of stay shall be interpreted as a dwelling space, which is not a place of residence, and also another room, office or organization, in which the foreign citizen or person without citizenship is staying and (or) at whose address the foreign citizen or person without citizenship should be registered at the place of stay.

Article 7 of the Federal Law established categories of foreign citizens and persons without citizenship subject to registration at the place of residence and to accounting at the place of stay. Those foreign citizens who live in the Russian Federation permanently or temporarily, shall be subject both to registration at the place of residence and to accounting at the place of stay. Those foreign citizens, who live permanently in the Russian Federation, shall be subject only to accounting at the place stay.

Status of foreigners, who serve sentence or carry administrative punishment, is determined separately. Such persons are subject to accounting at the place of stay in an establishment, where they serve a corresponding punishment in a procedure established by the Government of the Russian Federation (presently the development of a corresponding draft is underway).

In accordance with an order established by the Federal Law subject to accounting at the place of stay are:

- a foreign citizen or a person without citizenship living permanently in the Russian Federation – on expiry of 7 working days from the day of his arrival except for cases, when the said foreign citizen:
 - a) has no dwelling space;
 - b) is staying in a hotel or in another establishment rendering hotel services, in a sanatorium, resthouse, vacation hotel, camping, in a youth hostel, in a children’s health camp, hospital or in another health or social service establishment;
 - c) implements labor activity in conditions of job-sharing method;

d) is placed into a special establishment for social rehabilitation of persons without permanent dwelling;

e) is placed into an establishment of criminal or administrative punishment;

- foreign citizen or person without citizenship permanently living or permanently staying in the Russian Federation – on expiry of 3 working days from arrival to a place of stay except for cases when the said foreign citizen:

a) is staying in a hotel or in another establishment rendering hotel services, in a sanatorium, resthouse, vacation hotel, camping, in a youth hostel, in a children's health camp, hospital or in another health or social service establishment;

b) is placed into a special establishment for social rehabilitation of persons without permanent dwelling;

c) is placed into an establishment of criminal or administrative punishment.

At the same time for a number of categories of foreign workers an exception is made, and they are not subject to accounting at the place of stay. This relates to:

- heads of foreign states, heads of the governments of foreign states, members of parliamentary and governmental delegations of foreign states, heads of international organizations, who arrive to the Russian Federation on invitation of a federal body of state power or state power body of a subject of the Russian Federation, and also members of the families of the said persons arriving together with them;

- sailors, who are members of warship's crews and arrived in the Russian Federation on an official or non-official visit or by a business call, or members of military aircraft of foreign states (except for cases of forced stay or another kind of stay of said foreign citizens in the territory of the Russian Federation for a period more than 3 days outside their main crew compositions);

- sailors, who are members of non-military ships of foreign states, if they come ashore and temporarily stay on the territory (not over 24 h) of a port of the Russian Federation or in case these persons make circular tours to populated area for a period not over 24 h;

- crew members of civil aviation aircraft, train personnel or personnel of other transport facilities participating in international movements, if these persons stay in the territory of the Russian Federation in airports and railway stations stipulated by time-tables (schedules) of these transport facilities;

- other foreign citizens who arrive to the Russian Federation for a period not over 3 days except for cases of their stay in a hotel or in another establishments rendering hotel services, in a sanatorium, resthouse, vacation hotel, camping, in a youth hostel, in a children's health camp, hospital or in another health or social service establishment.

In compliance with Article 21 of the Federal Law a reason for accounting at the place of stay is a temporary actual sojourn of a foreign citizen or a person without citizenship in a place which is not his place of residence, or this person has no place of residence.

Registration of foreign citizens or persons without citizenship directly at the place of stay is implemented, when a migration accounting authority (as a rule a corresponding territorial body of the FMS of Russia) receives notifications of their arrival at the place of stay.

To carry out registration at the place of stay:

a foreign citizen or a person without citizenship:

- on arriving at the place of stay shall present to the receiving party a document proving his identity, which should be acknowledged by the Russian Federation as valid for this purpose, and also a migration card;

- after the receiving party sends a notification of his arrival at the place of stay he shall receive from it (the inviting party) a tear-off portion of the form of the said notification.

the receiving party:

- shall submit the notification of arrival of the foreign citizen (person without citizenship) at the place of stay to a migration accounting body directly or by mail;

- shall transfer to the foreign citizen (person without citizenship) a tear-off portion of the form of the notification of arrival to the place of stay.

Providing justifiable reasons (certified documentarily), which prevent the receiving party to send independently a notification of arrival of the foreign citizen (person without citizenship) to the migration accounting body the said notification should be accepted by the migration accounting body directly from said foreign citizen.

A foreign citizen or person without citizenship living permanently in the Russian Federation shall be entitled, by a written consent of the receiving party, to notify a corresponding migration accounting body about his arrival to the place of stay either directly or by mail.

Receipt of a notification of arrival of a foreign citizen or a person without citizenship to the place of stay by a migration accounting body and by a federal mail service organization shall be carried out by a person submitting such notification solely on presentation of a document certifying his identity and acknowledged by the Russian Federation as valid for this purpose.

An entry in the tear-off portion of the notification form made by a migration accounting body or federal mail service organization shall be regarded as a confirmation of actions executed by the receiving party and the foreign citizen or person without citizenship required for registration at the place of stay.

REFUGEES, PROGRAM OF RESETTLEMENT OF COMPATRIOTS

1. The legal status of a refugee is determined by provisions of Federal Law No. 4528-1 of February 19, 1993 “On Refugees”, which in turn is based on provisions of UN Convention of the status of refugees concluded in Geneva on 28 July 1951.

In consideration of requirements of Article 1 of the said Convention a refugee is defined by the federal legislation as a person, who is a citizen of the Russian Federation which, by virtue of quite reasonable apprehensions to become a victim of prosecutions by attributes of a race, confession of faith, citizenship, nationality, membership of a certain social group or by politics is staying outside the country of his origin and cannot enjoy protection of such country or does not wish to enjoy such protection due to such apprehensions; or, having no definite citizenship and being outside the country of his former usual inhabitancy, as a result of such events, cannot or does not wish to return to it due to such apprehensions.

The Russian legislation also separates notion “person soliciting for admitting a refugee”. In this case this is a person, who is not a citizen of the Russian Federation and declares his wish to be admitted a refugee, from the number of:

- foreign citizens who arrived or wish to arrive to the territory of the Russian Federation;
- persons without citizenship, who are arriving or wish to arrive in the territory of the Russian Federation;
- foreign citizens and (or) persons without citizenship actually and lawfully arriving to the territory of the Russian Federation.

2. The legal status of a compatriot living abroad is established by Federal Law No. 99-FZ of May 24, 1999 “On the State Policy of the Russian Federation Relating to Compatriots Abroad”. Notion “compatriot abroad” implicates the following:

- citizen of the Russian Federation living permanently outside the Russian Federation;
- person who was a citizen of the USSR living in states included in the USSR, who was admitted to citizenship of these states or became a person without citizenship;

- natives (emigrant) from the Russian state, Russian republic, RSFSR, USSR and Russian Federation who had a corresponding national origin and became a citizen of a foreign state or had a residence permit or became a person without citizenship;
- a descendant of persons belonging to the above groups except for descendants of persons of title nations of foreign states.

On June 22, 2006, a State Program for giving assistance to voluntary resettlement of compatriots living abroad to the Russian Federation, and a Plan of Actions for implementing the State Program on rendering assistance to voluntary resettlement of compatriots living abroad to the Russian Federation.

The purpose of the State Program is promotion and organization of the process of voluntary resettlement of the compatriots to the Russian Federation, and also compensation for the natural loss of population in the country as a whole and in its individual regions at the expense of attraction of migrants for permanent living to the Russian Federation.

To achieve the set goals the following tasks should be solved:

- creation of political, socio-economic, organizational conditions promoting the transfer of compatriots to the Russian Federation for permanent residence;
- legal regulation of a process of voluntary resettlement of compatriots to the Russian Federation;
- formation of a mechanism of voluntary resettlement of fellow-countrymen to the Russian Federation, rendering assistance to voluntary participants of the State Program;
- provision for state and public inspection of the resettlement process, observing the rights of migrants, observance of commitments undertaken by them and observance of commitments of the Russian Federation.

Implementation of measures of the State Program is planned to be accomplished during 2006-2012 in three stages: 1st stage – 2006, 2nd stage – 2007 – 2008 and 3rd stage – 2009 – 2012.

A decision of participating in the State Program is taken by a fellow-countryman voluntarily on the basis of his realized choice of a place of residence and labor activity in the territory of the Russian Federation. A country-man, who has become a participant of the State Program is given a certificate of established pattern. Eligibility of state guarantees and social support is extended to a participant of the program and members of his family, who move together with him to a new place of residence in the Russian Federation.

In case a country-fellowman – participant of the Program, and members of his family are foreign citizens or persons without citizenship, they shall be entitled, on a priority basis, to obtain a permit for temporary living, residence permit, and also to Russian citizenship.

The Federal Migration Service is a coordinator of the State Program for giving assistance to voluntary resettlement of compatriots living abroad to the Russian Federation.

RESPONSIBILITY FOR LAWLESSNESS IN THE FIELD OF MIGRATION

Question: *What responsibility is established for implementing labor activity without a corresponding permit?*

Answer: On November 5, 2006, the President of the Russian Federation signed the Federal Law No. 189-FZ “On Introducing Changes to the Russian Federation Code of Administrative Violations (with respect to increase of responsibility for violating the procedure of bringing foreign citizens and person without citizenship to labor activity in the Russian

Federation)” that has significantly increased the limit of administrative charges imposed for commitment of a number of violations in the field of migration. Thus, in particular, today the maximum size of penalty for natural persons amounts to 5 thousand rubles, for officials – 50 thousand rubles, and for legal entities – 1 million rubles.

One of the most significant innovations of the Federal Law has been establishment of a differentiated approach to determining the size of administrative charge depending on a quantity of unlawfully employed migrants.

The Federal Law has supplemented the Code of the Russian Federation of administrative violations of law with a number of new elements of administrative violations in the field of labor migration.

Today administrative responsibility is stipulated for illegal implementation of labor activity in the Russian Federation by a foreign citizen or a person without citizenship (Article 18.10 of the Code), illegal employment of a foreign citizen or a person without citizenship in the Russian Federation (Article 18.15 of the Code), violation of rules of employing foreign citizens or persons without citizenship at mercantile establishments (including hypermarkets) (Article 18.16 of the Code), and for nonobservance of restrictions for implementing individual kinds of activity established in compliance with the federal law with respect to foreign citizens, persons without citizenship and foreign organizations (Article 18.17 of the Code).

Question: *What responsibility is established for illegal migration?*

Answer: In connection with the ratification by the Russian Federation (Federal Law No. 26-FZ of April 26, 2004) of UN Convention against transnational organized criminality and the Supplementary Minutes against illegal import of migrants overland, by sea and by air, and the Minutes against human traffic, particularly women and children, and punishment for it, the Criminal Code of the Russian Federation is supplemented by Article 322-1 that has established criminal responsibility for organization of illegal migration.

Thus in particular, it has been established that organization of illegal entry to the Russian Federation of foreign citizens or persons without citizenship, their illegal stay in the Russian Federation or illegal transit through the territory of the Russian Federation is punished by a penalty at the rate to 200 thousand rubles or at the rate of the wage or another income of a convict for a period to 18 months, or compulsory work for a term to 180 hours or correctional labor for a term of 2 years.

In this case the said acts committed by an organized group or with the purpose of committing a crime in the territory of the Russian Federation are punished by confinement for a term of 2 to 5 years with a penalty to five hundred rubles or at the rate of the wage or another income of a convict for a period of 3 years or without such.

Question: *What is the responsibility for the absence of registration at the place of stay?*

Answer: In consideration of the nature of violations related to nonobservance of the procedure and rules of registration of foreign citizens and persons without citizenship, and also the degree of their social danger, the federal legislation has established administrative responsibility for such actions.

Thus in compliance with Article 18.8 of the Russian Federation Code of administrative law violations the violation of the regulations of stay (living) in the Russian Federation by a foreign citizen or a person without citizenship including nonobservance of the established registration procedure results in imposing a fine at the rate of 10 to 15 minimum rates of remuneration of labor and administrative exclusion out of the bounds of the Russian Federation or without such.

Corresponding to this norm is part 1 of Article 18.9 stipulating responsibility for persons or organizations receiving a foreign citizen or a person without citizenship and having committed

violations of the established procedure of their registration. Committing such violation results in imposing a penalty: on officials at the rate of 25 to 100 minimum rates of remuneration of labor; on legal entities – 100 to 3000 minimum rates of remuneration of labor.

Part 2 of the same article establishes responsibility on a receiving party for non-act on providing for opportune registration of foreign citizens and persons without citizenship. A punishment for such actions consists in administrative penalty ranging from 5 to 25 minimum rates of remuneration of labor.

LIST
of territorial bodies of the Federal Migration Service

| No. | Name of territorial body of the FMS of Russia | Address |
|------------|-----------------------------------------------------------------------------|--------------------------------------------------|
| 1 | Department of the FMS of Russia for the Republic of Adygei | 385000 Republic of Adygei, Maikop 2 ul. Yunnatov |
| 2 | Department of the FMS of Russia for the Republic of Altai | 649002 Gorno-Altaysk, 109 Kommunistichesky Lane |
| 3 | Directorate of the FMS of Russia for the Republic of Bashkortostan | 450025 Ufa, 63 Pushkin St. |
| 4 | Directorate of the FMS of Russia for the Republic of Buryatiya | 670009 Ulan-Ude 19 Nikolai Nishchenko St. |
| 5 | Directorate of the FMS of Russia for the Republic of Dagestan | 367003 Makhachkala, 2-a Irchi Kazaka St. |
| 6 | Department of the FMS of Russia for the Republic of Ingushetiya | 386103 Nazran, 2 Ingushsky lane |
| 7 | Directorate of the FMS of Russia for the Republic of Kabardino-Balkariya | 360022 Nalchik, 67a Lenin lane |
| 8 | Department of the FMS of Russia for the Republic of Kalmykiya | 358000 Elista, 293 Lenin St. |
| 9 | Department of the FMS of Russia for the Republic of Karachayevo-Cherkessiya | 369000 Cherkessk, 83 Pushkinskaya St. |
| 10 | Directorate of the FMS of Russia for the Republic of Karelia | 185005 Petrazovodsk, 17 A. Nevsky prospekt |
| 11 | Directorate of the FMS of Russia for the Republic of Komi | 167983 Syktyvkar GSP-3 63-a Sovetskaya St. |
| 12 | Directorate of the FMS of Russia for the Republic of Mary El | 424000 Yoshkar-Ola 13A Volkov St. |
| 13 | Directorate of the FMS of Russia for the Republic of Mordovia | 430003 Saransk 30a Lenin Avenue |
| 14 | Directorate of the FMS of Russia for the Republic of Sakha (Yakutia) | 677027 Yakutsk, 43 Lermontov St. |
| 15 | Directorate of the FMS of Russia for the Republic of North Osetia-Alania | 362040 Vladikavkaz, 4 Tkhapsaev St. |
| 16 | Directorate of the FMS of Russia for the Republic of Tatarstan | 420012 Kazan, 8/2 Chekhov St. |
| 17 | Department of the FMS of Russia for the Republic of Tyva | 667000 Kyzyl, 64 Lenin St. |
| 18 | Directorate of the FMS of Russia for the Udmurt Republic | 426009 Izhevsk, 101 Lenin St. |
| 19 | Directorate of the FMS of Russia for the Republic of Khakassia | 655017 Abakan, 35 Sovetskaya St. |
| 20 | Directorate of the FMS of Russia for the Chechen Republic | 363060 Grozny, 11a Tukhachevskogo St. |
| 21 | Directorate of the FMS of Russia for the Republic of Chuvashia | 428000 Cheboksary, 44 K. Marx St. |
| 22 | Directorate of the FMS of Russia for Altai Territory | 656056 Barnaul, 13 Komsomolsky St. |

| No. | Name of territorial body of the FMS of Russia | Address |
|-----|------------------------------------------------------------|--------------------------------------------------------------------------|
| 23 | Directorate of the FMS of Russia for Krasnodar Territory | 350020 Krasnodar, 176 ul. Krasnaya |
| 24 | Directorate of the FMS of Russia for Krasnoyarsk Territory | 660049 Krasnoyarsk, 23 ul. Diktatury Proletariata |
| 25 | Directorate of the FMS of Russia for Perm Territory | 614099 Perm, 34B Komsomolsky Avenue |
| 26 | Directorate of the FMS of Russia for Primorski Krai | 690002 Vladivostok, 101 Melnikovskaya St. |
| 27 | Directorate of the FMS of Russia for Stavropol Territory | 355035 Stavropol, 4 "a" Kulakova Lane |
| 28 | Directorate of the FMS of Russia for Khabarovsk Territory | 680003 Khabarovsk, 64 Soyuznaya St. |
| 29 | Directorate of the FMS of Russia for Amur Region | 675000 Blagoveshchensk, 25 Pionerskaya St. |
| 30 | Directorate of the FMS of Russia for Arkhangelsk Region | 163000, Arkhangelsk, 31 Loginov St. |
| 31 | Directorate of the FMS of Russia for Astrakhan Region | 414000 Astrakhan, 25 Kalinin St. |
| 32 | Directorate of the FMS of Russia for Belgorod Region | 308600 Belgorod, 32 Knyaz Trubetskoi St. |
| 33 | Directorate of the FMS of Russia for Bryansk Region | 241050 Bryansk, 26 Pionerskaya St. |
| 34 | Directorate of the FMS of Russia for Vladimir Region | 600020 Vladimir, 80B Bolshaya Nizhegorodskaya St. |
| 35 | Directorate of the FMS of Russia for Volgograd Region | 400131 Volgograd, 10 Rokossovsky St. |
| 36 | Directorate of the FMS of Russia for Vologda Region | 160009 Vologda, 54 Maltsev St. |
| 37 | Directorate of the FMS of Russia for Voronezh Region | 394030 Voronezh, 54 ul. 9 Yanvarya |
| 38 | Directorate of the FMS of Russia for Ivanovo Region | 153002 Ivanovo, 22 "a" Oktyabrskaya St. |
| 39 | Directorate of the FMS of Russia for Irkutsk Region | 664003, Irkutsk, 1 Kievskaya St. |
| 40 | Directorate of the FMS of Russia for Kaliningrad Region | 236000, Kaliningrad, 13 Sovetsky Lane |
| 41 | Directorate of the FMS of Russia for Kaluga Region | 248001 Kaluga, 9a Kirova St. |
| 42 | Department of the FMS of Russia for Kamchatka Region | 683024 Petropavlovsk-Kamchatsky, 23/2 October 50th Anniversary Avenue |
| 43 | Directorate of the FMS of Russia for Kemerovo Region | 650099 Kemerovo, 18 Kuzbasskaya St. |
| 44 | Directorate of the FMS of Russia for Kirov Region | 610000, Kirov, 96 Lenin St. |
| 45 | Directorate of the FMS of Russia for Kostroma Region | 156603, Kostroma, 4 P. Shcherbiny St. |

| No. | Name of territorial body of the FMS of Russia | Address |
|------------|-------------------------------------------------------------|-------------------------------------------------------------|
| 46 | Directorate of the FMS of Russia for Kurgan Region | 640026, Kurgan, 128 Sovetskaya St |
| 47 | Directorate of the FMS of Russia for Kursk Region | 305000, Kursk, 5 Serafim Sarovsky St. |
| 48 | Directorate of the FMS of Russia for Lipetsk Region | 398043 Lipetsk, 131 Gagarin St. |
| 49 | Department of the FMS of Russia for Magadan Region | 685000 Magadan, 39, build.2 Proletarskaya St. |
| 50 | Directorate of the FMS of Russia for Moscow Region | 140053 Moscow Region, Kotelniki 4 Novoryazanskoye Shosse |
| 51 | Directorate of the FMS of Russia for Murmansk Region | 183027 Murmansk 12 Kuibyshev St. |
| 52 | Directorate of the FMS of Russia for Nizhni Novgorod Region | 603001 Nizhni Novgorod 2 Rozhdestvenskaya St. |
| 53 | Directorate of the FMS of Russia for Novgorod Region | 173016 Veliky Novgorod 2 Rozhdestvenskaya St. |
| 54 | Directorate of the FMS of Russia for Novosibirsk Region | 630075 Novosibirsk 396a Kovalchuk St. |
| 55 | Directorate of the FMS of Russia for Omsk Region | 644046 Omsk 138 Pushkin St. |
| 56 | Directorate of the FMS of Russia for Orenburg Region | 460000 Ornburg 19 Matrossky lane |
| 57 | Directorate of the FMS of Russia for Orel Region | 302043 Orel 77G Avtovokzalnaya St. |
| 58 | Directorate of the FMS of Russia for Penza Region | 440061 Penza 5 Tolstoi St. |
| 59 | Directorate of the FMS of Russia for Pskov Region | 180007 Pskov 51 Petrovskaya St. |
| 60 | Directorate of the FMS of Russia for Rostov Region | 344082 Rostov-on-Don 8 ul. Oborony |
| 61 | Directorate of the FMS of Russia for Ryazan Region | 390000 Ryazan 59 Lenin St. |
| 62 | Directorate of the FMS of Russia for Samara Region | 443010 Samara 112 Frunze St. |
| 63 | Directorate of the FMS of Russia for Saratov Region | 410028 Saratov 16 Radishchev St. |
| 64 | Directorate of the FMS of Russia for Sakhalin Region | 693020 Yuzhno-Sakhalinsk 15 Dzerzhinsky St. |
| 65 | Directorate of the FMS of Russia for Sverdlovsk Region | 620028 Ekaterinburg 2 Krylov St. |
| 66 | Directorate of the FMS of Russia for Smolensk Region | 214004 Smolensk1 13a Bagration St. |
| 67 | Directorate of the FMS of Russia for Tambov Region | 392018 Tambov 3 Mayakovsky St. |
| 68 | Directorate of the FMS of Russia for Tver Region | 170000 Tver 13 Vagzhanov St. |

| No. | Name of territorial body of the FMS of Russia | Address |
|-----|--------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 69 | Directorate of the FMS of Russia for Tomsk Region | 634009 Tomsk 122 Lenin Avenue |
| 70 | Directorate of the FMS of Russia for Tula Region | 300045 Tula 114-a ul. Oboronnaya |
| 71 | Directorate of the FMS of Russia for Tyumen Region | 625000 Tyumen 55 ul. Respubliki |
| 72 | Directorate of the FMS of Russia for Ulyanovsk Region | 432980 Ulyanovsk 24 Goncharova St. |
| 73 | Directorate of the FMS of Russia for Chelyabinsk Region | 454000 Chelyabinsk 36 Yelkina St. |
| 74 | Directorate of the FMS of Russia for Chita Region | 672010 Chita 72A Ingolinskaya St. |
| 75 | Directorate of the FMS of Russia for Yaroslavl Region | 150000 Yaroslavl 48 Sobinov St. |
| 76 | Directorate of the FMS of Russia for Moscow | 115035 Moscow 16 build.4 Bolshaya Ordynka St. |
| 77 | Directorate of the FMS of Russia for St. Petersburg and Leningrad Region | 193015 St. Petersburg 4 Kirochnaya St. |
| 78 | Department of the FMS of Russia for Jewish Autonomous Region | 679016 Birobidzhan 6-a Shirokaya St. |
| 79 | Department of the FMS of Russia for Buryat Autonomous Area | 687000 p.ch.t. Aginskoye 76 Komsomolskaya St. |
| 80 | Department of the FMS of Russia for Koryak Autonomous Area | 688000 p.ch.t. Palana 1a Chubarova St. |
| 81 | Department of the FMS of Russia for Nenets Autonomous Area | 166000 Arkhangelsk Region Naryan-Mar, 15 Vyucheiskogo St. |
| 82 | Department of the FMS of Russia for Ust-Orda Buryat Autonomous Area | 669001 Irkutsk Region township of Ust-Ordynsky, 7 Pervomaiskaya St. |
| 83 | Department of the FMS of Russia for Khanty-Mansi Autonomous Area | 628012 Tyumen Region, Khanty-Mansiysk, 12"А" Chekhov St. |
| 84 | Department of the FMS of Russia for Chukot Autonomous Area | 689000 Anadyr 7 ul. Energetikov |
| 85 | Directorate of the FMS of Russia for Yamalo-Nenets Autonomous Area | 629008 Salekhard, 7 Matrosov St. |