

Migration Procedures in Russia

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April 05, 2011

The  **Moscow Times**



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All foreigners who arrive in Russia come up against a considerable number of questions connected with Russian legal regulation, starting with how to fill in the migration card correctly, and when they have to register at the place they are staying. Registration rules in the private sector change rather frequently, and recently, on March 20, 2011, President Dmitry Medvedev accepted Federal Law No. 42-FZ, which modifies the procedure for registration of foreign citizens and stateless persons. In this article we want to cover in detail how to be registered correctly under the new migration registration rules.

We begin with the migration card that every foreigner receives on crossing the border of the Russian Federation, which has to be filled in. The migration card serves as a control over the time spent in the Russian Federation and contains two parts: entry and exit (Parts A and B). Notes about arrival are made by border control officials. The filled-in "entry" Part A is taken from the foreign citizen at border control and passed on to immigration control. The "exit" half (Part B) with notes about the date of entry is kept by the foreign citizen for the whole stay in the Russian Federation and handed over to border control officials on departure from the Russian Federation. The migration card also serves as the document necessary for registration.

The next issue concerns visa registration. All foreign citizens who arrive on a Russian visa are obliged to notify the Federal Migration Service on arrival. However, this is the responsibility not of foreign citizens themselves, but of their receiving party — the person with whom the foreign citizen actually lives, or the organization in which the foreign citizen works. For foreign citizens staying in a hotel, the hotel administration will take all actions necessary to register them, but for those staying in the private sector, the receiving party should inform the Federal Migration Service of the foreigners' arrival.

Before acceptance of Federal Law No. 42-FZ, foreigners had to be registered within three working days of arrival in the Russian Federation. This period has now been extended to seven working days. Thus, from March 25 when the law comes into force, foreigners whose term of stay in the Russian Federation is less than seven days have the right not to register. Those who are going to stay in Russia more than seven days should give a copy of their passport, a copy of their visa and the original of their migration card to their receiving party — either landlord or employer — to complete the registration formalities. The receiving party should go with these documents and the foreign citizen's filled-in registration form to the local FMS office or the nearest post office. They will put a stamp on the registration form saying it has been received, and return the tear-off part of the document to the receiving party. The receiving party should return this tear-off part to the foreign citizen. This tear-off part with the FMS stamp is the confirmation that the foreign citizen has been registered. At departure, the foreign citizen gives the tear-off part of the registration form to the receiving party. The receiving party should then send this document to the FMS to report the foreign citizen's departure.

I would like to draw your attention to the fact that the term of the foreign citizen's temporary

residence in the Russian Federation is determined by the period of validity of the issued visa. The foreign citizen is obliged to leave the Russian Federation at the end of the permitted term of stay.

Violation of the migration and registration regulations can entail administrative responsibility for the foreign citizen in the form of a fine of 2,000 rubles to 5,000 rubles, and in some cases deportation from the Russian Federation. For any foreign citizen who has been subject to deportation, entry to the Russian Federation can be denied for up to five years. The changes in the law on migration registration concern responsibility for violating the registration regulations. Henceforth, persons who fail to register at the place they stay will be liable only when they were obligated themselves to give information about their own location, for example if they have ownership rights to residential property. However, a much more significant penalty is imposed on the receiving party for not fulfilling their responsibilities in connection with migratory registration: from 2,000 rubles to 4,000 rubles for citizens, from 40,000 rubles to 50,000 rubles for officials, and from 400,000 rubles to 500,000 rubles for legal entities.

Clients of our Moscow law firm often have questions about how to fill in the arrival form correctly. In particular, companies inviting business partners on business visas are often not sure what address to indicate as the place of residence: the address of the apartment where the foreigner actually lives, or the address of the company's office? We remember that earlier changes in the law on migration registration excluded the possibility of registering foreign citizens at the address of the office in which they work from Feb. 15, which in practice caused a number of problems. However, from the moment of entry of law No. 42-FZ into force, registration of foreign employees at the office in which they work is once again permitted. Thus, from March 25, 2011, foreign citizens should be registered within seven working days, and in the column for the address of place of residence you can indicate either the apartment address in which the foreigner is staying, or the address of the firm's office.

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