

Business Travel in Russia Fraught With Bureaucratic Pitfalls

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While most Russians wade through a bureaucratic quagmire to get a visa for the European Union or the United States, once they arrive they enjoy almost complete freedom of movement.

For those who choose to come to Russia to live and work, however, the bureaucratic challenges really begin to mount when they cross the border.

The restrictions on foreigners moving around inside the country are complex and protean. And they are routinely disregarded by employers and the law enforcement agencies responsible for their implementation, according to experts contacted by The Moscow Times.

The problems facing foreigners traveling around Russia may even be on the rise.

"In the regions the tendency is towards more restrictions for foreigners, irrespective if they are European or not," said Frank Schauff, head of the Association of European Businesses in Russia. "I don't see any changes coming in this direction at the moment."

One of the least known — but most restrictive — aspects of migration law is the rules that govern *komandirovki*, or business trips: the time foreigners in Russia are permitted to spend working outside of the region for which their work permit has been issued.

Unless their profession is included on a list, first issued by the Health and Social Development Ministry in 2007, foreign workers are, in fact, barred from business trips entirely.

If they are on the list of almost 150 professions — which includes clowns, photographers and sailors — they are permitted to spend just 10 days traveling within the country on business.

"This list is extremely out-of-date and extremely prejudiced," said Tatyana Bondrayevna, director of the Visa Delight agency. "Everyone understands this."

Though there are some exceptions, including those hired as "highly qualified specialists" and earning above 2 million rubles (\$66,400) annually, the list covers a large number of foreigners living and working in Russia, whether in business, culture or teaching.

On paper, the punishments for infringements are no laughing matter. A violation by an employee puts his employer at risk of being fined up to 800,000 rubles (\$26,628). And if an individual is caught breaking the rules more than once he or she could be deported.

Crime and Punishment

But despite the complicated rules, actual violations resulting in a fine are relatively rare.

"There have not been many examples of this ... because Federal Migration Service staff themselves don't know about it," said Alexei Fillipenkov, deputy chair of the AEB's Migration Committee.

The overwhelming majority of immigration violations are committed by migrant laborers from neighboring countries who do not even have work permits, he added.

Even if Federal Migration Service, or FMS, officials are aware of this law, there are no standardized checks that would allow infringements to be identified.

"It is very hard to imagine a situation [where you could be caught]," said Timur Beslangurov, managing partner at VISTA Foreign Business Support.

But a Moscow Times reporter created such a situation for himself in December. He was summoned for an interview by a branch of the FMS while traveling in the Far East after being caught and fined by the Federal Security Service, or FSB, for being in a border zone. An appearance on local television might have contributed to his exposure.

Hotel vigilantism is another problem. There have been some cases of zealous hotel staff kicking out foreigners they suspect of breaking business trip rules, said a migration lawyer

at a top Moscow accountancy firm who requested anonymity because she was unauthorized to speak to the media.

A unified information system introduced at the end of 2009 has made the job of enforcement marginally easier.

The new database is primarily used by FMS officials, the FSB and tax inspectors, said Viktoria Kushner, a migration lawyer at Pepeliaev Group in Moscow. The number of business trip violations actually peaked in early 2011 as a result, she added.

Migration-related offenses traditionally make up the majority of the administrative offenses committed by European and United States citizens in Russia.

Of 13,000 administrative offenses committed by European and U.S. citizens last year, a total of 8,124 were migration-related offenses, according to FMS.

Just as migration officials are commonly unaware of the details of the legislation, however, so are companies that employ foreign workers.

"It often does not even occur to companies that the duration of business trips for their foreign staff could be limited," said Alyona Samokhina, director of legal firm LEVINE Bridge's migration department.

Other experts said there was a widely held belief that all foreign workers were allowed 10 days of business trips in year.

Some companies make a deliberate choice to violate rules because the risks of detection are so small, according to experts and human resources departments contacted by The Moscow Times.

Experience Is Wisdom

The real danger, however, is for firms new to the Russian market, Kushner said.

"Because this law has been in effect for about five years, big companies are aware of the requirements," she said, "but those companies that are new to the Russian market may experience difficulties."

In 2002, Russia introduced a bundle of laws that are the current legal foundation for regulating foreign nationals in the country.

The restrictions on business trips were implemented in 2007 by a government decree, which caused temporary chaos as human resources departments scrambled to untangle its meaning. There have been legal additions and clarifications to this law issued in 2007, 2008, 2010 and 2011.

"It's certainly not helpful for conducting business in Russia," said AEB's Schauff.

There are also many other ways in which foreign workers can be tripped up.

For example, senior executives must plan their vacations carefully to avoid clashing with

a date when their signature is urgently required — because working during a declared holiday is a labor law violation.

In some cases, these rules can be circumvented by backdating important documents, using facsimiles or taking "unofficial" vacations, said a foreign investor who requested anonymity to speak freely. But in general, strict adherence to the letter of the law is advisable, he added.

There are also alternatives for those who need to take more business trips: Multiple work permits can be issued by companies with a presence in multiple regions, employers can include a special stipulation in contracts permitting longer absences, and some foreigners with temporary residence can travel for up to 40 days.

But perhaps the easiest way around it for companies is to recruit solely in France and South Korea.

Paris and Seoul have bilateral agreements with Moscow that mean their citizens are free of any restrictions on working in areas outside the remit of their work permits.

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