

1Q 2019: key developments in Russian migration legislation

Dear Ladies and Gentlemen,

In this digest, we review key developments in the Russian migration legislation for the first quarter of 2019.

1. The Russian Government updated the list of documents required for the migration registration of foreign nationals

Starting from March 20 of 2019, the Ministry of Internal Affairs extended the list of documents required for the migration registration of foreign nationals.

Now, a copy of the document confirming the right to use residential premises and other premises provided for actual residence of a foreign national is required in addition to the notice of arrival of a foreign national, copies of all pages of his/her passport containing a stamp confirming crossing the Russian border, and a migration card.

In case a foreign national is registered at their employer's address, in addition to the standard set of documents, it is necessary to provide the Ministry of Internal Affairs with copies of the employment contract or civil service agreement confirming that the foreign national performs work or another activity for the company. Furthermore, some cases will require submission of an official letter from the company's head.

For the migration registration of foreign nationals from the Eurasian Economic Union and their family members, it is necessary to provide a copy of the employment contract or civil service agreement with copies of the documents confirming family relations of such foreign national and his/her family members.

The new version of the migration registration rules confirmed the possibility of submitting documents required for the migration registration of foreigners directly to the Ministry of Internal Affairs, through the multifunctional center or the Russian Post.

2. Checklists to be used during migration inspections

Starting from March 11 of 2019, the Ministry of Internal Affairs of the Russian Federation started to use special checklists while conducting audits of Russian migration legislation compliance by companies.

There are 10 questions in the checklist for employers who hire foreign nationals. In particular, the checklist contains questions regarding the type of a contract concluded with a foreign national, the company's compliance with obligations related to different types of notifications to be submitted to the Ministry of Internal Affairs, the existence of grounds for a foreign national to perform work in Russia without a migration permit, etc.

A special checklist is devised for companies inviting or hosting parties of foreign nationals coming to Russia for different reasons.

3. The new rules of the simplified obtainment of Russian citizenship come into force

Starting from March 29 of 2019, the new procedure of simplified obtainment of Russian citizenship came into force for select categories of foreign nationals.

According to the amendments, on humanitarian grounds the Russian President can determine categories of foreign nationals who may obtain citizenship status through the simplified procedure.

The amendments also provide for a simplified procedure for foreigners who participate in the State program for facilitating the voluntary resettlement in the Russian Federation of ethnic Russians living abroad.

These persons have the right to apply for Russian citizenship under the simplified procedure; in particular, if they have a temporary residence permit or permanent residence permit, they are registered at the place of residence or at the place of stay in a Russian region included in the State program.

4. The Ministry of Internal Affairs finalized the draft Decree of the Government of the Russian Federation on the obligations of the inviting party

As we informed earlier, starting from January 16 of 2019, the company inviting foreign nationals to Russia shall undertake certain measures to ensure that the invited foreign national complies with the purpose of his/her entry into Russia, as well as timely departure from Russia, etc.

According to the results of the draft's review, the Ministry of Internal Affairs provided a number of changes thereto. In particular, the Ministry of Internal Affairs clarified that it would be possible to communicate with a foreign national by telephone, correspondence, including email exchange or personal meetings. Additionally, the company will be able to determine the frequency of contacts with an invited foreign national at its sole discretion, depending on the length of stay of such foreigner in the Russian Federation.

The Ministry extended the list of means for notifying a foreigner of the need to leave the Russian Federation, which must be done no later than 10 days before the expiration of their visa. Namely, the draft indicates that the inviting party will be able to notify a foreign national personally against signature, by e-mail with notification of receipt, or by the Russian Post with notification of receipt.

Currently, the draft is still pending.

Note: Please be advised that all information provided in this letter was obtained from open sources. The author of this letter and ALRUD Law Firm bear no liability for the consequences of any decisions made in reliance on this information.



Irina Anyukhina

Partner, Labor Law

E: ianyukhina@alrud.com

Law Firm of the Year in Russia by Who's Who Legal Awards 2016 – 2018;
Best National Law Firm of the Year in Russia by The Lawyer European Awards 2015;
Strong positions in Chambers Global & Europe, Chambers HNW, Legal 500, IFLR1000.

