

Measures to ensure compliance with the rules of stay in Russia

January 18, 2019

We draw your attention to the entry into force on January 16, 2019 of Federal Law No. 216-FZ of July 19, 2018 on Amendments to Article 16 of the Federal Law on the Legal Status of Foreign Citizens in the Russian Federation. This law considerably changes the area of migration relations that had been considered the least formalized. It involves measures for the foreign citizen to comply with the rules of stay in Russia (such as leaving Russia on time at the end of the period of stay and complying with the stated purpose of the visit), the liability for violation of which was previously imposed on the foreign citizen.

The new rules set forth that the inviting party (i.e., the organization or individual who invited the foreign citizen to Russia) is responsible for taking measures to ensure the foreign citizen complies with the rules of stay in Russia. The list of required measures and how they are applied is to be further determined by the RF Government. The RF Government resolution setting forth these measures has yet to be published; however, the draft resolution can be viewed [here](#). According to the draft, it is assumed that the inviting party will have to take the following set of measures:

1. Serve the foreign citizen a notice again signature that the foreign citizen needs to comply with the purpose of entry and warning the foreign citizen of liability for failure to comply, as soon he/she enters the country. The form of the notice is approved by the Ministry of the Interior of Russia
2. Provide the foreign citizen with the conditions he/she needs to comply with the stated purpose of entry (e.g., employing a foreigner who entered the country on a work visa, or arranging business negotiations for a foreigner who entered the country on a business visa)
3. Stay in contact and correspond with the foreigner
4. Inform the Ministry of the Interior of Russia if it is discovered that the foreign citizen has not left Russia at the set time or if the foreign citizen fails to comply with the rules of stay, and also if contact is lost with the foreign citizen. The form(s) for doing this is/are approved by the Ministry of the Interior of Russia
5. Remind the foreign citizen in advance (at least 10 days before the visa expires) of the need to leave Russia. The reminder: (i) is sent to the foreign citizen by registered letter with notification or by email with confirmation that it has been read, or (ii) is personally delivered to the foreign citizen against signature
6. Assist the foreign citizen in overcoming various circumstances preventing him/her from leaving the Russian Federation on time (e.g., not having money to leave, loss of documents)

As stated above, this draft RF Government resolution with list of measures to ensure an invited foreign citizen follows the rules of stay in Russia has not yet been published. It is anticipated that the RF Government will publish the resolution in the near future. We will provide information about this on our website.

The Code of Administrative Offenses (Article 18.9(2) of the Code of Administrative Offenses) establishes the inviting party's liability for failing to take the above-mentioned measures. This liability is in the form of administrative fines on the officer and on the organization of up to RUB 50,000 (on the officer) and up to RUB 500,000 (on the organization).

Considering the above, at this stage we recommend taking action to make a list of all foreign citizens your company has invited and who hold currently valid visas (whether work, business or guest visas). This will make it possible to then take all of the measures listed above to ensure they comply with the rules of stay in Russia.

Your Key Contacts



Marina Ryzhkova

Partner, Moscow

D +7 495 644 0500

marina.ryzhkova@dentons.com